Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA } ss.

County of Santa Barbara

I, Joseph E. Holland, County Clerk, Recorder and Assessor in and for the County of Santa Barbara in the State of California, do hereby certify that pursuant to Education Code Section 5328, ***Elaine Brown****, is appointed in lieu of election to the office of* ***Governing Board Member****, for the* ***Cuyama Joint Unified School District****, for the term expiring* ***December 11, 2026,*** *as appears by the official records of the November 8, 2022, General Election on file in my office.*

IN WITNESS WHEREOF, *I have hereunto affixed my hand and official seal this 15th day of September, 2022.*

JOSEPH E. HOLLAND, County Clerk, Recorder and Assessor

By _____, *Deputy.*

STATE OF CALIFORNIA } ss.

County of Santa Barbara

I, ***Elaine Brown****, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

_____
(Signature of Appointee)

Subscribed and sworn to before me, this _____ *day of* _____, _____

_____
(Signature of Person Administering Oath)

SEAL

_____
(Title)

Certificate of Appointment and Oath of Office

STATE OF CALIFORNIA } ss.

County of Santa Barbara

I, Joseph E. Holland, County Clerk, Recorder and Assessor in and for the County of Santa Barbara in the State of California, do hereby certify that pursuant to Education Code Section 5328, ***Heather Lomax****, is appointed in lieu of election to the office of* ***Governing Board Member****, for the* ***Cuyama Joint Unified School District****, for the term expiring* ***December 11, 2026,*** *as appears by the official records of the November 8, 2022, General Election on file in my office.*

IN WITNESS WHEREOF, *I have hereunto affixed my hand and official seal this 15th day of September, 2022.*

JOSEPH E. HOLLAND, County Clerk, Recorder and Assessor

By _____, *Deputy.*

STATE OF CALIFORNIA } ss.

County of Santa Barbara

I, ***Heather Lomax****, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

_____
(Signature of Appointee)

Subscribed and sworn to before me, this _____ *day of* _____, _____

_____
(Signature of Person Administering Oath)

SEAL

_____
(Title)

Certificate of Appointment

STATE OF CALIFORNIA,

County of Santa Barbara } *SS.*

THIS CERTIFIES that pursuant to Education Code Sections 5328 and 5328.5, the undersigned, governing board members for the Cuyama Joint Unified School District of Santa Barbara County, California, at a board meeting held on December 13, 2022 appointed Whitney Goller whose phone number is 661-979-4785 and whose residence is #5 Cottonwood Canyon Road, New Cuyama, CA 93254 to the office of Member of the Governing Board of the above named district, to hold the office ***as if elected at a district election*** for the term expiring December, 2024.

Dated December 13, 2022

Governing Board Member Signatures

_____ _____

_____ _____

_____ _____

Oath of Office

STATE OF CALIFORNIA

County of Santa Barbara } *SS.*

I, _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

_____
(Appointee signature)

Subscribed and sworn to (or affirmed) before me, this_____ day of_____, _____

_____
(Signature of person administering oath)

_____
(Title)

Prior to taking office, each newly appointed board member must take and subscribe this Oath of Office, to be filed with the County Clerk, before a governing board member, a school officer, a state or county officer, a judicial officer, or a notary public.

Certificate of Appointment

STATE OF CALIFORNIA,

County of Santa Barbara } *SS.*

THIS CERTIFIES that pursuant to Education Code Sections 5328 and 5328.5, the undersigned, governing board members for the Cuyama Joint Unified School District of Santa Barbara County, California, at a board meeting held on December 13, 2022 appointed Michael Funkhouser whose phone number is 805-260-8944 and whose residence is 4880 Morales Street, New Cuyama, CA 93254 to the office of Member of the Governing Board of the above named district, to hold the office ***as if elected at a district election*** for the term expiring December, 2024.

Dated December 13, 2022

Governing Board Member Signatures

_____ _____

_____ _____

_____ _____

Oath of Office

STATE OF CALIFORNIA

County of Santa Barbara } *SS.*

I, _____ *do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

_____
(Appointee signature)

Subscribed and sworn to (or affirmed) before me, this _____ *day of* _____, _____

_____
(Signature of person administering oath)

_____
(Title)

Prior to taking office, each newly appointed board member must take and subscribe this Oath of Office, to be filed with the County Clerk, before a governing board member, a school officer, a state or county officer, a judicial officer, or a notary public.

Certificate of Appointment

STATE OF CALIFORNIA,

County of Santa Barbara } *SS.*

THIS CERTIFIES that pursuant to Education Code Sections 5328 and 5328.5, the undersigned, governing board members for the Cuyama Joint Unified School District of Santa Barbara County, California, at a board meeting held on December 13, 2022 appointed Jeffrey Mitchell whose phone number is 661-428-1425 and whose residence is 4355 Highway 33, Maricopa, CA. 93252 to the office of Member of the Governing Board of the above named district, to hold the office ***as if elected at a district election*** for the term expiring December, 2024.

Dated December 13, 2022

Governing Board Member Signatures

_____ _____

_____ _____

_____ _____

Oath of Office

STATE OF CALIFORNIA

County of Santa Barbara } *SS.*

I, _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

_____
(Appointee signature)

Subscribed and sworn to (or affirmed) before me, this_____ day of_____, _____

_____
(Signature of person administering oath)

_____
(Title)

Prior to taking office, each newly appointed board member must take and subscribe this Oath of Office, to be filed with the County Clerk, before a governing board member, a school officer, a state or county officer, a judicial officer, or a notary public.

County Education Office

GOVERNING BOARD MEMBER ORGANIZATION

DISTRICT: _____

Name: _____ Title: **Board President**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

Name: _____ Title **Vice President**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

Name: _____ Title: **Clerk**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

Name: _____ Title: **Board Member**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

Name: _____ Title: **Board Member**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

Name: _____ Title: **Board Member**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

Name: _____ Title: **Board Member**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

Name: _____ Title: **Board Member**
Address: _____ Zip: _____
Phone No.: _____ Year term expires: _____ Trustee area # (if applicable) ___

The below named individual is the Secretary to the Board.

Name: _____ Title: **Secretary**
Address: _____ Zip: _____
Phone No.: _____

I certify that all the information provided herein is true and correct.

Board President's Signature: _____ Date: ____/____/____

REFERENCE
EC§1010, 35025, 35256, 35143, 72000(b)(5)(C)(2)(A,B,C
CSBA BOARD BYLAWS 9100, 9121, 9122

ATTACHMENT B

Santa Barbara County Education Office
Susan C. Salcido, Superintendent

GOVERNING BOARD MEETING SCHEDULE

Today's date: 12/13/2022

District: Cuyama Joint Unified School District

Completed by: Alfonso Gamino

Title: Superintendent

BOARD MEETING LOCATION

Site Name: Cuyama Elementary School
Room Name/No.: Board Room
Address: 2300 Highway 166, New Cuyama, CA 93254

DATE(S) / TIME(S) OF MEETINGS (E.G. 1ST MONDAY OR 2ND AND 4TH TUESDAYS EACH MONTH)

Day(s): 2nd Thursday of each month
Time(s): 6:00 p.m.

PLEASE NOTE ANY MEETING EXCEPTIONS:

Alternate dates: Thursday April 20, 2023 & Tuesday December 12, 2023
Alternate times: Thursday June 15, 2023 & Special Mtg. Thursday June 22, 2023
Alternate locations:

REFERENCE:
EC §35143; 72000(B)(5)(C)(2)A.B.C

ATTACHMENT A

Cuyama Joint Unified School District

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

Governing Board regular board meeting schedule for 2023

Date	Time	Place
January 12, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
February 9, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
March 9, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
April 20, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
May 11, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
June 15, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
June 22, 2023 (Spec Mtg.) LCAP and Budget adoption	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
July 13, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
August 10, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
September 14, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
October 12, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
November 9, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254
December 12, 2023	6:00 p.m.	Cuyama Elementary School Board Room 2300 Hwy 166, New Cuyama, CA 93254

Santa Barbara County Education Office
Susan C. Salcido, Superintendent

Return completed form to: School Business Advisory Services

SCHOOL BOARD REPRESENTATIVE TO THE COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION

Our office needs the name of the governing board member that has been selected as your district's representative to the Santa Barbara County Committee on School District Organization ("County Committee").

Education Code Section 35023 specifies that the representative must be a member of your governing board and must be selected at your annual organizational meeting. The board representative will **not** be a member of the County Committee. **The singular function of the board representative is to nominate and elect the eleven members of the County Committee.** Elections are held in the fall. Board representatives will be directly notified by our office, with courtesy copies sent to their superintendents. You may name an alternate representative, but there is no requirement that you do so.

Today's date: ____/____/____

District: _____

Completed by: _____

Title: _____

Name of representative: _____
Home Address:
E-mail address: _____

Name of alternate representative: _____
Home Address:
E-mail address: _____

REFERENCE:
EC §35023

ATTACHMENT C

Santa Barbara County Education Office

Return completed original "wet" ink signature form to:
School Business Advisory Services

GOVERNING BOARD AUTHORIZED SIGNATURE FORM

Today's date: *12/13/2022* Number of Board Members: 5

District: *Cuyama Joint Unified School District*

Completed by: *Alfonso Gamino*

Title: *Superintendent/Principal*

Board Member Signature	Typed Name
	Heather Lomax
	Elaine Johnson
	Whitney Goller
	Michael Funkhouser
	Jeffery Mitchell

REFERENCE:
EC§ 17604; 35161; 42632; 42633
70902; 85232; 85233; & 81655

ATTACHMENT D

Return completed original "wet" ink signature form to:
School Business Advisory Services



AUTHORIZED SIGNATURES
DISTRICT PERSONNEL APPROVED BY THE SUPERINTENDENT FOR RELEASE OF COMMERCIAL AND PAYROLL WARRANTS

DISTRICT: Cuyama Joint Unified School District

Signature _____ Typed Name/Title Alfonso Gamino/Superintendent/Principal	☒ Commercial ☒ Payroll
Signature _____ Typed Name/Title Theres King/Business Manager	☒ Commercial ☒ Payroll
Signature _____ Typed Name/Title Rachel Leyland/Teacher/Adm. Designee	☒ Commercial ☒ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Payroll

I certify that the names and signatures above are authorized district personnel who may receive warrants on behalf of our district.

Superintendent's Signature: _____ Date: ____/____/____

ATTACHMENT E

Return completed original "wet" ink signature form to:
School Business Advisory Services

County Education Office

AUTHORIZED SIGNATURES
DISTRICT PERSONNEL APPROVED BY THE BOARD
TO ACT AS DISTRICT AGENTS

DISTRICT: Cuyama Joint Unified School District

Signature _____ Typed Name/Title Alfonso Gamino/Superintent/Principal	☒ Commercial ☒ Contracts ☒ Payroll
Signature _____ Typed Name/Title Theresa King/Business Manager	☒ Commercial ☒ Contracts ☒ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Contracts ☐ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Contracts ☐ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Contracts ☐ Payroll
Signature _____ Typed Name/Title _____	☐ Commercial ☐ Contracts ☐ Payroll

I certify that the above individuals are authorized to act as agents of the governing board.

Board President Signature: _____ Date: ____/____/____

REFERENCE:
K-12: EC§42632, 42633, 17604
COMMUNITY COLLEGE: EC§85232, 85233, 85655

Note for Escape Financial System Users: The district must have an active employee with access to Escape in order to authorize accounts payable. This form is needed in order to grant activity permissions necessary to authorize payments in Escape

ATTACHMENT F

Return completed original "wet" ink signature form to:
School Business Advisory Services

RESOLUTION OF THE GOVERNING BOARD
DELEGATION OF GOVERNING BOARD POWERS DUTIES
AUTHORITY TO MAKE CASH AND BUDGET TRANSFERS

Whereas, Education Code Section 35161 provides that "The governing board of any school district may execute any powers delegated by law to it or to the district of which it is the governing board, and shall discharge any duty imposed by law upon it or upon the district of which it is the governing board...;" and

Whereas, Education Code Section 35161 further provides that the governing board "...may delegate to an officer or employee of the district any of those powers or duties. The governing board, however, retains ultimate responsibility over the performance of those powers or duties so delegated;" and

Whereas, the governing board of the Cuyama Joint United School District recognizes that, while the authority provided in Education Code Section 35161 authorizes the board to delegate any of its powers and duties, the governing board retains the ultimate responsibility over the performance of those powers and duties; and

Whereas, the governing board further recognizes that where other Education Code provisions authorize a delegation of authority for a specific purpose, but impose restrictions on such delegated authority, these restrictions must be observed;

Now, Therefore, Be It Resolved that, in accordance with the authority provided in Education Code Section 35161, the governing board of the Cuyama Joint United School District hereby delegates to the following officers or employees of the district, the authority to make cash and budget transfers between and within district funds as necessary for the payment of obligations of the district effective from the date this resolution is passed through the year-end accrual phase without submitting the transfers as part of a specific board resolution.

Alfonso Gamino	
Authorized District Employee/Officer	Authorized District Employee/Officer
Theresa King	
Authorized District Employee/Officer	Authorized District Employee/Officer

Passed and adopted this _____ day of _____, _____ by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Board President's Signature: _____ Date: ____/____/____

Note for Escape Financial System Users: The district must have an active employee with Escape access authorized to perform cash and budget transfers. This resolution is needed in order to grant activity permissions necessary to authorize certain budget and cash transfers (i.e., interfund cash transfers and deposits) in Escape.

REFERENCE
K-12 EC§35161

ATTACHMENT G (1) – K-12 DISTRICTS

Secretary of State
Registry of Public Agencies
(Government Code section 53051)

SF-405

IMPORTANT — Read Instructions before completing this form.

There is **No Fee** for a Registry of Public Agencies filing

Copy Fees – First page $1.00; each attachment page $0.50; Certification Fee - $5.00

This Space For Office Use Only

1. Type of Filing (Check one.)

☐ Initial Filing (first Registry of Public Agencies filing for an agency)

☒ Updated Filing (change to an existing Registry of Public Agencies record)

2. Agency Information

a. Full Legal Name of Public Agency
Cuyama Joint Unified School District

b. Nature of Update (complete if Updated Filing)
New Board Members

c. County
Santa Barbara

d. Official Mailing Address

3. Chairperson, President, or Other Presiding Officer

a. Name

b. Title

c. Business or Residence Address

4. Clerk or Secretary

a. Name

b. Title

c. Business or Residence Address

5. Other Members of the Governing Board (Enter as many as applicable. Attach additional pages for additional members.)

Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address

6. Date and Sign Below (Additional members set forth on attached pages, if any, are incorporated herein by reference and made part of this Form SF-405, Registry of Public Agencies.)

Date _____ Signature _____ Type or Print Name _____

SF-405 (REV 12/2019)

Clear Form Print Form

2019 California Secretary of State
bizfile.sos.ca.gov

» **Guidesheet 09.2022: September 2022 Update Packet**

Status: ADOPTED

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

see more

CSBA POLICY GUIDE SHEET
September 2022

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

Board Policy 3515.3 - District Police/Security Department

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

Administrative Regulation 3515.3 - District Police/Security Department

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

Board Policy 4118 - Dismissal/Suspension/Disciplinary Action

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

Administrative Regulation 4118 - Dismissal/Suspension/Disciplinary Action

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

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

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

Board Policy 4140/4240/4340 - Bargaining Units

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

Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves

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

Administrative Regulation 4161.5/4261.5/4361.5 - Military Leave

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

Board Policy 4216 - Probationary/Permanent Status

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

fails to complete the probationary period for that promotional position be employed in the classification from which the employee was promoted.

Board Policy 4218 - Dismissal/Suspension/Disciplinary Action
Policy updated to reflect NEW COURT DECISION (Kennedy v. Bremerton School District), in which the U.S. Supreme Court held that the district's decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games, violated the employee's free exercise and free speech rights. Policy also updated to include language formerly in AR that prohibits the disciplining of any employee for protecting a student who is exercising a free speech or press right, and to clarify language within the "Procedures for Serious Disciplinary Proceedings" section.

Administrative Regulation 4218 - Dismissal/Suspension/Disciplinary Action
Regulation updated to move, from AR to BP, material which prohibits the disciplining of an employee for acting to protect a student's right to free speech or press, and to make clarifying changes throughout.

Board Policy 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System)
Policy updated to reflect NEW COURT DECISION (Kennedy v. Bremerton School District), in which the U.S. Supreme Court held that the district's decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games violated the employee's free exercise and free speech rights. Policy also updated to reflect Education Code 48907 and 48950 that prohibit districts from disciplining any employee acting to protect a student who is exercising their free speech or press right.

Board Policy 6146.1 - High School Graduation Requirements
Policy updated to move to the beginning of the policy students' obligation to complete statewide and Governing Board adopted graduation requirements unless exempted from local requirements, and include eligibility for students exempt from local requirements to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate. Policy also updated to reflect NEW LAW (AB 101, 2021) which (1) no longer authorizes a course in career technical education to serve as an alternative to the visual or performing arts or world language course requirement for high school graduation, and (2) requires, beginning with the 2029-30 school year, a student to complete a one-semester course in ethnic studies, as specified, to graduate from high school. Additionally, policy updated to reflect NEW LAW (AB 181, 2022) which requires districts to (1) exempt eligible students with disabilities from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements and award such students a high school diploma, and (2) notify the parents/guardians of eligible students of such exemption, as specified. Policy also updated to delete material applicable only to the 2020-21 school year, and to incorporate material from the accompanying AR, as the AR is being deleted as otherwise unnecessary.

DELETE - Administrative Regulation 6146.1 - High School Graduation Requirements
Regulation deleted as unnecessary with key concepts incorporated into the BP.

Board Policy 6158 - Independent Study
Policy updated to reflect NEW LAW (AB 181, 2022) which (1) encourages districts to consider offering more than one independent study model for short- and long-term placements when adopting policy, (2) changes the threshold for when tiered reengagement strategies are required to be implemented, (3) adds that tiered reengagement strategies procedures include local programs intended to address chronic absenteeism, (4) includes that the requirement to develop a plan to transition students whose families wish to return to in-person instruction, as specified, applies to students who participate in independent study for at least 15 school days, (5) creates an exemption from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements for any student who is enrolled in classroom-based instruction and is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, (6) specifies that a signed written/learning agreement be obtained before the student begins independent study for students participating in independent study for 15 school days or more, and within ten school days of the first day of the student's enrollment for student participation of less than 15 school days, (for both traditional and course-based independent study), (7) adds that for students with disabilities the certificated employee designated as having responsibility for the special education programming of the student is required to sign the written/learning agreement, (for both traditional and course-based independent study), and (8) includes that a student with disabilities may participate in a course-based independent study program if the student's individualized education program specifically provides for such participation. Policy also updated to (1) move and expand material regarding the requirement for Governing Boards to hold a public hearing when setting policy, as specified, (2) emphasize that no student may be required to participate in independent study, (3) clarify that for course-based independent study procedures tiered reengagement strategies are not required to include notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, and (4) delete material applicable only to the 2021-22 school year.

Administrative Regulation 6158 - Independent Study
Regulation updated to reflect NEW LAW (AB 181, 2022) which (1) no longer includes individualized alternative education designed to teach the knowledge and skills of the core curriculum in the list of educational opportunities that may be provided through independent study, (2) includes that a student with disabilities may participate in independent study if the student's individualized education program specifically provides for such participation, (3) specifies that if a parent/guardian of a student with disabilities requests independent study because the student's heath would be put at risk by in-person instruction, the student's individualized education program (IEP) team is required to make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement, (4) provides that a student's inability to work independently, need for adult support, or need for special education or related services does not preclude the IEP team from determining that the student can receive FAPE in an independent study placement, (5) clarifies that, until July 1, 2024, any student who receives services from a nonpublic, nonsectarian school through a virtual program may be permitted to participate in independent study if the student's IEP team determines that FAPE can be provided by means of the virtual program, as specified, and (6) creates an exception to the limitation on the percentage of students enrolled in a continuation high school or opportunity school or program who are eligible for apportionment credit for independent study for students participating in independent study due to an emergency, as specified. Regulation also updated to clarify that if a student transfers to another public school in California, a written record of findings from any evaluation conducted because a student has failed to make satisfactory educational progress be forwarded to that school. Additionally, regulation updated to delete material pertaining to adult education and that which is applicable only to the 2021-22 school year.

Board Policy 6164.2 - Guidance/Counseling Services
Policy updated to expand the Governing Board's philosophical statement to include student well-being, and reflect NEW LAW (AB 2508, 2022) which (1) urges districts to adopt a comprehensive educational counseling program and, for districts that provide such services, to implement a structured and coherent counseling program within a Multi-Tiered Systems of Support framework, (2) revises the definition of "educational counseling," (3) amends the legislative intent of the responsibilities of school counselors, (4) requires educational counseling to include specified postsecondary services, and (5) revises the components that educational counseling is required and authorized to include. Policy also updated to reflect NEW LAW (AB 643, 2021) which encourages districts to host apprenticeship and/or career technical education fair events, such as college and career fairs and for districts that do hold such events to notify apprenticeship

programs in their county, as specified. Additionally, policy updated to move material regarding early identification and intervention plans for students who may be at risk for violence.

Board Policy 6178 - Career Technical Education

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

Administrative Regulations 6178 - Career Technical Education

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

Board Policy 6200 - Adult Education

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

Administrative Regulation 6200 - Adult Education

Regulation updated to reorder material related to enrollment, clarify that the exception to the requirement for adult education classes to be located in a facility which is identified as being open to the general public is for programs for adults with disabilities, reflect NEW LAW (AB 486, 2022) which (1) changes the classes/courses which are authorized for apportionment purposes from the Adult Education Program funds, (2) includes that programs for immigrants may include immigrant integration, (3) repeals that a course taken through independent study be required to meet state or local high school graduation requirements, and (4) repeals the authorization for materials purchased from the incidental expense account to be sold to adult school students for use in their classes. Regulation also updated to clarify that programs offering pre-apprenticeship training activities be conducted in coordination with apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area, provide that approval for courses be submitted to the California Department of Education regularly, emphasize that no student may be required to participate in independent study, delete material regarding continued engagement in K-12 independent study as not being applicable to this AR, include that fees may be required for enrollment in adult education class(es) before listing the exceptions, and amend language to be more closely aligned with law.

Board Policy 7110 - Facilities Master Plan

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

Board Policy 7150 - Site Selection and Development

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

Administrative Regulation 7150 - Site Selection and Development

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

Board Bylaw 9100 - Organization

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

MINOR REVISION:

Board Policy 4030 - Nondiscrimination in Employment

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

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Version: 22.0.0.07

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CSBA UPDATE CHECKLIST – September 2022

District Name: Cuyama Joint Unified

Contact Name: Alfonso Camino Phone: _____ Email: _____

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

CSBA UPDATE CHECKLIST – September 2022

District Name: _____

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 4218	Dismissal/Suspension/Disciplinary Action		
AR 4218	Dismissal/Suspension/Disciplinary Action		
BP 4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)		
BP 6146.1	High School Graduation Requirements Keep all CJVSP graduation requirements	**Fill in Blanks** Ethnic studies Sp. Education exemption language	
AR 6146.1	High School Graduation Requirements	**Delete AR** ☒Yes ☐No	
BP 6158	Independent Study		
AR 6158	Independent Study		
BP 6164.2 New	Guidance/Counseling Services	**OPTION 1:** ☒ **OPTION 2:** ☐	
BP 6178	Career Technical Education		
AR 6178	Career Technical Education		
BP 6200 New	Adult Education		
AR 6200 New	Adult Education		
BP 7110	Facilities Master Plan		
BP 7150	Site Selection and Development		
AR 7150	Site Selection and Development		

CSBA UPDATE CHECKLIST – September 2022

District Name: _____

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BB 9100	Organization	**OPTION 1:** ☐ **OPTION 2:** ☒ **Fill in Blanks** No more than (2) consecutive years	

4154: Health & Welfare Benefits
4254:
4354:

option #1 & 35 hrs. or more to ~~receive benefits~~ offer benefits –

Policy 3515.3: District Police/Security Department

Status: ADOPTED

Original Adopted Date: 10/01/1998 | **Last Revised Date:** ~~03~~09/01/~~2021~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2021~~2022

CSBA NOTE: Education Code 38000 authorizes the Governing Board to establish a district police or security department and to employ personnel to ensure the safety of district students and staff and the security of district real and personal property. However, ~~as amended by SB 98 (Ch. 24, Statutes of 2020),~~ Education Code 38000 expresses legislative intent to encourage districts to redirect resources currently allocated to district police departments or to contracts with local law enforcement into student support services (e.g., mental health services) and professional development on cultural competency and restorative justice, if found to be a more appropriate use of resources based on student and school needs.

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

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

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

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

CSBA NOTE: Pursuant to Penal Code 13651, ~~as added by AB 846 (Ch. 322, Statutes of 2020),~~ entities that employ peace officers are required to review the job description that is used in recruitment and hiring and make changes that emphasize community-based policing, familiarization between law enforcement and community residents, and collaborative problem solving while de-emphasizing the paramilitary aspects of the job.

~~In addition, the U.S. Department of Education's Guiding Principles: A Resource Guide for Improving School Climate and Discipline recommends that educators, rather than police or security officers, should handle student discipline issues.~~

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

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

OPTION 1: (Security Department)

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

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

OPTION 2: (Police Department)

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

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

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

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

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

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

Conduct of Officers

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

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

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

CSBA NOTE: Pursuant to Government Code 7286, district police departments are required to ~~adopt~~have a policy ~~by January 1, 2021~~ that provides a minimum standard on the use of force. See the accompanying administrative regulation for information about the required components of such policy.

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

Equipment

CSBA NOTE: Penal Code 626.9 exempts peace officers from the Gun Free Schools Act, which prohibits the possession of a firearm on school grounds. Pursuant to Penal Code 830.32, the Board may determine ~~whether or not~~if its police officers will carry firearms. Additionally, Education Code 38001.5 implies that the Board may determine if its security officers ~~also may or may not~~will be ~~permitted~~required to carry firearms.

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

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

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

The district police department shall be eligible to receive surplus military equipment pursuant to 10 USC 2576a only if, at a regularly scheduled public Board meeting, the Board approves the acquisition of such equipment after providing parents/guardians and members of the public an opportunity to comment on the proposed acquisition. The Board shall provide a detailed description of the function and purpose of the surplus military equipment, identify safe and secure storage for the equipment, and ensure that district police officers have adequate training in the safe use and handling of the equipment to be received. (Education Code 38004.5)

Records

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

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

Policy Reference UPDATE Service
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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
Bus. and Prof. Code 7583-7583.447	Private patrol operators
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code ~~39672~~45113	~~School peace officers, fingerprinting~~Probationary period and permanent status; non-merit system districts
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45133.5	School police department~~,~~; work schedule
Ed. Code 45301	Probationary period and permanent status; merit system districts
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide Threats
Fam. Code 6240-~~6274~~6275	Emergency protective orders
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers~~,~~; rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	~~Peace~~Emergencies; peace officers
~~Pen. Code 12028.5~~	~~Taking custody of weapons~~
Pen. Code 13510-13519.~~10~~15	Standards for recruitment and training
Pen. Code 13651	Peace officers~~,~~; job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders~~,~~; authority of peace officers to provide information
Pen. Code 626.9	Gun-Free School Zone Act of 1995

Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.~~9~~19	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers~~,~~; powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.15-832.16	Notice of prohibition against possession of firearm
Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
Pen. Code 836	Peace officers; warrants
W&I Code 707	List of crimes
W&I Code 828-828.1	Disclosure of information re minors by law enforcement agency

Federal	**Description**
10 USC 2576a	Surplus military equipment
34 CFR 99.1-99.67	Family Educational Rights and Privacy

Management Resources	**Description**
California ~~Department of Education~~Attorney General Publication	~~Guiding Principles: A Resource Guide for Improving School Climate and Discipline, 2014~~Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, 2018
Comm on Peace Officer Standards & Training Pub.	POST Use of Force Standards and Guidelines, November ~~2020~~2021
Court Case	San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al~~.~~, (2002) 104 Cal.App.4th 275
Website	Commission on Peace Officer Standards and Training
Website	California Office of Emergency Services (https://www.caloes.ca.gov/)
Website	California Department of Education, Safe Schools
Website	California Attorney General's Office
Website	California State Threat Assessment System (https://calstas.org/)
Website	U.S. Department of Homeland Security, Fusion Centers (https://www.caloes.ca.gov/)

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan

1113	District And School Web Sites
1113	District And School Web Sites
1113-E PDF (1)	District And School Web Sites
1240	Volunteer Assistance
1240	Volunteer Assistance
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1400	Relations Between Other Governmental Agencies And The Schools
3515	Campus Security
3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.6	Criminal Background Checks For Contractors
3515.7	Firearms On School Grounds
3516.2	Bomb Threats
4112.4	Health Examinations
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.5-E PDF(1)	Criminal Record Check
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4119.43	Universal Precautions
4119.43	Universal Precautions
4158	Employee Security
4158	Employee Security

4200	Classified Personnel
4200	Classified Personnel
4211	Recruitment And Selection
4212	Appointment And Conditions Of Employment
4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.5-E PDF(1)	Criminal Record Check
4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4215	Evaluation/Supervision
4216	Probationary/Permanent Status (BP)
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4258	Employee Security
4258	Employee Security
4312.4	Health Examinations
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.5-E PDF(1)	Criminal Record Check
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.43	Universal Precautions
4319.43	Universal Precautions
4358	Employee Security

4358	Employee Security
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5125	Student Records
5125	Student Records
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5136	Gangs
5136	Gangs
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5142.1	Identification And Reporting Of Missing Children
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.11	Questioning And Apprehension By Law Enforcement
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.9	Hate-Motivated Behavior
6184	Continuation Education
6184	Continuation Education

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

Original Adopted Date: 10/01/1998 | **Last Revised Date:** ~~03~~09/01/~~2021~~2022 | **Last Reviewed Date:** ~~11~~09/01/~~2003~~2022

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

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

Chief of Police/Chief of Security

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

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

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

Qualifications of Security Officers

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

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

~~1.~~ 1. Under the conditions described in Education Code 38001.5, submit fingerprints to the district on forms or electronically, as prescribed by the Department of Justice (DOJ)

~~2.~~ 2. Be determined not to be a person ~~not~~ prohibited from employment by a school district pursuant to Education Code 44237 or 45122.1

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

~~3.~~ 3. Be determined by ~~the Department of Justice~~ DOJ not to be a person who is ~~not~~ prohibited from possessing a firearm

CSBA NOTE: Education Code 38001.5 requires all security officers employed by the district to complete the training described below. ~~Effective July 1, 2021, Education Code 38001.5 extends the training requirement to include security officers who work 20 hours per week or less.~~ Education Code 38001.5 also requires that the district provide the training during regular work hours unless otherwise negotiated with the employee's exclusive representative. Districts that have otherwise negotiated this provision should modify the following paragraph accordingly.

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

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

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

Qualifications of Police Officers

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

Before exercising the powers of a peace officer, district police officers shall satisfactorily complete an introductory course of training prescribed by POST and shall pass the POST examination. (Penal Code 832, 832.3)

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

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

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

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

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

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

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

Equipment

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

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

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

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

Use of Force

~~CSBA NOTE: Government Code 7286.5, as added by AB 1196 (Ch. 324, Statutes of 2020), prohibits a law enforcement agency from authorizing the use of carotid restraints or choke holds, as defined.~~

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

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

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

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

Districts may expand the following section to include the policy adopted by the district police department. Districts whose officers do not carry firearms should delete or revise items #~~4-5~~7-8 and ~~17~~20, below.

The district police department shall maintain a policy, consistent with guidelines provided by POST, that provides a minimum standard on the use of force and includes all of the following: (Government Code 7286; Penal Code 13519.10)

~~1.~~ 1. A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible

~~2.~~ 2. A requirement that officers only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance

~~A requirement that officers~~3. A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed

4. Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to DOJ in compliance with Government Code 12525.2

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

~~3.~~ 5. A requirement that officers immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer

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

6. A prohibition on retaliation against an officer who reports a suspected violation of law or regulation of another officer to a supervisor or other person of the law enforcement agency who has the authority to investigate the violation

~~4.~~ 7. Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person

~~5.~~ 8. A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm

~~6.~~ 9. Procedures for disclosing public records in accordance with Penal Code 832.7

~~7.~~ 10. Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents

~~8. A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed~~

~~9.~~ 11. Comprehensive and specific guidelines regarding approved methods and devices available for the application of force

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

~~10.~~ 12. An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased and that reflect cultural competency

~~11.~~ 13. Comprehensive and specific guidelines for the application of deadly force

~~12. Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Government Code 12525.2~~

~~13.~~ 14. The role of supervisors in the review of use of force applications

~~14.~~ 15. A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so

~~15.~~ 16. Training standards and requirements relating to demonstrated knowledge and understanding of the district's use of force policy by officers, investigators, and supervisors

~~16.~~ 17. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities

18. Procedures to prohibit an officer from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated

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

19. A requirement that an officer that has received all required training on the requirement to intercede and fails to act pursuant to Item #3, above, be disciplined up to and including in the same manner as the officer that committed the excessive force

~~17.~~ 20. Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted

~~18.~~ 21. Factors for evaluating and reviewing all use of force incidents

~~19.~~ 22. Minimum training and course titles required to meet the objectives in the use of force policy

~~20.~~ 23. A requirement for the regular review and updating of the policy to reflect developing practices and procedures

CSBA NOTE: The following paragraph is optional.

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

Personnel Status and Files

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

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

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

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

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

Disciplinary Action

CSBA NOTE: The following section is for use by districts that have established a police department. When a district police officer is under disciplinary investigation, Government Code ~~3300~~3303 provides the officer with the right to receive copies of any reports or complaints made by investigators or other persons, except those that are confidential. The court in *San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al.* ~~ruled~~held that personnel records of a public safety officer cannot be disclosed at public disciplinary appeal hearings without the officer's consent.

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

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

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

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

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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
Bus. Code 7583-7583.4	Private patrol operators
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 39672	School peace officers, fingerprinting
Ed. Code 45122.1	Classified employees;, conviction of a violent or serious felony
Ed. Code 45133.5	School police department, work schedule
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Fam. Code 6240-6274	Emergency protective orders
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers, rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	Peace officers
Pen. Code 12028.5	Taking custody of weapons
Pen. Code 13510-13519.10	Standards for recruitment and training
Pen. Code 13651	Peace officers, job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders, authority of peace officers
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.9	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers, powers and duties

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

Federal	**Description**
10 USC 2576a	Surplus military equipment
34 CFR 99.1-99.67	Family Educational Rights and Privacy

Management Resources	**Description**
California Department of Education Publication	Guiding Principles: A Resource Guide for Improving School Climate and Discipline, 2014
Comm on Peace Officer Standards & Training Pub.	POST Use of Force Standards and Guidelines, November 2020
Court Case	San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al., (2002) 104 Cal.App.4th 275
Website	Commission on Peace Officer Standards and Training
Website	California Department of Education, Safe Schools
Website	California Attorney General's Office

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113-E PDF (1)	District And School Web Sites
1240	Volunteer Assistance
1240	Volunteer Assistance
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1400	Relations Between Other Governmental Agencies And The Schools
3515	Campus Security

3515	Campus Security
3515.2	Disruptions
3515.2	Disruptions
3515.31	School Resource Officers
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
3515.6	Criminal Background Checks For Contractors
3515.7	Firearms On School Grounds
3516.2	Bomb Threats
4112.4	Health Examinations
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.5-E PDF(1)	Criminal Record Check
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4119.43	Universal Precautions
4119.43	Universal Precautions
4158	Employee Security
4158	Employee Security
4200	Classified Personnel
4200	Classified Personnel
4211	Recruitment And Selection
4212	Appointment And Conditions Of Employment
4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.5-E PDF(1)	Criminal Record Check

4212.6	Personnel Files
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4215	Evaluation/Supervision
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4258	Employee Security
4258	Employee Security
4312.4	Health Examinations
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.5-E PDF(1)	Criminal Record Check
4312.6	Personnel Files
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.43	Universal Precautions
4319.43	Universal Precautions
4358	Employee Security
4358	Employee Security
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5125	Student Records
5125	Student Records
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs

5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5136	Gangs
5136	Gangs
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.5	Mental Health
5142.1	Identification And Reporting Of Missing Children
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.11	Questioning And Apprehension By Law Enforcement
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.13	Response To Immigration Enforcement
5145.13	Response To Immigration Enforcement
5145.9	Hate-Motivated Behavior
6184	Continuation Education
6184	Continuation Education

Policy 4118: Dismissal/Suspension/Disciplinary Action **Status:** ADOPTED

Original Adopted Date: 07/01/2000 | **Last Revised Date:** ~~12~~09/01/~~2014~~2022 | **Last Reviewed Date:** ~~12~~09/01/~~2014~~2022

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

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

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

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

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

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

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

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

Suspension/Dismissal Procedures

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

The Superintendent shall notify the Board whenever ~~he/she believes that~~ there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

CSBA NOTE: Pursuant to Education Code 44934 and 44934.1, upon the formulation or receipt of a written statement of charges, the Governing Board may notify the employee of the Board's intent to suspend or dismiss ~~him/her. Education Code 44934.1, as added by AB 215 (Ch. 55, Statutes of 2014), requires a similar notice for charges of egregious misconduct.~~the employee.

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

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

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

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

CSBA NOTE: Education Code 44936~~, as amended by AB 215 (Ch. 55, Statutes of 2014),~~ allows a suspension or dismissal notice to be given at any time of year, except when the charge is unsatisfactory performance in which case the notice must be given during the instructional year. ~~As amended,~~ Education Code 44936 also requires any written notice given during the instructional year to be served personally or by mail, whereas notices outside of the instructional year must be served personally upon the employee.

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

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

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

Pursuant to Education Code 44939, ~~as amended by AB 215 (Ch. 55, Statutes of 2014),~~ an employee who is immediately suspended for a charge other than egregious misconduct may, within 30 days of receiving the suspension notice, serve the Board and file a motion with the Office of Administrative Hearings to seek reversal of the suspension. The review will be limited to whether the facts as alleged in the statement of charges would be a sufficient basis for immediate suspension. A hearing will be held no later than 30 days after the motion is filed, and the administrative law judge will issue a decision no later than 15 days after the hearing. During the review of the motion or while dismissal charges are pending, the Board retains the authority to determine the physical placement and assignment of the employee.

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from ~~his/her~~assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing.~~-~~ (Education Code 44939, 44939.1, 44940)

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

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of

the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944.- (Education Code 44944)

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State	Description
5 CCR 80303	Reports of change in employment status;; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium

H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms
California Constitution Article 1, Section 1	Inalienable rights
Federal Law	**Description**
U.S. Constitution First Amendment	Free exercise, free speech, and establishment clauses
Management Resources	**Description**
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Kennedy v. Bremerton School District (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
Website	Commission on Teacher Credentialing
Website	CSBA
Website	Department of General Services, About Teacher Dismissal Case Type (https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/About/Page-Content/About-Teacher-Dismissal)
Website	Office of Administrative Hearings (https://www.dgs.ca.gov/OAH)
Website	Office of the Attorney General (https://oag.ca.gov/)

Cross References

Code	**Description**
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
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Regulation 4118: Dismissal/Suspension/Disciplinary Action **Status:** ADOPTED

Original Adopted Date: 07/01/2000 | **Last Revised Date:** ~~12~~09/01/~~2014~~2022 | **Last Reviewed Date:** ~~12~~09/01/~~2014~~2022

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

Pursuant to Government Code 3543.2, the district and certificated employee bargaining unit must, upon request of either party, negotiate causes and procedures for disciplinary action, other than dismissal and suspension beyond 15 days. If the Governing Board has adopted a collective bargaining agreement which includes such procedures, then, pursuant to Education Code 44932, the authorization to suspend an employee for up to 15 days pursuant to the procedures specified in Education Code 44933, 44934, 44934.1, 44935, 44936, 44937, 44943, and 44944 would not apply. The suspension procedures specified in Education Code 44934 and 44939~~, as amended by AB 215 (Ch. 55, Statutes of 2014)~~, are explicitly for use only by districts that do not have a collective bargaining agreement.

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

Causes for Suspension or Dismissal

CSBA NOTE: Education Code 44932 lists causes for which a certificated employee may be suspended without pay or dismissed. ~~AB 215 (Ch. 55, Statutes of 2014) amended Education Code 44932 to add egregious misconduct, as defined, as a cause for dismissal and to delete membership in the Communist party.~~

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

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

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance

6. Evident unfitness for service

7. Physical or mental condition unfitting the employee to instruct or associate with children

8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or district

9. Conviction of a felony or of any crime involving moral turpitude

10. Violation of Education Code 51530 or Government Code 1028 ~~(~~prohibiting the advocacy or teaching of communism~~)~~

11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

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

~~An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising his/her free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950~~(Education Code 44933)

Suspension/Dismissal of Permanent Employees

CSBA NOTE: Procedures for the suspension or dismissal of permanent employees are addressed in Education Code 44932-44947. ~~Some of these procedures were amended by AB 215 (Ch. 55, Statutes of 2014), including the establishment of an alternative procedure for charges related solely to egregious misconduct.~~

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

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

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Governing Board~~.~~, or a written statement of charges shall be formulated by the Board that cause to suspend or dismiss the permanent employee exists (Education Code 44934, 44934.1)

2. ~~Upon~~The employee, upon receiving notice of the Board's intent to suspend or dismiss ~~him/her, the employee,~~ may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the district and the employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)

3. Except when ~~an~~the employee is charged solely with egregious misconduct, the district may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)

4. The employee shall be suspended or dismissed when the Commission on Professional Competence or administrative law judge has issued its decision supporting suspension or dismissal

or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

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

Suspension/Dismissal of Probationary Employees

CSBA NOTE: With proper notice, the district may choose not to rehire probationary employees for the following year without giving a statement of reasons; see ~~AR 4117.6 - Decision Not to Rehire.~~BP 4116 - Probationary/Permanent Status. However, during the school year, probationary employees may only be suspended without pay or dismissed for cause and in accordance with the applicable procedures specified in law.

The district may choose not to rehire probationary employees for the following school year without giving a statement of reasons ~~provided that it is done in accordance with AR 4117.6 -Decision Not to Rehire and,~~ if proper notice is provided by March 15. (Education Code 44929.21, 44929.23)

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

Districts with less than 250 ADA should select the appropriate option below depending on how the district grants permanent status to certificated employees in accordance with BP/AR 4116 - Permanent/Probationary Status. Districts with less than 250 ADA that have not adopted a collective bargaining agreement may elect to use the procedures in Education Code 44934 and 44934.1 for dismissal of probationary employees (Option 2 below), as reflected in the section "Suspension/Dismissal of Permanent Employees" above. Alternatively, Education Code 44948.2 authorizes districts with less than 250 ADA to elect to dismiss probationary employees during the school year pursuant to Education Code 44948.3 (Option 1 below). When districts with less than 250 ADA decide to use the procedures in Education Code 44948.3, their employees will become permanent employees if they are not served with a notice of non-reelection before March 15 of their second year. Since Education Code 44948.3 applies only to dismissal of probationary employees in districts with 250 ADA or more or to districts of less than 250 ADA that elect to use Education Code 44948.3, it is not appropriate for use by districts that either grant permanent status after three consecutive years or that reelect employees from year to year without granting permanent status.

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

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

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

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

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

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

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

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

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

OPTION 1 ENDS HERE

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

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

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

OPTION 2 ENDS HERE

Compulsory Leave of Absence

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

~~AB 215 (Ch. 55, Statutes of 2014) amended Education Code 44940 to add murder or attempted murder to the list of mandatory leave of absence offenses (item #2 below) and to delete exceptions regarding controlled substances (item #3 below).~~

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

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

1. Any sex offense as defined in Education Code 44010

2. Violation or attempted violation of Penal Code 187 ~~(~~prohibiting murder~~)~~

3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

CSBA NOTE: Education Code 44940 permits the Board to require compulsory ~~leaves~~leave for certain "optional leave of absence offenses" as defined below. ~~AB 215 (Ch. 55, Statutes of 2014) amended Education Code 44940 to move violations or attempted violations of Penal Code 187 from the list of optional leave of absence offenses to the list of mandatory leave of absence offenses.~~

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

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

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

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

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

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

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

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

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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 80303	Reports of change in employment status, alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions

Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms, enhancement of prison terms

Management Resources	**Description**
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
Website	Commission on Teacher Credentialing
Website	CSBA

Cross References

Code	**Description**
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
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5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
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5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
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6145.2	Athletic Competition
6162.54	Test Integrity/Test Preparation
9000	Role Of The Board
9321	Closed Session
9321-E PDF(1)	Closed Session
9321-E PDF(2)	Closed Session

Policy 4119.1: Civil And Legal Rights **Status:** ADOPTED

Original Adopted Date: 03/01/2004 | **Last Revised Date:** ~~07~~09/01/~~2012~~2022 | **Last Reviewed Date:** ~~07~~09/01/~~2012~~2022

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

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

~~An employee's 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 violate law, Board policy, or administrative regulation~~performance of the employee's duties.

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

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

CSBA NOTE: The following optional paragraph provides for ~~district employees'~~the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. In addition, Education Code 49091.24 allows teachers the right to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below. ~~Specific limits regarding applicability of privacy rights of employees require complex analysis of law, so district legal counsel should be consulted when such questions arise.~~

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

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

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

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

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

Whistleblower Protection

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

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

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of

the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

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

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

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

Protection Against Liability

CSBA NOTE: 20 USC ~~6731-6738~~7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members; see BB 9260 - Legal Protection. The following section is made applicable to all employees; however, any district that wishes to apply the section only to teachers should modify the section accordingly.

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

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

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.

3. The employee was not properly licensed, if required, by state law for such activities.

4. The employee was found by a court to have violated a federal or state civil rights law.

5. The employee was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.

7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

Policy Reference UPDATE Service
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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
~~Civ. Code 51~~	~~Unruh Civil Rights Act~~
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-~~12951~~12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity
Lab. Code 1102.5-1106	Whistleblower protections
California Constitution Article 1, Section 1	Inalienable rights

Federal	Description
18 USC 16	Crime of violence ~~defined~~; definition
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC ~~6731-6738~~7941-7948	Teacher liability protection
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution First Amendment	Free exercise, free speech, and establishment clause

Management Resources	Description

Court Decision	~~New Jersey~~Kennedy v. ~~T.L.O.,~~ ~~(1985)~~ ~~468~~ ~~U.~~Bremerton (2022) 142 S. ~~325~~Ct. 2407
Court Decision	~~O'Conner~~New Jersey v. ~~Ortega,~~ ~~(1987)~~ ~~480~~T.L.O. (1985) 469 U.S. ~~709~~325
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709~~CSU San Diego,~~ ~~(2007)~~ ~~56~~ ~~Cal.Rptr.3d~~ ~~111~~
Court Decision	**Ohton v.** CSU San Diego (2007) 56 Cal.Rptr.3d 111~~Ceballos,~~ ~~(2006)~~ ~~543~~ ~~U.S.~~ ~~1186~~
Court Decision	**Garcetti v.** Ceballos (2006) 547 U.S. 410 ~~Crosier,~~ ~~(2012)~~ ~~205~~ ~~Cal.App.4th~~ ~~685~~
Court Decision	**Hartnett v.** Crosier (2012) 205 Cal.App.4th 685~~,~~ ~~(2011)~~ ~~658~~ ~~F.3d~~ ~~954~~
~~Website~~Court Decision	**Johnson v. Poway Unified School District**~~CSBA District and County Office of Education Legal Services~~ (2011) 658 F.3d 954
Website	California Office of the Attorney General

Cross References

Code	Description
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3515	Campus Security
3515	Campus Security
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4040-E PDF(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards

4119.21-E(1)	Professional Standards
4119.21-E PDF(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4132	Publication Or Creation Of Materials
4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.21-E PDF(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4232	Publication or Creation of Materials
4236	Nonschool Employment
4240	Bargaining Units
4244	Complaints
4244	Complaints
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.21-E PDF(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4332	Publication or Creation of Materials
4336	Nonschool Employment
4340	Bargaining Units
4344	Complaints
4344	Complaints

Policy 4140: Bargaining Units **Status:** ADOPTED

Original Adopted Date: 11/01/2011 | **Last Revised Date:** ~~12~~09/01/~~2020~~2022 | **Last Reviewed Date:** ~~12~~09/01/~~2020~~2022

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

~~Pursuant to~~"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the ~~definition of "~~exclusive negotiating representative~~" includes representation of "~~ for all ~~public school~~district employees~~"~~ other than management and confidential employees~~, as defined.~~.

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

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

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

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

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

~~(Government Code 3545)~~

~~The district may recognize a bargaining unit of supervisory employees if:~~

Formation of Bargaining Units

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

~~1.~~ **Certificated and classified employees shall not be included in the same bargaining unit.** ~~The~~ (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees~~.~~

~~2.~~ ~~The supervisors are~~ and is not represented by ~~the same~~an employee organization that represents district employees ~~whom~~who are supervised by the supervisory employees. **(Government Code 3545)** ~~supervise.~~

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

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. ~~The Public Employment Relations Board~~PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. ~~Such~~In the employment relationship with the district, such employees may represent themselves ~~individually. For purposes other than negotiations and bargaining, such employees may~~or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. ~~For this purpose: (Government Code 3540.1, 3543.4)~~An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

~~1.~~ *Management employee* means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

~~2.~~ *Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose

or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

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

Districts should exercise caution and consult with CSBA District and County Office of Education Legal Services or the district's legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.
The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

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

Access to New Employee Orientations

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

~~The~~Following a request to negotiate by either party, the structure, time, and manner of ~~the~~ access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative~~, following a request to negotiate by either party.~~ If the district and exclusive representative fail to reach an agreement, matters related to ~~the~~ access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

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

of the orientation. (Government Code 3556)

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

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

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

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

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

Access to Employee Contact Information

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

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

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

frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

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

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

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

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

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

Communications with Employees

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

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

Membership Dues or Other Payments to an Employee Organization

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

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

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

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

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

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

Policy Reference UPDATE Service
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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
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
8 CCR 34020	Petition to rescind organizational security arrangement
8 CCR 34055	Reinstatement of organizational security arrangement
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees

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

Federal	**Description**
8 CFR 33015-33490	Recognition of exclusive representative; proceedings
8 CFR 33700-33710	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement

Management Resources	**Description**
Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association

Website	Association of California School Administrators
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves

4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E PDF(1)	Closed Session
9321-E PDF(2)	Closed Session

Regulation 4161.2: Personal Leaves **Status:** ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** ~~03~~09/01/~~2021~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2016~~2022

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

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

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

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

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

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

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

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse

2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister

3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave

provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

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

Acceptable reasons for the use of personal necessity leave include:

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

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

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

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

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

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in ~~item~~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~~Items #1-2 above and by certificated employees for the reasons specified in ~~items~~Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or ~~the California Family Rights Act~~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 ~~where~~for which the need ~~for leave~~ 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:~~ CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt

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

~~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.~~

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury

2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

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

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

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

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

Leaves for Crime Victims for Judicial Proceedings

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

An employee ~~may be absent from work in order to attend judicial proceedings related to a crime when the employee~~who is a victim~~,~~ of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of a~~such~~ victim~~, of~~ may be absent from work in order to attend related judicial proceedings, if the crime is any of the following ~~crimes:~~ : (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, ~~or~~ 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 ~~their~~any available vacation, personal leave, or compensatory time off for the purposes described in ~~items~~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.~~

~~As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees who are victims of 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.~~Items #2-5 apply to districts with 25 or more employees.

An employee who is a victim of domestic violence, sexual assault, ~~or~~ stalking, ~~who is a victim of~~or a crime that caused physical injury or ~~that caused~~ 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~~, as amended by AB 2992~~, 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 ~~their~~district employees of ~~their~~employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on the web site of the Department of Industrial Relations, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form. ~~As amended by AB 2992, Labor Code 230.1 requires the Labor Commissioner to revise the form by January 1, 2022. Until that form is revised, the district should update its form to reflect current law.~~

The Superintendent or designee shall inform employees of ~~their~~the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

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

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

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

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

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

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

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

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

1. The service is performed within the state.

2. The board, commission, organization, or group informs the district in writing of the service.

3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

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

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

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

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization~~.~~ on which the employee serves as an officer. (Education Code 44987, 45210)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during

the leave and must pay member contributions as specified. ~~The maximum amount of service credit an employee may earn cannot exceed 12 years.~~ Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

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

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

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

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

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

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

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

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

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

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

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

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

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Policy Reference Disclaimer:
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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~~Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	Leaves of absence and vacations {; classified}
Ed. Code 45194	Bereavement leave of absence {; classified}
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity {; classified}
Ed. Code 45210	Service as officer of employee organization {; classified}
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
Lab. Code 234	Absence control policy

Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal	**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	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
4112.9-E PDF(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
4212.9-E PDF(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
4312.9-E PDF(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

Regulation 4161.5: Military Leave **Status:** ADOPTED

Original Adopted Date: 03/01/2004 | **Last Revised Date:** ~~07~~09/01/~~2006~~2022 | **Last Reviewed Date:** ~~07~~09/01/~~2006~~2022

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

~~The~~ USERRA applies to all employees, except ~~for~~ ~~persons~~individuals employed for a brief, nonrecurrent period for which there was no reasonable expectation that such employment would continue indefinitely or for a significant period. ~~It appears that the statute includes temporary certificated and short-term classified employees, unless the employee meets the above-stated exception. When determining whether a temporary or short-term employee is covered, districts are advised to consult legal counsel.~~

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

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

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

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

Salary/Compensation

CSBA NOTE: Pursuant to Military and Veterans Code 395.01-395.05, employees on military leave are entitled to receive their salary or compensation for a maximum of 30 calendar days for any one leave or during one fiscal year. However, Military and Veterans Code 395.03 allows the Governing Board to extend compensation beyond the maximum of 30 calendar days for leaves taken pursuant to ~~items~~Items #1, 2, and 4 below through a Board resolution or a Memorandum of Understanding with an employee organization. In addition, Education Code 44018 authorizes, but does not require, the Board to provide

an employee who is on active military duty as a member of the California National Guard or a U.S. Military Reserve organization, for up to 180 days, the difference between the amount of the military pay and allowances and the employee's salary.

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

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

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)

   a. ~~He/she~~The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.

   b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that ~~he/she~~the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)

3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

CSBA NOTE: Pursuant to Military and Veterans Code 395 and 395.01, the district has discretion as to whether ~~or not to compensate~~ employees are compensated for military leave for periods of inactive duty training. Optional ~~item~~Item #4 is for use by districts that choose to provide compensation to such employees.

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

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

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

employment shall be included.

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

~~CSBA NOTE: An Attorney General opinion (19 Ops.Cal.Atty.Gen. 132 (1952)) states that certificated employees ordered to perform military service are not entitled to compensation during non-teaching, non-paying months of the year.~~

~~Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.~~

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

Benefits

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

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

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

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

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

Vacation and Sick Leave Accrual

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

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

However, an employee who is a National Guard member on active duty as described in ~~item #3 War or~~

~~Other Emergency,~~Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of ~~his/her~~the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

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

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

Employment Status

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

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

Reinstatement Rights

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

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

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

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service~~, provided the employee has~~ plus a period of eight hours ~~to~~of rest following a period for safe transportation to ~~his/her~~the employee's residence.

2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.

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

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

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

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

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

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

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

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)

2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)

3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)

4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)

5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

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

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

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

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

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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 44800	Effect of active military service on status of employees
Ed. Code 45059	Employee ordered to active military/naval duty~~,~~; computation of salary
Gov. Code 18540	Definition of armed forces
Gov. Code 18540.3	Recognized military service
Gov. Code 20990-21013	Pension benefits~~,~~; PERS members on military leave
M&V Code 146	Events justifying calling of militia into active service
M&V Code 389	Definitions; temporary military leave
M&V Code 394	Nondiscrimination based on military service
M&V Code 395-395.9	Military leave
Federal	**Description**
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994
Management Resources	**Description**

Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
~~Attorney General Opinion~~	~~19 Ops.Cal.Atty.Gen. 132 (1952)~~
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
~~National School Boards Association Publication~~	~~The Uniformed Services Employment and Reemployment Rights Act (USERRA), NSBA Federal File: Guidance on Federal School Law, 2003~~
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	National Committee for Employer Support of the Guard and Reserve
Website	U.S. Department of Labor, USERRA
Website	National School Boards Association

Cross References

Code	Description
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4217.3	Layoff/Rehire
4261	Leaves

4261	Leaves
4261.1	Personal Illness/Injury Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave

Policy 4216: Probationary/Permanent Status **Status:** ADOPTED

Original Adopted Date: 06/01/1996 | **Last Revised Date:** ~~10~~09/01/~~2019~~2022

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

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

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

~~Education Code 45113, as amended by AB 1353 (Ch. 542, Statutes of 2019), shortened the maximum length of the required probationary period in non-merit system districts from one year to six months or 130 days of paid service, whichever is longer. Therefore, the maximum length of the required probationary period for non-merit districts is now the same as that of districts incorporating the merit system as provided under Education Code 45301. Education Code 45113, as amended, will not override any conflicting provision of a collective bargaining agreement entered into before January 1, 2020, until the collective bargaining agreement expires or is renewed.~~

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

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

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

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

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

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

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

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

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

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State	**Description**
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45240-45320	Merit system

Management Resources	**Description**
Website	California School Employees Association

Cross References

Code	**Description**
3515.3	District Police/Security Department (BP and AR)
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4215	Evaluation/Supervision
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications

4312.9-E PDF(1)	Employee Notifications
4361.11	Industrial Accident/Illness Leave

Policy 4218: Dismissal/Suspension/Disciplinary Action **Status:** ADOPTED

Original Adopted Date: 07/01/2019 | **Last Revised Date:** ~~10~~09/01/~~2019~~2022

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

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

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

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

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

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

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

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

A probationary classified employee may be dismissed ~~by the Superintendent or designee~~without cause at any time prior to the expiration of the probationary period.

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

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

Procedures for Serious Disciplinary Proceedings

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

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

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

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

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

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

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

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

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

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

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

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

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

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

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

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

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

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

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

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

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

Management Resources	**Description**
Court Decision	~~California School Employees~~Kennedy v. ~~Livingston Union~~Bremerton School District~~,~~ ~~(2007) 149 Cal. App. 4th 391~~ (2022) 142 S.Ct. 2407
Court Decision	~~CSEA~~California School Employees v. ~~Foothill Community College~~Livingston Union School District~~,~~ ~~52~~ (2007) 149 Cal. App. 4th 391~~, 155-156~~

Court Decision	~~Skelly~~CSEA v. ~~California Personnel Board,~~Foothill Community College District (1975) ~~15~~52 Cal. App. **3rd 150**~~3d 194~~
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Department of General Services, About Teacher Dismissal Case Type (https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/About/Page-Content/About-Teacher-Dismissal)
Website	Office of Administrative Hearings (https://www.dgs.ca.gov/OAH)
Website	Office of the Attorney General (https://oag.ca.gov/)

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1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
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1312.3-E PDF(2)	Uniform Complaint Procedures
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3230	Federal Grant Funds
3512	Equipment
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3512-E PDF(1)	Equipment
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515.2	Disruptions
3515.2	Disruptions
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3515.3	District Police/Security Department
3515.3	District Police/Security Department
3516.2	Bomb Threats
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4040-E PDF(1)	Employee Use Of Technology
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
4112.5-E PDF(1)	Criminal Record Check
4112.6	Personnel Files
4113.5	Working Remotely
4119.1	Civil And Legal Rights
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures
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4119.21	Professional Standards
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4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.24	Maintaining Appropriate Adult-Student Interactions
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
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4127	Temporary Athletic Team Coaches
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4157	Employee Safety
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4161.11	Industrial Accident/Illness Leave
4200	Classified Personnel
4200	Classified Personnel
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
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4212.5-E PDF(1)	Criminal Record Check
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4213.5	Working Remotely
4216	Probationary/Permanent Status
4219.1	Civil And Legal Rights
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9321-E PDF(2)	Closed Session

Regulation 4218: Dismissal/Suspension/Disciplinary Action **Status:** ADOPTED

Original Adopted Date: 06/01/1994 | **Last Revised Date:** ~~10~~09/01/~~2019~~2022

Causes for Disciplinary Action

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

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

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

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

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

14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law

15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job

16. Violation of Education Code 45303 or Government Code 1028 ~~(~~prohibiting the advocacy or teaching of communism~~)~~

17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

~~An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)~~

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

Initiation and Notification of Charges

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

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

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

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

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

Request for Board Hearing

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

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

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Hearing

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

Compulsory Leave of Absence

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

Code 45113 to establish causes for suspension or dismissal. The following section may be revised to reflect district practice.

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

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

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

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

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State	Description
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Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions (including disciplinary action, cause)
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges, classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons

Veh. Code 1808.8	~~Schoolbus~~School bus drivers; dismissal for safety-related cause

Federal	**Description**
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
Court Decision	California School Employees v. Livingston Union School District, (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156
Court Decision	Skelly v. California Personnel Board, (1975) 15 Cal.3d 194

Cross References

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1312.1	Complaints Concerning District Employees
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4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.24	Maintaining Appropriate Adult-Student Interactions
4119.25	Political Activities Of Employees
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4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.5-E PDF(1)	Criminal Record Check
4212.6	Personnel Files
4213.5	Working Remotely
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4219.1	Civil And Legal Rights
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.21-E PDF(1)	Professional Standards
4219.22	Dress And Grooming
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4236	Nonschool Employment
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4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits

4257	Employee Safety
4257	Employee Safety
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4258	Employee Security
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4354	Health And Welfare Benefits
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4358	Employee Security
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4361	Leaves
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5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
6145.2	Athletic Competition
6145.2	Athletic Competition
6162.54	Test Integrity/Test Preparation
9000	Role Of The Board
9321	Closed Session
9321-E PDF(1)	Closed Session
9321-E PDF(2)	Closed Session

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

Original Adopted Date: 07/01/2019 | **Last Revised Date:** ~~12~~09/01/~~2019~~2022

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

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

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

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

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

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

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

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

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

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

CSBA NOTE: The following paragraph should be revised to reflect district practice. In *Skelly v. State Personnel Board*, the California Supreme Court held that permanent public employees have a property right to continued public employment and that due process is required before any punitive disciplinary action, such as termination, suspension, or demotion, may be taken against such employees. These procedural rights include notice of the proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee against wrongful discipline without necessitating a full evidentiary hearing.

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

When such serious disciplinary action is being contemplated against an employee, the district shall adhere to disciplinary procedures developed by the personnel commission. Due process shall be afforded to the employee, including proper notice, an opportunity for the employee to meet with a designated district official ("Skelly officer") or to respond in writing to the charges, and an opportunity to appeal the district's decision with the personnel commission in accordance with Education Code 45305-45307. If the matter is addressed in a hearing before the personnel commission, the decision of the personnel commission shall be final.

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

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

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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
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 (including disciplinary action, cause)
Ed. Code 45109	Fixing of duties
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45124	Dismissal of sexual psychopath
Ed. Code 45202	Transfer of accumulated sick leave and other benefits
Ed. Code 45240-45320	Merit system
Ed. Code 45302-45307	Suspension, dismissal, or other disciplinary action; classified employees
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 54957	Complaints against employees; right to open session
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 667.5	Prior prison terms~~,~~; enhancement of prison terms
Pen. Code 830.32	School district and community college police
Veh. Code 1808.8	~~Schoolbus~~School bus drivers; dismissal for safety-related cause

California Constitution Article 1, Section 1	Inalienable rights

Federal	**Description**
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution First Amendment	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
Court Decision	Kennedy v. Bremerton School District (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, ~~155-156~~
Court Decision	Skelly v. California Personnel Board, (1975) 15 Cal.3d 194
~~Website~~	~~CSBA District and County Office of Education Legal Services~~
Website	California School Personnel Commissioners Association
Website	Department of General Services, About Teacher Dismissal Case Type (https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/About/Page-Content/About-Teacher-Dismissal)
Website	Office of Administrative Hearings (https://www.dgs.ca.gov/OAH)
Website	Office of the Attorney General (https://oag.ca.gov/)

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
4112.5-E PDF(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
4119.21-E PDF(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
4212.5-E PDF(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
4219.21-E PDF(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
4312.5-E PDF(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
4319.21-E PDF(1)	Professional Standards
4319.24	Maintaining Appropriate Adult-Student Interactions

Policy 4219.1: Civil And Legal Rights **Status:** ADOPTED

Original Adopted Date: 03/01/2004 | **Last Revised Date:** ~~07~~09/01/~~2012~~2022 | **Last Reviewed Date:** ~~07~~09/01/~~2012~~2022

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

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

~~An employee's 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 violate law, Board policy, or administrative regulation~~performance of the employee's duties.

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

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

CSBA NOTE: The following optional paragraph provides for ~~district employees'~~the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. In addition, Education Code 49091.24 allows teachers the right to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below. ~~Specific limits regarding applicability of privacy rights of employees require complex analysis of law, so district legal counsel should be consulted when such questions arise.~~

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

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

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

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

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

Whistleblower Protection

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

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

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of

the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

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

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

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

Protection Against Liability

CSBA NOTE: 20 USC ~~6731-6738~~7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members; see BB 9260 - Legal Protection. The following section is made applicable to all employees; however, any district that wishes to apply the section only to teachers should modify the section accordingly.

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

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

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.

3. The employee was not properly licensed, if required, by state law for such activities.

4. The employee was found by a court to have violated a federal or state civil rights law.

5. The employee was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.

7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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State	**Description**
~~Civ. Code 51~~	~~Unruh Civil Rights Act~~
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-~~12951~~12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity
Lab. Code 1102.5-1106	Whistleblower protections
California Constitution Article 1, Section 1	Inalienable rights

Federal	**Description**
18 USC 16	Crime of violence ~~defined~~; definition
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC ~~6731-6738~~7941-7948	Teacher liability protection
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution First Amendment	Free exercise, free speech, and establishment clause

Management Resources	**Description**

Court Decision	~~New Jersey~~Kennedy v. ~~T.L.O.,~~ ~~(1985)~~ ~~468~~ ~~U.~~Bremerton (2022) 142 S. ~~325~~Ct. 2407
Court Decision	~~O'Conner~~New Jersey v. ~~Ortega,~~ ~~(1987)~~ ~~480~~T.L.O. (1985) 469 U.S. ~~709~~325
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709~~CSU~~ ~~San Diego,~~ ~~(2007)~~ ~~56~~ ~~Cal.Rptr.3d~~ ~~111~~
Court Decision	**Ohton v.** CSU San Diego (2007) 56 Cal.Rptr.3d 111~~Ceballos,~~ ~~(2006)~~ ~~543~~ ~~U.S.~~ ~~1186~~
Court Decision	**Garcetti v.** Ceballos (2006) 547 U.S. 410 ~~Crosier,~~ ~~(2012)~~ ~~205~~ ~~Cal.App.4th~~ ~~685~~
Court Decision	**Hartnett v.** Crosier (2012) 205 Cal.App.4th 685~~,~~ ~~(2011)~~ ~~658~~ ~~F.3d~~ ~~954~~
Court Decision	**Johnson v. Poway Unified School District** (2011) 658 F.3d 954
Website	California Office of the Attorney General

Cross References

Code	Description
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3515	Campus Security
3515	Campus Security
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4040-E PDF(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards

4119.21-E(1)	Professional Standards
4119.21-E PDF(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4132	Publication Or Creation Of Materials
4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.21-E PDF(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4232	Publication or Creation of Materials
4236	Nonschool Employment
4240	Bargaining Units
4244	Complaints
4244	Complaints
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.21-E PDF(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4332	Publication or Creation of Materials
4336	Nonschool Employment
4340	Bargaining Units
4344	Complaints
4344	Complaints

Policy 4240: Bargaining Units **Status:** ADOPTED

Original Adopted Date: 11/01/2011 | **Last Revised Date:** ~~12~~09/01/~~2020~~2022 | **Last Reviewed Date:** ~~12~~09/01/~~2020~~2022

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

~~Pursuant to~~"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the ~~definition of "~~exclusive negotiating representative~~" includes representation of "~~ for all ~~public school~~district employees~~"~~ other than management and confidential employees~~, as defined.~~.

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

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

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

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

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

~~(Government Code 3545)~~

~~The district may recognize a bargaining unit of supervisory employees if:~~

Formation of Bargaining Units

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

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

   A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees~~.~~

2. ~~The supervisors are~~ and is not represented by ~~the same~~an employee organization that represents district employees ~~whom~~who are supervised by the supervisory employees. **(Government Code 3545)** ~~supervise.~~

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

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. ~~The Public Employment Relations Board~~PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. ~~Such~~In the employment relationship with the district, such employees may represent themselves ~~individually. For purposes other than negotiations and bargaining, such employees may~~or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. ~~For this purpose: (Government Code 3540.1, 3543.4)~~An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

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

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

Membership

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

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

Districts should exercise caution and consult with CSBA District and County Office of Education Legal Services or the district's legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.
The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

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

Access to New Employee Orientations

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

~~The~~Following a request to negotiate by either party, the structure, time, and manner of ~~the~~ access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative~~, following a request to negotiate by either party.~~ If the district and exclusive representative fail to reach an agreement, matters related to ~~the~~ access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

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

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

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

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

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

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

Access to Employee Contact Information

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

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

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire~~.~~, unless the exclusive

representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit ~~to an exclusive representative~~ at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

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

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

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

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

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

Communications with Employees

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

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

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, bargaining unit employees who choose not to join an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and

45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by *Janus v. AFSCME*.

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

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

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

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

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

Policy Reference UPDATE Service
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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
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
8 CCR 34020	Petition to rescind organizational security arrangement

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

Federal	**Description**
8 CFR 33015-33490	Recognition of exclusive representative; proceedings
8 CFR 33700-33710	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement

Management Resources	**Description**
Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	California Federation of Teachers

Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Website	Association of California School Administrators
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation

4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E PDF(1)	Closed Session
9321-E PDF(2)	Closed Session

Regulation 4261.2: Personal Leaves **Status:** ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** ~~03~~09/01/~~2021~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2016~~2022

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

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

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

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

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

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

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

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse

2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister

3. Any relative living in the employee's immediate household

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

Personal Necessity

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

Acceptable reasons for the use of personal necessity leave include:

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

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

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

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

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

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in ~~item~~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~~Items #1-2 above and by certificated employees for the reasons specified in ~~items~~Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or ~~the California Family Rights Act~~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 ~~where~~for which the need ~~for leave~~ 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:~~ CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

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

~~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.~~

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

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

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

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

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

Leaves for Crime Victims for Judicial Proceedings

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

An employee ~~may be absent from work in order to attend judicial proceedings related to a crime when the employee~~who is a victim~~,~~ of a crime or an immediate family member, registered domestic partner, or

child of a registered domestic partner of ~~a~~such victim~~, of~~ may be absent from work in order to attend related judicial proceedings, if the crime is any of the following ~~crimes:~~ : (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, ~~or~~ 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 ~~their~~any available vacation, personal leave, or compensatory time off for the purposes described in ~~items~~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.~~

~~As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees who are victims of 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.~~Items #2-5 apply to districts with 25 or more employees.

An employee who is a victim of domestic violence, sexual assault, ~~or~~ stalking, ~~who is a victim of~~or a crime that caused physical injury or ~~that caused~~ 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~~, as amended by AB 2992~~, 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 ~~their~~district employees of ~~their~~employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on the web site of the Department of Industrial Relations, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form. ~~As amended by AB 2992, Labor Code 230.1 requires the Labor Commissioner to revise the form by January 1, 2022. Until that form is revised, the district should update its form to reflect current law.~~

The Superintendent or designee shall inform employees of ~~their~~the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire

and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

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

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

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

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

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

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

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

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

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

Employee Organization Activities

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

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

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

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. on which the employee serves as an officer. (Education Code 44987, 45210)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include

the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. ~~The maximum amount of service credit an employee may earn cannot exceed 12 years.~~ Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

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

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

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

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

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

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in

Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

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

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

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

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

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

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to

provide the required certification. (Labor Code 1503)

Policy Reference UPDATE Service
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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~~Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	Leaves of absence and vacations {; classified}
Ed. Code 45194	Bereavement leave of absence {; classified}
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity {; classified}
Ed. Code 45210	Service as officer of employee organization {; classified}
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school

Lab. Code 233	Illness of child, parent, spouse or domestic partner
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal	**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	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
4112.9-E PDF(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
4212.9-E PDF(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
4312.9-E PDF(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

Regulation 4261.5: Military Leave **Status:** ADOPTED

Original Adopted Date: 03/01/2004 | **Last Revised Date:** ~~07~~09/01/~~2006~~2022 | **Last Reviewed Date:** ~~07~~09/01/~~2006~~2022

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

~~The~~ USERRA applies to all employees, except ~~for persons~~individuals employed for a brief, nonrecurrent period for which there was no reasonable expectation that such employment would continue indefinitely or for a significant period. ~~It appears that the statute includes temporary certificated and short-term classified employees, unless the employee meets the above-stated exception. When determining whether a temporary or short-term employee is covered, districts are advised to consult legal counsel.~~

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

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

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

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

Salary/Compensation

CSBA NOTE: Pursuant to Military and Veterans Code 395.01-395.05, employees on military leave are entitled to receive their salary or compensation for a maximum of 30 calendar days for any one leave or during one fiscal year. However, Military and Veterans Code 395.03 allows the Governing Board to extend compensation beyond the maximum of 30 calendar days for leaves taken pursuant to ~~items~~Items #1, 2, and 4 below through a Board resolution or a Memorandum of Understanding with an employee organization. In addition, Education Code 44018 authorizes, but does not require, the Board to provide

an employee who is on active military duty as a member of the California National Guard or a U.S. Military Reserve organization, for up to 180 days, the difference between the amount of the military pay and allowances and the employee's salary.

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

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

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)

   a. ~~He/she~~The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.

   b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that ~~he/she~~the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)

3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

CSBA NOTE: Pursuant to Military and Veterans Code 395 and 395.01, the district has discretion as to whether ~~or not to compensate~~ employees are compensated for military leave for periods of inactive duty training. Optional ~~item~~Item #4 is for use by districts that choose to provide compensation to such employees.

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

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

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

employment shall be included.

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

~~CSBA NOTE: An Attorney General opinion (19 Ops.Cal.Atty.Gen. 132 (1952)) states that certificated employees ordered to perform military service are not entitled to compensation during non-teaching, non-paying months of the year.~~

~~Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.~~

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

Benefits

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

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

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

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

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

Vacation and Sick Leave Accrual

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

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

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

Pension Plan Service Credit

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

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

Employment Status

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

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

Reinstatement Rights

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

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

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

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service~~, provided the employee has~~ plus a period of eight hours ~~to~~of rest following a period for safe transportation to ~~his/her~~the

employee's residence.

2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.

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

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

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

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

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

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

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

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)

2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)

3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)

4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)

5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

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

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

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

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

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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 44800	Effect of active military service on status of employees
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Gov. Code 18540	Definition of armed forces
Gov. Code 18540.3	Recognized military service
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
M&V Code 146	Events justifying calling of militia into active service
M&V Code 389	Definitions; temporary military leave
M&V Code 394	Nondiscrimination based on military service
M&V Code 395-395.9	Military leave
Federal	**Description**
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994
Management Resources	**Description**

Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
~~Attorney General Opinion~~	~~19 Ops.Cal.Atty.Gen. 132 (1952)~~
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
~~National School Boards Association Publication~~	~~The Uniformed Services Employment and Reemployment Rights Act (USERRA), NSBA Federal File: Guidance on Federal School Law, 2003~~
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	National Committee for Employer Support of the Guard and Reserve
Website	U.S. Department of Labor, USERRA
Website	National School Boards Association

Cross References

Code	Description
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4217.3	Layoff/Rehire
4261	Leaves

4261	Leaves
4261.1	Personal Illness/Injury Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave

Policy 4319.1: Civil And Legal Rights **Status:** ADOPTED

Original Adopted Date: 03/01/2004 | **Last Revised Date:** ~~07~~09/01/~~2012~~2022 | **Last Reviewed Date:** ~~07~~09/01/~~2012~~2022

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

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

~~An employee's 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 violate law, Board policy, or administrative regulation~~performance of the employee's duties.

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

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

CSBA NOTE: The following optional paragraph provides for ~~district employees'~~the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. In addition, Education Code 49091.24 allows teachers the right to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below. ~~Specific limits regarding applicability of privacy rights of employees require complex analysis of law, so district legal counsel should be consulted when such questions arise.~~

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

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

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

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

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

Whistleblower Protection

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

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

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

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

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

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

Protection Against Liability

CSBA NOTE: 20 USC ~~6731-6738~~7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members; see BB 9260 - Legal Protection. The following section is made applicable to all employees; however, any district that wishes to apply the section only to teachers should modify the section accordingly.

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

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

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.

3. The employee was not properly licensed, if required, by state law for such activities.

4. The employee was found by a court to have violated a federal or state civil rights law.

5. The employee was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.

7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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Policy Reference Disclaimer:
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State	**Description**
~~Civ. Code 51~~	~~Unruh Civil Rights Act~~
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-~~12951~~12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity
Lab. Code 1102.5-1106	Whistleblower protections
California Constitution Article 1, Section 1	Inalienable rights

Federal	**Description**
18 USC 16	Crime of violence ~~defined;~~ definition
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC ~~6731-6738~~7941-7948	Teacher liability protection
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

U.S. Constitution First Amendment	Free exercise, free speech, and establishment clause

Management Resources	Description
Court Decision	~~New Jersey~~Kennedy v. ~~T.L.O.,~~ ~~(1985)~~ ~~468~~ ~~U.~~Bremerton (2022) 142 S. ~~325~~Ct. 2407
Court Decision	~~O'Conner~~New Jersey v. ~~Ortega,~~ ~~(1987)~~ ~~480~~T.L.O. (1985) 469 U.S. ~~709~~325
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709~~CSU San Diego, (2007) 56 Cal.Rptr.3d 111~~
Court Decision	**Ohton v.** CSU San Diego (2007) 56 Cal.Rptr.3d 111~~Ceballos, (2006) 543 U.S. 1186~~
Court Decision	**Garcetti v.** Ceballos (2006) 547 U.S. 410 ~~Crosier, (2012) 205 Cal.App.4th 685~~
Court Decision	**Hartnett v.** Crosier (2012) 205 Cal.App.4th 685~~, (2011) 658 F.3d 954~~
Court Decision	**Johnson v. Poway Unified School District** (2011) 658 F.3d 954
Website	California Office of the Attorney General

Cross References

Code	Description
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3515	Campus Security
3515	Campus Security
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4040-E PDF(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action

4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.21-E PDF(1)	Professional Standards
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4132	Publication Or Creation Of Materials
4136	Nonschool Employment
4140	Bargaining Units
4144	Complaints
4144	Complaints
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.21-E PDF(1)	Professional Standards
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4232	Publication or Creation of Materials
4236	Nonschool Employment
4240	Bargaining Units
4244	Complaints
4244	Complaints
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.21-E PDF(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4332	Publication or Creation of Materials
4336	Nonschool Employment
4340	Bargaining Units
4344	Complaints

4344	Complaints
9260	Legal Protection

Policy 4340: Bargaining Units **Status:** ADOPTED

Original Adopted Date: 11/01/2011 | **Last Revised Date:** ~~12~~09/01/~~2020~~2022 | **Last Reviewed Date:** ~~12~~09/01/~~2020~~2022

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

~~Pursuant to~~"Exclusive representative." as defined in Government Code 3540.1, means an employee organization recognized or certified as the ~~definition of "~~exclusive negotiating representative~~" includes representation of "~~ for all ~~public school~~district employees~~"~~ other than management and confidential employees~~, as defined.~~.

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

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

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

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

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

~~(Government Code 3545)~~

~~The district may recognize a bargaining unit of supervisory employees if:~~

Formation of Bargaining Units

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

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

   A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees~~.~~

2. ~~The supervisors are~~ and is not represented by ~~the same~~an employee organization that represents district employees ~~whom~~who are supervised by the supervisory employees. **(Government Code 3545)** ~~supervise.~~

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

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. ~~The Public Employment Relations Board~~PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. ~~Such~~In the employment relationship with the district, such employees may represent themselves ~~individually. For purposes other than negotiations and bargaining, such employees may~~or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. ~~For this purpose: (Government Code 3540.1, 3543.4)~~An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

~~1.~~ *Management employee* means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

~~2.~~ *Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose

or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

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

Districts should exercise caution and consult with CSBA District and County Office of Education Legal Services or the district's legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.
The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

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

Access to New Employee Orientations

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

~~The~~Following a request to negotiate by either party, the structure, time, and manner of ~~the~~ access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative~~, following a request to negotiate by either party.~~. If the district and exclusive representative fail to reach an agreement, matters related to ~~the~~ access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

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

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

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

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

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

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

Access to Employee Contact Information

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

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

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

Code 3558, 6254.3)

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

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

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

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

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

Communications with Employees

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

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

Membership Dues or Other Payments to an Employee Organization

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

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

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

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

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

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

Policy Reference UPDATE Service
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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
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
8 CCR 34020	Petition to rescind organizational security arrangement
8 CCR 34055	Reinstatement of organizational security arrangement
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees

Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment~~,~~; classified employees
Ed. Code 45220-45320	Merit system~~,~~; classified employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment definitions
Gov. Code 3543.4	Management position; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
Gov. Code 6254.3	Disclosure of employee contact information to employee organization
Gov. Code 6503.5	Joint powers agencies

Federal	**Description**
8 CFR 33015-33490	Recognition of exclusive representative; proceedings
8 CFR 33700-33710	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement

Management Resources	**Description**
Court Decision	County of Los Angeles v. Service Employees International Union, Local 721~~,~~ (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al~~.,~~ (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31~~,~~ (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento~~,~~ (2019) PERB Dec. No. 2702m
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association

Website	Association of California School Administrators
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves

4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321-E PDF(1)	Closed Session
9321-E PDF(2)	Closed Session

Regulation 4361.2: Personal Leaves **Status:** ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** ~~03~~09/01/~~2021~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2016~~2022

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

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

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

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

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

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

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

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse

2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister

3. Any relative living in the employee's immediate household

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

Personal Necessity

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

Acceptable reasons for the use of personal necessity leave include:

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

2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

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

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

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

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in ~~item~~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~~Items #1-2 above and by certificated employees for the reasons specified in ~~items~~Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or ~~the California Family Rights Act~~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 ~~where~~for which the need ~~for leave~~ 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:~~ CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

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

~~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.~~

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury

2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

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

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

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

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

Leaves for Crime Victims for Judicial Proceedings

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

An employee ~~may be absent from work in order to attend judicial proceedings related to a crime when the employee~~who is a victim~~,~~ of a crime or an immediate family member, registered domestic partner, or

child of a registered domestic partner of asuch victim~~, of~~ may be absent from work in order to attend related judicial proceedings, if the crime is any of the following ~~crimes:~~ : (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, ~~or~~ 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 ~~their~~any available vacation, personal leave, or compensatory time off for the purposes described in ~~items~~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.~~

~~As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees who are victims of 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.~~Items #2-5 apply to districts with 25 or more employees.

An employee who is a victim of domestic violence, sexual assault, ~~or~~ stalking, ~~who is a victim of~~for a crime that caused physical injury or ~~that caused~~ 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~~, as amended by AB 2992~~, 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 ~~their~~district employees of ~~their~~employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on the web site of the Department of Industrial Relations, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form. ~~As amended by AB 2992, Labor Code 230.1 requires the Labor Commissioner to revise the form by January 1, 2022. Until that form is revised, the district should update its form to reflect current law.~~

The Superintendent or designee shall inform employees of ~~their~~the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire

and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

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

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

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.

2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:

    a. A request by the school or child care provider that the child be picked up

    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider

    c. Behavioral or discipline problems

    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays

    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

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

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

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

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

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

1. The service is performed within the state.

2. The board, commission, organization, or group informs the district in writing of the service.

3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

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

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

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

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization~~.~~ on which the employee serves as an officer. (Education Code 44987, 45210)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include

the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. ~~The maximum amount of service credit an employee may earn cannot exceed 12 years.~~ Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

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

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

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

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

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

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in

Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

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

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

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

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

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

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to

provide the required certification. (Labor Code 1503)

Policy Reference UPDATE Service
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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~~Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	Leaves of absence and vacations {; classified}
Ed. Code 45194	Bereavement leave of absence {; classified}
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity {; classified}
Ed. Code 45210	Service as officer of employee organization {; classified}
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school

Lab. Code 233	Illness of child, parent, spouse or domestic partner
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days;; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms;; enhancement of prison terms

Federal	**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	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
4112.9-E PDF(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
4212.9-E PDF(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
4312.9-E PDF(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

Regulation 4361.5: Military Leave **Status:** ADOPTED

Original Adopted Date: 03/01/2004 | **Last Revised Date:** ~~07~~09/01/~~2006~~2022 | **Last Reviewed Date:** ~~07~~09/01/~~2006~~2022

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

~~The~~ USERRA applies to all employees, except ~~for persons~~individuals employed for a brief, nonrecurrent period for which there was no reasonable expectation that such employment would continue indefinitely or for a significant period. ~~It appears that the statute includes temporary certificated and short-term classified employees, unless the employee meets the above-stated exception. When determining whether a temporary or short-term employee is covered, districts are advised to consult legal counsel.~~

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

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

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

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

Salary/Compensation

CSBA NOTE: Pursuant to Military and Veterans Code 395.01-395.05, employees on military leave are entitled to receive their salary or compensation for a maximum of 30 calendar days for any one leave or during one fiscal year. However, Military and Veterans Code 395.03 allows the Governing Board to extend compensation beyond the maximum of 30 calendar days for leaves taken pursuant to ~~items~~Items #1, 2, and 4 below through a Board resolution or a Memorandum of Understanding with an employee organization. In addition, Education Code 44018 authorizes, but does not require, the Board to provide

an employee who is on active military duty as a member of the California National Guard or a U.S. Military Reserve organization, for up to 180 days, the difference between the amount of the military pay and allowances and the employee's salary.

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

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

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)

   a. ~~He/she~~The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.

   b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that ~~he/she~~the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)

3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

CSBA NOTE: Pursuant to Military and Veterans Code 395 and 395.01, the district has discretion as to whether ~~or not to compensate~~ employees are compensated for military leave for periods of inactive duty training. Optional ~~item~~Item #4 is for use by districts that choose to provide compensation to such employees.

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

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

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

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

~~CSBA NOTE: An Attorney General opinion (19 Ops.Cal.Atty.Gen. 132 (1952)) states that certificated employees ordered to perform military service are not entitled to compensation during non-teaching, non-paying months of the year.~~

~~Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.~~

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

Benefits

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

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

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

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

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

Vacation and Sick Leave Accrual

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

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

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

Pension Plan Service Credit

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

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

Employment Status

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

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

Reinstatement Rights

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

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

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

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service~~, provided the employee has~~ plus a period of eight hours ~~to~~of rest following a period for safe transportation to ~~his/her~~the

employee's residence.

2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.

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

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

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

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

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

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

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

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)

2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)

3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)

4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)

5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. . (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

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

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

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

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

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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 44800	Effect of active military service on status of employees
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Gov. Code 18540	Definition of armed forces
Gov. Code 18540.3	Recognized military service
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
M&V Code 146	Events justifying calling of militia into active service
M&V Code 389	Definitions; temporary military leave
M&V Code 394	Nondiscrimination based on military service
M&V Code 395-395.9	Military leave
Federal	**Description**
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994
Management Resources	**Description**

Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
~~Attorney General Opinion~~	~~19 Ops.Cal.Atty.Gen. 132 (1952)~~
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
~~National School Boards Association Publication~~	~~The Uniformed Services Employment and Reemployment Rights Act (USERRA), NSBA Federal File: Guidance on Federal School Law, 2003~~
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	National Committee for Employer Support of the Guard and Reserve
Website	U.S. Department of Labor, USERRA
Website	National School Boards Association

Cross References

Code	Description
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4217.3	Layoff/Rehire
4261	Leaves

4261	Leaves
4261.1	Personal Illness/Injury Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave

Policy 6146.1: High School Graduation Requirements **Status:** ADOPTED

Original Adopted Date: 12/01/2017 | **Last Revised Date:** 09/01/~~2021~~2022 | **Last Reviewed Date:** 09/01/~~2021~~2022

CSBA NOTE: The following policy is for use by districts that maintain grades 9-12.

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3 and those adopted by the Board, except for students who are exempted as provided in "Exemptions from District-Adopted Graduation Requirements," below. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

Course Requirements

CSBA NOTE: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in ~~items~~Items #1-~~6~~7 below.

Pursuant to Education Code 66204, each district that maintains a high school is ~~also~~ required to develop a process for submitting courses to the University of California ~~to ensure~~(UC) to review and certify that they align with the "~~a-g~~A-G" course requirements for college admission.

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

~~1.~~ 1. Three and a half (3.5) courses in English (35 units) (Education Code 51225.3)

~~2.~~ 2. Three courses in mathematics (30 units) (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

~~CSBA NOTE:~~CSBA NOTE: The following paragraph is for districts that require more than two mathematics courses for high school graduation. Pursuant to Education Code 51225.3 and 51225.35, a district that requires more than two courses in mathematics may award up to one mathematics course credit for an approved computer science course~~, as defined~~. Any such course must have been approved by ~~the University of California~~UC as a "category ~~c~~C" (mathematics) course in the university's "~~a-g~~A-G" course admission criteria; see BP 6143 - Courses of Study.

~~3.~~ ~~Students may be awarded up to one mathematics course credit for successful~~ Successful completion of an approved computer science course that is classified as a "category ~~c~~C" course based on the ~~"a-g"~~ ~~course~~University of California (UC) and California State University (CSU) "A-G" admission requirements ~~for college admission, which may~~shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)

4. 3. Two courses in science (20 units), including biological and physical sciences (Education Code 51225.3)

5. 4. Three courses in social studies (30 units), including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

CSBA NOTE: Education Code 51225.3, as amended by AB 101 (Ch. 661, Statutes of 2021), no longer authorizes the Board to include a course in career technical education (CTE) to serve as an alternative to the visual or performing arts or world language course requirement for high school graduation. If the Board chooses to do so, it must, atHowever, if a regular Board meeting prior to allowingstudent completed a CTE course as an alternative, notify parents/guardians, students, teachers, and the public of information specified in prior to July 1, 2022 that met the requirements of Education Code 51225.3. In addition, the information must be included in the district's annual notification to parents/guardians pursuant to Education Code 48980; see the accompanying administrative regulation. Districts that do not allow this alternative, such course will fulfill the visual or performing arts or world language graduation requirement should delete references to CTE in item #5 below.

The CTE course may be offered through different means, including a district-operated program, regional occupational center or program, or county office of education program pursuant to a joint powers agreement. See BP/AR 6178 - Career Technical Education and BP 6178.2 - Regional Occupational Center/Program for program details pertaining to CTE..

6. 5. One course in visual or performing arts, or world language, or career technical education (CTE). . For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language. (Education Code 51225.3)

To be counted towards meeting graduation requirements,

If a CTEstudent completed a career technical education course shall be alignedprior to July 1, 2022 that met the CTE model curriculum standards and framework adopted by the State Boardrequirements of Education. Code 51225.3, such course will fulfill the visual or performing arts or world language requirement. (Education Code 51225.3)

7. 6. Two courses in physical education (20 units), unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, as amended by AB 101, beginning with the 2029-30 school year, a student is required to complete a one-semester course in ethnic studies, as specified, in order to graduate from high school. At its discretion, a district may require a full-year course. Districts that require a full-year course should revise Item #7 accordingly.

7. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, the Governing Board may prescribe additional coursework (e.g., health education or service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See BP 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, pursuant to Education Code 51225.6, a district that requires a course in health education for graduation is required to include instruction in

compression-only cardiopulmonary resuscitation (CPR). See AR 6143 - Courses of Study.

Pursuant to Education Code 51230, if the district requires the completion of community service hours for high school graduation, the district may provide a student with credit towards that requirement for completion of a course in community emergency response training. However, if the district chooses to offer credit for the completion of such a course, the Board is still obligated to notify parents/guardians, students, and the public of information specified in Education Code 51225.3.

8. 5 units for health Education, and (5) units of Life and Career Planning (both)
9. 10 units of Captsone/Senior Seminar and also 75 credits for the classes of 2020 and beyond
10. 25 hours of community service

~~CSBA NOTE: Pursuant to Education Code 51225.3, the~~CSBA NOTE: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study. See BP/AR 6146.11 - Alternative Credits Toward Graduation. ~~Board may prescribe additional coursework (e.g., health education or service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.~~

~~If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See BP 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, pursuant to Education Code 51225.6, a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation. See AR 6143 - Courses of Study.~~

~~Pursuant to Education Code 51230, if the district requires the completion of community service hours for high school graduation, the district may provide a student with credit towards that requirement for completion of a course in community emergency response training. However, if the district chooses to offer credit for the completion of such a course, the Board is still obligated to notify parents/guardians, students, teachers, and the public of information specified in Education Code 51225.3.~~

~~8.~~

~~CSBA NOTE: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study. See BP/AR 6146.11 - Alternative Credits Toward Graduation.~~

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Exemptions from District-Adopted Graduation Requirements

CSBA NOTE: Pursuant to Education Code 51225.31, as added by AB 181 (Ch. 52, Statutes of 2022), districts are required to exempt an eligible student with disabilities from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. Awarding a diploma pursuant to this exception does not change the district's obligation to provide a free appropriate public education or otherwise constitute a change in placement.

Prior to the beginning of grade 10, the individualized education program (IEP) team for each student with disabilities shall determine whether the student is eligible for exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, and if so, shall notify the student's parent/guardian of the exemption. A student with disabilities shall be eligible for the exemption, if the student's IEP provides for both of the following requirements: (Education Code 51225.31)

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640

2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

CSBA NOTE: Education Code 51225.1 requires the district to exempt from any district-adopted graduation requirements that are in addition to the state requirements specified in Education Code 51225.3 a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district high schools any time after completing the second year of high school, or an immigrant student who is in the third or fourth year of high school and is participating in a newcomer program (i.e., a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency). This exemption does not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Also see AR 6173 - Education for Homeless Children, AR 6173.1 - Education for Foster Youth, AR 6173.2 - Education of Children of Military Families, AR 6173.3 - Education for Juvenile Court School Students, and AR 6175 - Migrant Education Program.

Pursuant to Education Code 51225.1, within 30 calendar days of the transfer ~~of~~into a school by a foster youth, homeless student, former juvenile court school student, child of a military family, ~~or~~ migrant student, or ~~within 30 days~~ newly arrived immigrant student, or of a ~~student beginning~~ the commencement of participation in a newcomer program, as applicable, the district is required to ~~provide notice to the~~notify any eligible student and/or the student's parent/guardian, the person holding the right to make education decisions for the student, the district's liaison for homeless children, and the student's social worker or probation officer, as applicable, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. If the district fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or former juvenile court school student, after the homeless student ceases to be homeless, or after the student no longer meets the definition of a child of a military family, a migrant student, or a student participating in a newcomer program, as applicable.

Education Code 51225.1 also provides that, if an exempted student completes the statewide coursework requirements before the end of the fourth year of high school, the district or a district school must not require or request that the student graduate before the end of the fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures.

~~District students are required to complete graduation course requirements specified above, including the requirements imposed by Education Code 51225.3 and those adopted by the Board. However~~

In addition, a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements.

This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (Education Code 51225.1)

~~CSBA NOTE: Pursuant to Education Code 51225, as added by AB 104 (Ch. 41, Statutes of 2021), the district is required to exempt a student from district graduation requirements if the student was in the third or fourth year of high school during the 2020-21 school year and is not on track to graduate in four years.~~

~~If during the 2020-21 school year a student was in the third or fourth year of high school and is not on track to graduate in four years, the district shall exempt the student from any local graduation requirements adopted by the Board that are in addition to statewide course requirements specified in Education Code 51225.3. (Education Code 51225)~~

~~**Additional Opportunities to Complete Required Coursework**~~

~~CSBA NOTE: Pursuant to Education Code 51225, as added by AB 104, the district is required to provide a student who was enrolled in the student's third or fourth year of high school during the 2020-21 school year and is not on track to graduate in the 2020-21 or 2021-22 school years the opportunity to complete the statewide coursework required for graduation pursuant to Education Code 51225.3, as described below.~~

~~The Superintendent or designee shall provide a student who was enrolled in the third or fourth year of high school during the 2020-21 school year and is not on track to graduate in the 2020-21 or 2021-22 school years the opportunity to complete the statewide coursework required for graduation, which may include, but is not limited to, completion of the coursework through a fifth year of instruction, credit recovery, or other opportunity to complete the required coursework. (Education Code 51225)~~

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

CSBA NOTE: Items #1-4 below are optional and may be revised to reflect district practice.

In addition, the district may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

~~1.~~ 1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined

by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the ~~United States~~U.S. or through online or virtual courses.

~~2.~~ 2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the ~~United States~~U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

~~CSBA NOTE: Education Code 51430, as amended by AB 1350 (Ch. 66, Statutes of 2020), authorizes districts to award a retroactive diploma under the circumstances described in item #4 below.~~

~~3.~~ 4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

Honorary Diplomas

CSBA NOTE: The following optional section reflects the Board's authority to confer honorary high school diplomas pursuant to Education Code 51225.5 and may be revised to reflect district practice.

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

~~1.~~ 1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district

~~2.~~ 2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

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State	**Description**

5 CCR 1600-1651	Graduation of students from grade 12 and credit toward graduation
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 220	Prohibition of Discrimination
Ed. Code 47612	~~Enrollment~~Average daily attendance in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will
Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students~~,~~; enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49701	Provisions of the ~~interstate compact~~Interstate Compact on ~~educational opportunities~~Educational Opportunities for ~~military children~~Military Children
Ed. Code 51224	Skills and knowledge required for adult life
Ed. Code 51224.5	Algebra in course of study for grades 7-12
~~Ed. Code 51225~~	~~2020-21 exemption from graduation requirements~~
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Exemption for students with disabilities
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange and terminally ill students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51226.7	Model Curriculum in Ethnic Studies
Ed. Code 51228	~~Graduation requirements~~Course of Study; offerings and timely opportunity
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas

Ed. Code 51440	~~Retroactive high school diplomas~~Credit and granting of diploma to veterans and members of the military service
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51745-51749.6	Independent study
Ed. Code 56390-56392	Recognition for educational achievement~~,~~; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard

Management Resources	**Description**
Court Decision	O'Connell v. Superior Court (Valenzuela~~),~~) (2006) 141 Cal.App.4th 1452
Website	California Department of Education, High School
Website	University of California, List of Approved ~~a-g~~A-G Courses
Website	CSBA

Cross References

Code	**Description**
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
4112.2	Certification
4112.2	Certification
5113.2	Work Permits
5113.2	Work Permits
5126	Awards For Achievement
5126	Awards For Achievement
5127	Graduation Ceremonies And Activities
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
5145.6-E PDF(1)	Parental Notifications
5147	Dropout Prevention
6000	Concepts And Roles

6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.6	Visual And Performing Arts Education
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.6	International Exchange
6145.6	International Exchange
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit

6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6155	Challenging Courses By Examination
6155	Challenging Courses By Examination
6158	Independent Study
6158	Independent Study
6159	Individualized Education Program
6159	Individualized Education Program
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials
6162.5	Student Assessment
6172.1	Concurrent Enrollment In College Classes
6172.1	Concurrent Enrollment In College Classes
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E PDF(1)	Education For Homeless Children
6173-E PDF(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178	Career Technical Education

6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6179	Supplemental Instruction
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
6184	Continuation Education
6200	Adult Education
6200	Adult Education
9000	Role Of The Board

Regulation 6146.1: High School Graduation Requirements

Status: ADOPTED

Original Adopted Date: 11/01/2004 | **Last Revised Date:** 09/01/~~2021~~2022 | **Last Reviewed Date:** 09/01/~~2021~~2022

~~CSBA NOTE: The following administrative regulation is optional and should be modified to reflect district practice.~~

~~**Notifications**~~

~~CSBA NOTE: Districts are encouraged to provide notice to students, parents/guardians, and the public regarding the exemptions from graduation requirements and credit recovery opportunities pursuant to Education Code 51225, as added by AB 104 (Ch. 41, Statutes of 2021); see the accompanying Board policy.~~

~~Requirements for graduation, specified alternative means for completing the prescribed course of study, and information about the availability of exemptions from local graduation requirements and/or credit recovery options available pursuant to Education Code 51225 shall be made available to students, parents/guardians, and the public.~~

~~Within 30 days of the transfer into a school by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, the Superintendent or designee shall notify any eligible student of the availability of the exemption from local graduation requirements under Education Code 51225.1 and whether the student qualifies for it. (Education Code 51225.1)~~

~~CSBA NOTE: The following optional paragraph is for use by any district that has elected to allow students to complete a career technical education course as an alternative to the visual or performing arts or foreign language course requirement for high school graduation pursuant to Education Code 51225.3; see accompanying Board policy.~~

~~In the annual notification sent to parents/guardians pursuant to Education Code 48980, the Superintendent or designee shall include the following: (Education Code 48980)~~

1. ~~Information about district high school graduation requirements and how each requirement satisfies or does not satisfy the subject matter requirements for admission to the California State University and the University of California~~
2. ~~A complete list of career technical education courses offered by the district that satisfy the subject matter requirements for admission to the California State University and the University of California, and which of the specific college admission requirements these courses satisfy~~

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~~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 1600-1651~~	~~Graduation of students from grade 12 and credit toward graduation~~

5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 47612	Enrollment in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will
Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students, enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49701	Provisions of the interstate compact on educational opportunities for military children
Ed. Code 51224	Skills and knowledge required for adult life
Ed. Code 51224.5	Algebra in course of study for grades 7-12
Ed. Code 51225	2020-21 exemption from graduation requirements
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51228	Graduation requirements
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas
Ed. Code 51440	Retroactive high school diplomas
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51745	Independent study
Ed. Code 56390-56392	Recognition for educational achievement, special education
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard
Management Resources	**Description**

Court Decision	O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452
Website	California Department of Education, High School
Website	University of California, List of Approved a-g Courses
Website	CSBA

Cross References

Code	Description
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
4112.2	Certification
4112.2	Certification
5113.2	Work Permits
5113.2	Work Permits
5126	Awards For Achievement
5126	Awards For Achievement
5127	Graduation Ceremonies And Activities
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
5145.6-E PDF(1)	Parental Notifications
5147	Dropout Prevention
6000	Concepts And Roles
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.2	World Language Instruction
6142.2	World Language Instruction
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes

~~6142.6~~	~~Visual And Performing Arts Education~~
~~6142.7~~	~~Physical Education And Activity~~
~~6142.7~~	~~Physical Education And Activity~~
~~6142.8~~	~~Comprehensive Health Education~~
~~6142.8~~	~~Comprehensive Health Education~~
~~6142.91~~	~~Reading/Language Arts Instruction~~
~~6142.92~~	~~Mathematics Instruction~~
~~6142.93~~	~~Science Instruction~~
~~6142.94~~	~~History-Social Science Instruction~~
~~6143~~	~~Courses Of Study~~
~~6143~~	~~Courses Of Study~~
~~6145~~	~~Extracurricular And Cocurricular Activities~~
~~6145~~	~~Extracurricular And Cocurricular Activities~~
~~6145.2~~	~~Athletic Competition~~
~~6145.2~~	~~Athletic Competition~~
~~6145.6~~	~~International Exchange~~
~~6145.6~~	~~International Exchange~~
~~6146.11~~	~~Alternative Credits Toward Graduation~~
~~6146.11~~	~~Alternative Credits Toward Graduation~~
~~6146.2~~	~~Certificate Of Proficiency/High School Equivalency~~
~~6146.2~~	~~Certificate Of Proficiency/High School Equivalency~~
~~6146.2-E(1)~~	~~Certificate Of Proficiency/High School Equivalency~~
~~6146.2-E PDF(1)~~	~~Certificate Of Proficiency/High School Equivalency~~
~~6146.3~~	~~Reciprocity Of Academic Credit~~
~~6146.3~~	~~Reciprocity Of Academic Credit~~
~~6146.4~~	~~Differential Graduation And Competency Standards For Students With Disabilities~~
~~6151~~	~~Class Size~~
~~6152.1~~	~~Placement In Mathematics Courses~~
~~6152.1~~	~~Placement In Mathematics Courses~~
~~6155~~	~~Challenging Courses By Examination~~
~~6155~~	~~Challenging Courses By Examination~~
~~6158~~	~~Independent Study~~
~~6158~~	~~Independent Study~~
~~6159~~	~~Individualized Education Program~~

~~6159~~	~~Individualized Education Program~~
~~6159.2~~	~~Nonpublic, Nonsectarian School And Agency Services For Special Education~~
~~6159.2~~	~~Nonpublic, Nonsectarian School And Agency Services For Special Education~~
~~6161.1~~	~~Selection And Evaluation Of Instructional Materials~~
~~6161.1~~	~~Selection And Evaluation Of Instructional Materials~~
~~6161.1-E(1)~~	~~Selection And Evaluation Of Instructional Materials~~
~~6161.1-E PDF(1)~~	~~Selection And Evaluation Of Instructional Materials~~
~~6162.5~~	~~Student Assessment~~
~~6172.1~~	~~Concurrent Enrollment In College Classes~~
~~6172.1~~	~~Concurrent Enrollment In College Classes~~
~~6173~~	~~Education For Homeless Children~~
~~6173~~	~~Education For Homeless Children~~
~~6173-E PDF(1)~~	~~Education For Homeless Children~~
~~6173-E PDF(2)~~	~~Education For Homeless Children~~
~~6173.1~~	~~Education For Foster Youth~~
~~6173.1~~	~~Education For Foster Youth~~
~~6173.2~~	~~Education Of Children Of Military Families~~
~~6173.2~~	~~Education Of Children Of Military Families~~
~~6173.3~~	~~Education For Juvenile Court School Students~~
~~6175~~	~~Migrant Education Program~~
~~6175~~	~~Migrant Education Program~~
~~6176~~	~~Weekend/Saturday Classes~~
~~6177~~	~~Summer Learning Programs~~
~~6178~~	~~Career Technical Education~~
~~6178~~	~~Career Technical Education~~
~~6178.1~~	~~Work-Based Learning~~
~~6178.1~~	~~Work-Based Learning~~
~~6178.2~~	~~Regional Occupational Center/Program~~
~~6179~~	~~Supplemental Instruction~~
~~6181~~	~~Alternative Schools/Programs Of Choice~~
~~6181~~	~~Alternative Schools/Programs Of Choice~~
~~6184~~	~~Continuation Education~~
~~6184~~	~~Continuation Education~~
~~6200~~	~~Adult Education~~

~~6200~~ ~~Adult Education~~

~~9000~~ ~~Role Of The Board~~

Policy 6158: Independent Study **Status:** ADOPTED

Original Adopted Date: 03/01/2005 | **Last Revised Date:** ~~1209~~/01/~~2021~~2022 | **Last Reviewed Date:** ~~1209~~/01/~~2021~~2022

CSBA NOTE: Education Code ~~51745~~51744-51749.6 authorize districts to establish independent study programs to meet the educational needs of students. ~~Pursuant to Education Code 51745, as amended by AB 130 (Ch. 44, Statutes of 2021), for the 2021-22 school year, all districts are required to offer independent study to meet the educational needs of students.~~

~~AB 167 (Ch. 252, Statutes of 2021) amended various Education Code provisions related to independent study, as reflected throughout this policy and the accompanying administrative regulation. Education Code 51747, as amended by AB 167, authorizes a district to receive apportionment credit for independent study for any student who is unable to attend in-person instruction due to a quarantine, under a local or state public health guidance, for exposure to or infection with COVID-19 or due to a school closure for COVID-19, pursuant to Education Code 41422.~~

~~Education Code 51747, as amended by AB 130, mandates that the Governing Board adopt a policy with specified requirements as a condition of receiving state apportionments for independent study students. In addition to meeting the requirements specified by Education Code 51747, board policies must comply with rules and regulations adopted by the Superintendent of Public Instruction (SPI). Boards are encouraged to review independent study policies as the SPI adopts revised rules to reflect the new requirements of AB 130.~~

~~Education Code 51749.5 mandates that the Board adopt policy with specified components as a condition of offering a program of course-based independent study. The mandated components are reflected throughout this policy and the accompanying administrative regulation.~~

~~Commencing with the 2021-22 fiscal year Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, the State Controller is required to incorporate verification of the adoption of the policies and other requirements, including loss of apportionment for independent study pursuant to Education Code 51747 and 51749.5 for districts found to be noncompliant.~~

~~When developing policy on independent study, 5 CCR 11701 requires the Board to consider, in a public hearing, (1) the scope of its existing or prospective use of independent study as an instructional strategy, (2) its purposes in authorizing independent study, and (3) factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult students.~~

Education Code 51747 and 51749.5 mandate the Governing Board to adopt a policy with specified components as a condition of receiving state apportionments for traditional and course-based independent study, and to implement the policy in accordance with the rules and regulations adopted by the Superintendent of Public Instruction. The mandated components for traditional independent study and course-based independent study are reflected throughout this policy and the accompanying administrative regulation.

Education Code 51744, as added by AB 181 (Ch. 52, Statutes of 2022), encourages districts, when adopting policy, to consider offering more than one independent study model for short- and long-term placements in accordance with Education Code 51747, 51747.5 and 51749.6.

In the event of a school closure necessitated by an emergency condition pursuant to Education Code 46392, districts must develop a plan for offering independent study to affected students pursuant to Education Code 46393~~, as added by AB 130 and amended by AB 167.~~. See BP 3516.5 - Emergency Schedules.

Independent study may be offered as a program within a school, as a charter school, or as an alternative school of choice pursuant to Education Code 58500-58512; see AR 0420.4 - Charter School Authorization, BP 6146.11 - Alternative Credits Toward Graduation and BP/AR 6181 - Alternative Schools/Programs of Choice.

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered for short- or long-term placements, on a full-time or part-time basis, and/or in conjunction with part- or full-time classroom study.

CSBA NOTE: 5 CCR 11701 requires the Board to hold a public hearing when setting policy regarding the maximum length of time that may elapse between the time an independent study assignment is made and the date by which the student must complete it, and the level of satisfactory educational progress and the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the student's best interests to remain in independent study. See "General Independent Study Requirements" below for more information regarding these requirements.

The Board shall hold a public hearing when considering the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult education students. (Education Code 51747; 5 CCR 11701)

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

~~CSBA NOTE: Education Code 51747, as amended by AB 167, relaxes certain independent study requirements for the 2021-22 school year as to students who are unable to participate in classroom-based instruction due to a quarantine order or school closure due to COVID-19, including the requirement that participation in independent study be voluntary.~~

~~The California Department of Education (CDE), in its 2021-22 AA & IT Independent Study FAQs, interpreted Education Code 51747 as permitting a district to require a student to participate in independent study under circumstances specified in the following paragraph.~~

~~Except for students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to quarantine or school closure for exposure to or infection with COVID-19, student~~Student participation in independent study shall be voluntary~~.~~ and no student shall be required to participate. (Education Code 51747, 51749.5, 51749.6)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

CSBA NOTE: Pursuant to Education Code 46300, ~~as amended by AB 130,~~ the attendance of students participating in independent study for only three or more consecutive school days will be included in computing average daily attendance ~~(ADA)~~ for apportionment purposes.

~~However, for the 2021-22 school year, districts are permitted pursuant to Education Code 51747, as amended by AB 167, to claim apportionment for fewer than three consecutive school days for students who cannot participate in classroom-based instruction due to a quarantine order or school closure due to COVID-19.~~

~~With the exception of students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to a quarantine or school closure for exposure to or infection with COVID-19, the~~ The minimum period of time for any independent study option shall be three consecutive school days. (Education Code ~~51747~~46300)

General Independent Study Requirements

~~CSBA NOTE: Education Code 51745, as amended by AB 130, requires districts to offer independent study for the 2021-22 school year only, and thereafter to offer independent study at their discretion. Districts may meet the requirement for the 2021-22 school year by contracting with a county office of education or by entering into an interdistrict transfer agreement with another district pursuant to Education Code 46600. In addition, the requirement to offer independent study for the 2021-22 school year may be waived for districts by the county superintendent of schools in the county in which the district is located if the district demonstrates that (1) offering independent study would create an unreasonable fiscal burden on the district or county office of education due to low numbers of students participating or other extenuating circumstances; and (2) the Board does not have the option to enter into an interdistrict transfer agreement with another district or to contract with a county office of education to provide an independent study option.~~

~~For single-district counties, the waiver must be granted by the SPI.~~

~~For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has obtained a waiver. (Education Code 51745)~~

~~For the 2022-23 school year and thereafter, the~~The Superintendent or designee may offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for ~~independent study~~participation and is likely to succeed ~~in independent study~~ as well as or better than the student would in the regular classroom setting.

CSBA NOTE: Pursuant to Education Code 46100, the Board is required to fix the length of the school day for each grade level, in accordance with law. ~~CDE~~The California Department of Education, in its "Frequently Asked Questions," clarifies that independent study is not an alternative curriculum and that students in independent study are required to meet the same number of instructional minutes as their peers who are physically at the school site for their instruction.

The minimum instructional minutes ~~for~~shall be the same for all students at each school including students participating in independent study ~~shall be the same as required for their peers at the school who are receiving in-person instruction~~, except as otherwise permitted by law. (Education Code 46100)

CSBA NOTE: Education Code 51747 mandates ~~that~~ the Board~~, in a public hearing,~~ to adopt ~~a~~ policy on the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment. 5 CCR 11700 defines "type of program" as the statutory program category for purposes of attendance accounting, such as adult education or continuation high school. In addition, 5 CCR 11701 mandates that Board policy reflect an awareness that excessive leniency in the duration of independent study assignments can result in a student falling so far behind peers as to increase, rather than decrease, the risk of dropping out of school.

The following paragraph sets one week for all grade levels and types of programs as the maximum length of time an independent study assignment should be completed, and should be revised to reflect the length of time determined by the Board. In order to ensure that apportionment credits are received, the length of time determined by the Board in its policy should be reflected in the student's written agreement. See the section "Master Agreement" below.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of ~~program~~programs. When necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due. However, in no event shall the due date of an assignment be extended beyond the termination date ~~of the~~specified in the student's written agreement.

CSBA NOTE: Education Code 51747 mandates ~~that~~ the Board, ~~in a public hearing,~~to adopt ~~a~~ policy which specifies the level of satisfactory educational progress and the number of missed assignments allowed before an evaluation ~~would be required~~is conducted to determine whether it is in a student's best interest to remain in independent study. The following paragraph specifies a maximum of three assignments and should be revised to reflect the Board's determination of the number of missed assignments that will trigger an evaluation.

The number of missed assignments that will trigger an evaluation must be included in the student's written agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

~~1.~~ 1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060

~~2.~~ 2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments

~~3.~~ 3. Learning of required concepts, as determined by the supervising teacher

~~4.~~ 4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

CSBA NOTE: Education Code 51747, as amended by AB ~~130~~181, mandates the Board to adopt policy that includes the provision of content aligned to grade level standards that is ~~provided at a level of quality and intellectual challenge~~ substantially equivalent to in-person instruction. For high schools, this requirement includes access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. See BP/AR 6143 - Courses of Study.

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California (UC) or the California State University (CSU) as creditable under the A-G admissions criteria. (Education Code 51747)

CSBA NOTE: Education Code 51747~~, as amended by AB 130,~~ mandates the Board to adopt policy that includes plans, by grade level, to provide students with specified levels of live interaction and/or synchronous instruction as described in Items #1-3 below and defined in the accompanying administrative regulation. This requirement ~~only applies~~does not apply to students participating in an independent study program for fewer than 15 school days, or ~~more.~~

~~According~~, pursuant to ~~CDE's "2021-22 AA & IT Independent Study FAQs," synchronous instruction for traditional~~Education Code 51747, as amended by AB 181, students enrolled in a comprehensive school for classroom-based instruction who participate in independent study ~~only counts toward meeting~~due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

Pursuant to Education Code 51747.5, as amended by AB 181, the ~~minimum day requirements if students produce a work product that is evaluated for~~ district may claim apportionment credit for independent study only to the extent of the time value ~~as an outcome from their~~of student work products as personally judged by a certificated employee of the district, or the combined time value of student work products and participation in synchronous instruction, as long as the synchronous ~~instruction.~~instructional offering augments the time value of the student work product and evidence of student participation is furnished and maintained. Evidence of student participation may include, but is not limited to, student work produced or performed as verified by a certificated employee and maintained by the district for each hour or fraction of an hour of the synchronous instructional offering.

The Superintendent or designee shall ensure that all students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

~~1.~~ 1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction

~~2.~~ 2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction

~~3.~~ 3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

CSBA NOTE: Education Code 51747, as amended by AB ~~130 and AB 167~~181, mandates the Board to adopt policy that includes procedures for tiered reengagement strategies for students who meet the conditions specified in ~~the following paragraph.~~Items #1-3 below. This requirement ~~only applies~~does not apply to students participating in an independent study program for fewer than 15 school days, or ~~more~~students who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an independent study program for 15 school days or more who~~:~~ are: (Education Code 51747)

~~1.~~ ~~Are not~~1. Not generating attendance for more than ~~three school days or 60 percent of the instructional days in a school week, or~~ ~~10~~ten percent of required minimum instructional time over four continuous weeks of the district's approved instructional calendar

~~2.~~ ~~Are found to be not participatory~~2. Not participating in synchronous instructional offerings pursuant to ~~Section~~Education Code 51747.5 for more than ~~the greater of three schooldays or 60~~50 percent of the scheduled ~~days~~times of synchronous instruction in a school month as applicable by grade span

~~3.~~ ~~Are in~~3. In violation of their written agreement

CSBA NOTE: Education Code 51747, as amended by AB 181, requires that the district's tiered reengagement strategies procedures include local programs intended to address chronic absenteeism, as applicable.

Tiered reengagement strategies procedures used in district independent study programs shall include~~,~~ local programs intended to address chronic absenteeism, as applicable, including but ~~are~~ not ~~necessarily~~ limited to~~, all of~~ the following: (Education Code 51747)

~~1.~~ 1. Verification of current contact information for each enrolled student

~~2.~~ 2. Notification to parents/guardians of lack of participation within one school day of the recording of a ~~non-attendance~~nonattendance day or lack of participation

~~3.~~ 3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary

CSBA NOTE: Education Code 51747 requires districts to hold a student-parent-educator conference as defined by Education Code 51745.5, at specified times, as reflected below and in the accompanying administrative regulation.

~~4.~~ 4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

CSBA NOTE: Education Code 51747, ~~as amended by AB 130,~~ mandates the Board to adopt policy that includes a plan to expeditiously, and not longer than five instructional days, transition students whose families wish to return to in-person instruction from independent study. This requirement ~~only applies~~does not apply to students participating in an independent study program for fewer than 15 school days. Pursuant to Education Code 51747, as amended by AB 181, the requirement is also not applicable to students who participate in independent study due to necessary medical treatments or ~~more~~inpatient treatment for mental health care or substance abuse, as described below.

The Superintendent or designee shall, for students who participate in an independent study program for 15 school days of more, develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later, than five instructional days. ~~This requirement only applies to students participating in an independent study program for 15 school days or more.~~ (Education Code 51747)

CSBA NOTE: Pursuant to Education Code 51747, as amended by AB 181, the live interaction and/ or synchronous learning requirements, tiered reengagement strategies, and transition plan obligations do not apply to students enrolled in a comprehensive school for classroom-based instruction who, under the care of an appropriate licensed professional(s), participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, provided the district obtains evidence of the need as specified in Education Code 51747.

When any student enrolled in classroom-based instruction is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, the student shall be exempt from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements specified above. In such cases, evidence from appropriately licensed professionals, of the student's need to participate in independent study, shall be submitted to the Superintendent or designee. **(Education Code 51747)**

CSBA NOTE: Education Code 51747, ~~as amended by AB 130,~~ mandates the Board to adopt policy providing that a current written agreement (i.e., the "master agreement") will be maintained for each student who participates in independent study and for whom apportionment is claimed. Education Code 51747 provides that no independent study agreement can be valid for longer than one school year. ~~For the 2021-22 school year only,~~ Pursuant to Education Code 51747, as amended by AB ~~167,~~ ~~requires~~181, the district is required to obtain a signed written agreement for an independent study program of ~~any length of time no later than 30~~ 15 school days ~~after~~or more before the ~~first day~~beginning of ~~instruction in~~independent study, and for an independent ~~study~~ program ~~or October 15, whichever date comes later.~~of less than 15 school days, within ten school days of the beginning of the first day of the student's enrollment.

In addition, Education Code 51749.5 mandates the Board to adopt policy providing that a "learning agreement" be maintained for each student participating in course-based independent study.

See the section "Master Agreement" below for required content of these agreements.

The Superintendent or designee shall ensure that a written ~~master~~ agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

~~CSBA NOTE: For the 2021-22 school year only, the district must provide notice with specified components of the independent study option available through Education Code 51747. Education Code 51747, as amended by AB 130, requires that the written information, in addition to being written in~~

~~English, be written in the primary language if 15 percent or more of the students enrolled in a district that provides instruction in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to CDE.~~CSBA NOTE: Education Code 51747 requires districts to hold a student-parent-educator conference upon the request of a parent/guardian prior to enrollment or disenrollment in independent study. The term student-parent-educator conference is defined in Education 51745.5, and reflected in the accompanying administrative regulation.

~~The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study.~~

~~CSBA NOTE: Education Code 51747, as amended by AB 130, requires districts to hold a student-parent-educator conference upon the request of a parent/guardian prior to enrollment or disenrollment in independent study. The term student-parent-educator conference is defined in Education 51745.5, and as reflected in the accompanying regulation.~~

Upon the request of the parent/guardian of a student, and before signing a written agreement as described below in the section "Master Agreement," the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested~~, their~~ by the parent/guardian an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

CSBA NOTE: Education Code 51747 mandates that, in order to receive apportionments for independent study, the district must adopt and implement policy providing for a signed written independent study agreement which contains the components listed in the following section. Because apportionments are only provided for independent study of three or more consecutive school days pursuant to Education Code 46300, ~~as amended by AB 130,~~ written agreements are required only in such instances.

Education Code 46300.7 states that apportionments shall be received for a student in independent study only if the district receives written permission from the parent/guardian before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. ~~Since all these components are included in the written agreement which the parent/guardian must sign before the commencement of independent study pursuant to Education Code 51747, the parent/guardian's signature on the agreement satisfies the requirement to obtain the parent/guardian's written permission.~~

~~For the 2021-22 school year however, the district must obtain a signed written agreement for independent study, of any length of time, no later than 30 days after the first day of instruction in independent study or October 15, whichever date comes later, pursuant to Education Code 51747, as amended by AB 167. This requirement is also applicable to independent study for a student who is unable to attend classroom-based instruction due to quarantine or school closure for COVID-19.~~However, pursuant to Education Code 51747, as amended by AB 181, for independent study programs of less than 15 school days the written agreement may be signed within ten school days of the

student's enrollment in independent study. As Education Code 46300.7 and 51747 are inconsistent as to when written agreements need to be signed for programs of less than 15 school days, districts are encouraged to consult CSBA District and County Office of Education Legal Services, or the district's legal counsel.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747~~; 5 CCR 11703~~)

~~However,~~)

For student participation for ~~the 2021-22~~15 school ~~year only, the district shall obtain~~days or more, a signed written agreement ~~from each~~shall be obtained before the student ~~participating in an~~begins independent study ~~program for any length.~~ For student participation of ~~time, no later~~less than ~~30 days after~~ 15 school days, a signed written agreement shall be obtained within ten school days of the first day of ~~instruction in the independent study program.~~the student's enrollment. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but ~~are~~is not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

~~1.~~ 1. The manner, time, frequency, ~~time,~~and place ~~and manner~~ for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress

~~2.~~ 2. The objectives and methods of study for the student's work and the methods used to evaluate that work

~~3.~~ 3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

CSBA NOTE: As described in the section "General Independent Study Requirements" above, pursuant to Education Code 51747, the written agreement must contain statements reflecting Board policy pertaining to (1) the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment and (2) the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. Education Code 51747~~, as amended by AB 130,~~ also requires that the written agreement contain a statement of the Board's policy regarding the level of satisfactory educational progress for students participating in independent study.

~~4.~~ 4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study

~~5.~~ 5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year

~~6.~~ 6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion

7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.

~~CSBA NOTE: Pursuant to Education Code 51747, as amended by AB 167, a master agreement is not required to include the following statement for any student who, during the 2021-22 school year, cannot participate in classroom-based instruction due to a quarantine order or school closure due to COVID-19.~~

~~7.~~ 8. A statement that independent study is an optional educational alternative in which no student may be required to participate

~~For the 2021-22 school year, this statement shall not be required for a student's participation in independent study if the student is unable to attend in-person instruction because of a quarantine or school closure mandated by a local or state health order or guidance due to the student's exposure to or infection with COVID-19.~~

~~8.~~ 9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

CSBA NOTE: Pursuant to Education Code 51747, as amended by AB 181, the date upon which a written agreement needs to be signed will vary depending on the projected length of independent study, as specified below. In addition, for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student is required to sign the written agreement.

~~9.~~ 10. Before the commencement of independent study projected to last for 15 school days or more, or within ten school days of the first day of enrollment for independent study for less than 15 school days, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under ~~age~~ 18 years of age, the certificated employee responsible for the general supervision of independent study, and ~~all persons who have direct responsibility for providing assistance to the student.~~

~~However, for the 2021-22 school year~~for students with disabilities, the ~~district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been~~certificated employee designated as having responsibility for the ~~general supervision of independent study, and all persons who have direct responsibility for providing assistance to the~~

~~student, no later than 30 days after the first day of instruction in the independent study program or October 15, whichever date comes later.~~special education programming of the student

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

~~CSBA NOTE: This section is for districts that provide independent study courses to its students. Education Code 51749.5-51749.6, as amended by AB 130, establish a course-based independent study option that may be offered if certain requirements are met, as described below. Education Code 51749.5 mandates that boards adopt policies that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education.~~

~~The following paragraph may be revised to reflect the grade levels offered by the district.~~

CSBA NOTE: This section is for districts that provide independent study courses to its students. Education Code 51749.5-51749.6 establish a course-based independent study option that may be offered if certain requirements are met, as described below. Education Code 51749.5 mandates that boards adopt policies that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education.

The following paragraph may be revised to reflect the grade levels offered by the district.

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

~~1.~~ 1. A signed learning agreement shall be completed and on file for each participating student, pursuant to Education Code 51749.6

~~2.~~ 2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction~~.~~

~~3.~~ 3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the district for graduation and approved by ~~the University of California or the California State University~~UC or CSU as creditable under the A-G admissions criteria. **The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses.** The certification shall also include plans to provide opportunities throughout the school year, for all students in transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly

synchronous instruction.

~~4.~~ 4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3~~.~~

5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program~~,~~ as indicated by ~~their~~the student's performance on applicable student-level measures of student achievement and ~~student~~ engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

~~5.~~

If satisfactory educational progress in ~~an~~one or more independent study ~~class~~courses is not being made, the teacher providing instruction shall notify the student and, if the student is under 18 years of age, the student's parent/guardian. **The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program.** ~~age 18 years, the student's parent/guardian.~~A written record of the evaluation findings shall be treated as a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, ~~notification to parents/guardians of lack of participation within one school day of the absence or lack of participation,~~ a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

~~6.~~ 6. Examinations shall be administered by a proctor~~.~~

~~7.~~ 7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.

~~8.~~ 8. A student shall not be required to enroll in courses included in the course-based independent study program~~.~~

~~9.~~ 9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6~~.~~

~~10.~~ 10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208~~.~~

~~11.~~ 11. Courses required for high school graduation or for admission to ~~the University of California~~UC or ~~California State University~~CSU shall not be offered exclusively through independent study~~.~~

~~12.~~ 12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011~~.~~

~~13.~~ 13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course~~.~~

CSBA NOTE: Pursuant to Education Code 51749.5, as amended by AB 181, a student with disabilities may participate in a course-based independent study program if the student's individualized education program specifically provides for such participation.

~~14.~~ 14. A student with disabilities, as defined in Education Code 56026, ~~shall not~~may participate in course-based independent study~~, unless~~ if the student's individualized education program specifically provides for that participation~~.~~

~~15.~~ 15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study~~.~~

~~16.~~ 16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days~~.~~

Learning Agreement for Course-Based Independent Study

~~CSBA NOTE: Education Code 51749.6, as amended by AB 130, requires that, before enrolling a student in course-based independent study, the district provide the student and, if the student is less than 18 years of age, the student's parent/guardian, with a written learning agreement that includes specified components.~~

Before enrolling a student in a course within ~~this~~a course-based independent study program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

~~1.~~ 1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5

~~2.~~ 2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to ~~item~~Item #3 of the Course-Based Independent Study section above

~~3.~~ 3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years

~~4.~~ 4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program

~~5.~~ 5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

~~6.~~ 6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports~~.~~

~~7.~~ 7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a ~~student who is~~ suspended or expelled~~, or~~ student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, ~~the agreement also shall include the~~a statement that instruction may be provided ~~to the student~~ through course-based independent study only if the student is offered the alternative of classroom instruction.

~~8.~~ 8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress~~.~~

~~9.~~ 9. The objectives and methods of study for the student's work, and the methods used to evaluate that work~~.~~

~~10.~~ 10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study~~.~~

~~11.~~ 11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.

~~For 2022-23 school year and thereafter, before~~CSBA NOTE: Pursuant to Education Code 51749.6, as amended by AB 181, the date upon which a learning agreement needs to be signed will vary depending on the projected length of an independent study course, as specified below. In addition, for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student is required to sign the learning agreement.

~~12.~~ 12. Before the commencement of an independent study course projected to last for 15 school days or more, or within ten school days of the first day of enrollment for an independent study course projected to last less than 15 school days, the learning agreement shall be signed and dated by the student, and by the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee ~~who has been designated as having responsibility~~responsible for the general supervision of the independent study course, and ~~all persons who have direct responsibility~~as applicable for ~~providing assistance to~~students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

~~For the 2021-22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.~~

~~Written~~Learning agreements may be signed using an electronic signature that complies with state and federal standards, as determined by ~~the~~ CDE. (Education Code 51749.6)

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. ~~(Education Code 51749.6)~~

~~The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes.~~ (Education Code 51749.6)

Upon the request of a student's parent/guardian, and before signing a ~~written~~learning agreement as described above, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference, or other meeting during which the student, parent/guardian, ~~or their~~and, if requested by the parent/guardian, an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51749.6)

Student-Parent-Educator Conferences

CSBA NOTE: Education Code 51747 and 51749.5~~, as amended by AB 130,~~ require districts to hold student-parent-educator conferences as defined by Education Code 51745.5, at specified times. See the accompanying administrative regulation for the definition of student-parent-educator conference.

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or, if requested by a parent/guardian, prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records

CSBA NOTE: Pursuant to Education Code 51745.6, 51747, 51747.5, and 51749.5, ~~as amended by AB 130, require, commencing in the 2021-22 fiscal year, the State Controller to incorporate verifications of compliance with specified components of the laws into the~~ the Education Audit Appeals Panel's, "Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting," includes verification of compliance with specified components of law related to ~~the extent that these verifications are not yet included in the audit guide~~independent study, with loss of apportionment for independent study for districts found to be noncompliant.

The Superintendent or designee shall ensure that records are maintained for audit purposes.

These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

~~1.~~ 1. A copy of the Board policy, administrative regulation, and other procedures related to independent study

~~2.~~ 2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education

~~3.~~ 3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher

~~4.~~ 4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

~~5.~~ 5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)

~~6.~~ 6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

CSBA NOTE: Education Code 51747.5~~, as amended by AB 130,~~ requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which the student is provided independent study. ~~A~~Any student who does not participate in scheduled live interaction or synchronous instruction on a school day must be documented as nonparticipatory for that school day. In addition, Education Code 51747.5 requires districts to maintain written or computer-based evidence of student engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades. ~~Commencing in the 2021-22 fiscal year, the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting will incorporate compliance reviews of these requirements, and a finding of noncompliance will result in loss of apportionment in proportion to the impact on ADA from the noncompliance.~~

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee shall also maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

CSBA NOTE: Education Code 51747 ~~authorizes~~and 51749.6 authorize specified records to be maintained in an electronic file, as provided in the following paragraph. Pursuant to Education Code 51747 and 51749.6, an electronic file includes a computer or electronically stored image of an original document, including, but not limited to, a PDF, JPEG, or other digital file type, that may be sent via fax machine, email, or other electronic means.

~~The signed, dated agreement, any~~
Signed written and supplemental ~~agreement~~agreements, assignment records, work samples, and attendance records may be maintained ~~on~~as an electronic file ~~electronically.~~ ~~(~~in accordance with Education Code 51747~~)~~ and 51749.6, as applicable.

Program Evaluation

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

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

Policy Reference UPDATE Service
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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 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	~~Apportionment credit for student inability to attend in-person or school closure due to COVID-19~~Emergency conditions and apportionments
~~Ed. Code 41976.2~~	~~Independent study programs; adult education funding~~
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for ~~home~~independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools operations~~,~~; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation
Ed. Code ~~51745~~51744-51749.6	Independent study
Ed. Code 52060	Local Control and Accountability Plan
~~Ed. Code 52522~~	~~Adult education alternative instructional delivery~~

Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal	**Description**
20 USC 6301	Highly qualified teachers
20 USC 6311	State plan

Management Resources	**Description**
California Department of Education Publication	Legal Requirements for Independent Study~~, 2021~~
California Department of Education Publication	Conducting Individualized Determinations of Need~~, 2021~~
~~California Department of Education Publication~~	~~Clarifications for Student Learning in Quarantine, 2021~~
California Department of Education Publication	2021-22 AA & IT Independent Study FAQs~~, 2021~~
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, ~~April~~May 2021
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel~~,~~ (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	California Consortium for Independent Study
Website	California Department of Education, Independent Study
Website	Education Audit Appeals Panel

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0470	COVID-19 Mitigation Plan
0500	Accountability
3260	Fees And Charges
3260	Fees And Charges
3516.5	Emergency Schedules

3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4131	Staff Development
5111.1	District Residency
5111.1	District Residency
5112.3	Student Leave Of Absence
5112.3	Student Leave Of Absence
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6000	Concepts And Roles
6011	Academic Standards
6111	School Calendar
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes

6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School
6200	Adult Education
6200	Adult Education

Regulation 6158: Independent Study **Status:** ADOPTED

Original Adopted Date: 10/01/2015 | **Last Revised Date:** ~~12~~09/01/~~2021~~2022 | **Last Reviewed Date:** ~~12~~09/01/~~2021~~2022

Definitions

~~CSBA NOTE: Education Code 51745.5, as added by AB 130 (Ch. 44, Statutes of 2021), defines the terms "live interaction," "student-parent-educator conference," and "synchronous instruction" as provided below.~~

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in -person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in -person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by ~~the~~a teacher or teachers of record for that student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code 51745.5)

Educational Opportunities

CSBA NOTE: The following section is optional. Pursuant to Education Code 51745, as amended by AB ~~130,~~181 (Ch. 52, Statutes of 2022), ~~the district is required to offer~~list of educational opportunities that may be provided through independent study ~~to meet the educational needs of students for the 2021-22 school year unless the district obtains a waiver from such requirement.~~includes Items #1-5 below, and may be revised or expanded to reflect district practice.

~~For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver. (Education Code 51745)~~

~~CSBA NOTE: The following section is optional. Education Code 51745 lists educational opportunities that may be provided through independent study. The district may revise or expand items #1-6 below to reflect district practice.~~

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction

2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum

3. ~~Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum~~

4.3. Continuing and special study during travel

5.4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement

> ~~CSBA NOTE: Education Code 51745, as amended by AB 167, permits districts to provide independent study to students who cannot participate in classroom-based instruction due to a COVID-19 quarantine. See the accompanying board policy.~~

6.5. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a student who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

> CSBA NOTE: The following paragraph is for use by districts maintaining high schools.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and ~~local educational agency~~district-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

> CSBA NOTE: Pursuant to Education Code 51748, independent study students must be enrolled in school as a condition of receiving state apportionments.

To participate in independent study, a student shall be enrolled in a district school. (Education Code 51748)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

~~For the 2022-23 school year and thereafter, the~~The Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

CSBA NOTE: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries ~~(~~in accordance with Education Code 48204~~(b))~~ are not eligible for funds apportioned for average daily attendance (ADA).

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. ~~(Education Code 46300.2, 51747.3)~~

~~A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student's individualized education program specifically provides for such participation. (Education Code 51745~~ (Education Code 46300.2, 51747.3)

~~CSBA NOTE: Education Code 51747, as amended by AB 167, relaxes certain independent study requirements for the 2021-22 school year for students who cannot participate in classroom-based instruction as a result of a quarantine order or school closure due to COVID-19, including the limitation on providing a temporarily disabled student individual instruction pursuant to Education Code 48206.3 by means of independent study.~~

~~With the exception of students who, during the 2021-2022 school year, cannot participate in classroom-based instruction due to a COVID-19 quarantine or school closure, a~~

CSBA NOTE: Pursuant to Education Code 51745, as amended by AB 181, a student with disabilities may participate in independent study if the student's individualized education program specifically provides for such participation, as specified below.

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student's individualized education program (IEP) specifically provides for such participation. If a parent/guardian of a student with disabilities requests independent study because the student's health would be put at risk by in-person instruction, the student's IEP team shall make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement. A student's inability to work independently, need for adult support, or

need for special education or related services shall not preclude the IEP team from determining that the student can receive FAPE in an independent study placement. (Education Code 51745)

CSBA NOTE: The following paragraph is based on uncodified Section 110 of AB 181 and will remain in effect only until July 1, 2024.

In addition, any student with disabilities who receives services from a nonpublic, nonsectarian school through a virtual program may be permitted to participate in independent study if the student's IEP team determines that FAPE can be provided to the student by means of the virtual program and other conditions of law are satisfied.

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 ~~by means of~~through independent study. (Education Code ~~51747)~~51745)

CSBA NOTE: ~~Education Code 46300.1 provides that the district may not receive apportionments pursuant to Education Code 42238 for~~ The following paragraph limits enrollment in independent study ~~for~~to those students ~~age 21 or older, or for students 19 or older who have not been continuously enrolled in grades K-12 since their 18th birthday. However, pursuant~~for whom state apportionments can be claimed. Pursuant to Education Code ~~46300.4, these students may be~~ 51745, as amended by AB 181, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study ~~through~~, with the ~~adult education program for courses required for high school graduation. See BP/AR 6200 - Adult Education~~exception of students participating in independent study due to an emergency as described in Education Code 41422 and 46392. A pregnant student or a parenting student who is the primary caregiver for the student's child(ren) is not included in this cap.

~~Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study only through the adult education program for the purpose of enrolling in courses required for a high school diploma by Education Code 51225.3 or the Governing Board. (Education Code 46300.1, 46300.4)~~

~~CSBA NOTE: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study. A pregnant student or a parenting student who is the primary caregiver for the student's child(ren) is not included in this cap.~~

~~No~~Except for students participating in independent study due to an emergency as described in Education Code 41422 and 46392 and pregnant and parenting students who are the primary caregiver for their child(ren), no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program~~, not including pregnant students and parenting students who are primary caregivers for one or more of their children,~~ shall be enrolled in independent study. (Education Code 51745)

Monitoring Student Progress

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

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian

2. A meeting between the student and the teacher and/or counselor

3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate

4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether ~~or not~~ independent study is ~~appropriate for~~in the ~~student~~student's best interest. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program. (Education Code 51747, 51749.5; 5 CCR 11701)

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. ~~(Education Code 51747~~, and if the student transfers to another public school in California, the record shall be forwarded to that school. (Education Code 51747, 51749.5)

Responsibilities of Independent Study Administrator

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

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator

2. Approving or denying the participation of students requesting independent study

3. Facilitating the completion of written independent study agreements

4. Ensuring a smooth transition for students into and out of the independent study mode of instruction

5. Approving all credits earned through independent study

6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

CSBA NOTE: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA

would not be funded.

~~Pursuant to~~The Education ~~Code 51745.6, as amended by AB 130, the~~ Audit Appeals Panel's, "Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting ~~must incorporate,~~" includes verification ~~of applicable~~that the district calculated its independent study teacher-student ~~ratios commencing in the 2021-22 fiscal year~~ratio consistent with Education Code 51745.6. .

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

CSBA NOTE: The remainder of this section is optional and may be revised to reflect district practice.

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement

2. Supervising and approving coursework and assignments

3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due

4. Maintaining a daily or hourly attendance register in accordance with ~~item~~Item #4 in the section on "Records ~~for Audit Purpose~~" in the accompanying Board policy

5. Providing direct instruction and counsel as necessary for individual student success

6. Regularly meeting with the student to discuss the student's progress

CSBA NOTE: Pursuant to Education Code 51747.5, as amended by AB ~~167~~181, the district may ~~only~~ claim apportionment credit for independent study ~~based on~~only to the extent of the time value of student work products as personally judged ~~in each instance~~ by a certificated ~~teacher employed by~~ employee of the district~~.~~, or the combined time value of student work products and participation in synchronous instruction, as long as the synchronous instructional offering augments the time value of the student work product and evidence of student participation is furnished and maintained. Evidence of student participation may include, but is not limited to, student work produced or performed as verified by a certificated employee and maintained by the district for each hour or fraction of an hour of the synchronous instructional offering. Education Code 51747.5 specifies that the teacher is not required to sign and date the work products.

7. Determining the time value of assigned work or work products completed and submitted by the student

8. Assessing student work and assigning grades or other approved measures of achievement

CSBA NOTE: Education Code 51747.5~~, as amended by AB 130 and AB 167,~~ requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does

not participate in scheduled live interaction or synchronous instruction on a school day shall be documented as nonparticipatory for that school day, for purposes of student participation reporting and tiered reengagement pursuant to Education Code 51747.

9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

Policy Reference UPDATE Service
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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 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Apportionment credit for student inability to attend in-person or school closure due to COVID-19
Ed. Code 41976.2	Independent study programs; adult education funding
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for home teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools operations, general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted

Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation
Ed. Code 51745-51749.6	Independent study
Ed. Code 52060	Local Control and Accountability Plan
Ed. Code 52522	Adult education alternative instructional delivery
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal	**Description**
20 USC 6301	Highly qualified teachers
20 USC 6311	State plan

Management Resources	**Description**
California Department of Education Publication	Legal Requirements for Independent Study, 2021
California Department of Education Publication	Conducting Individualized Determinations of Need, 2021
California Department of Education Publication	Clarifications for Student Learning in Quarantine, 2021
California Department of Education Publication	2021-22 AA & IT Independent Study FAQs, 2021
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, April 2021
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	California Consortium for Independent Study
Website	California Department of Education, Independent Study
Website	Education Audit Appeals Panel

Cross References

Code	**Description**

0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0470	COVID-19 Mitigation Plan
0500	Accountability
3260	Fees And Charges
3260	Fees And Charges
3516.5	Emergency Schedules
3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4131	Staff Development
5111.1	District Residency
5111.1	District Residency
5112.3	Student Leave Of Absence
5112.3	Student Leave Of Absence
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5126	Awards For Achievement
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.31	Immunizations
5141.31	Immunizations
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process

5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
6000	Concepts And Roles
6011	Academic Standards
6111	School Calendar
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes
6143	Courses Of Study
6143	Courses Of Study
6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6185	Community Day School
6185	Community Day School
6200	Adult Education
6200	Adult Education

Policy 6164.2: Guidance/Counseling Services **Status:** ADOPTED

Original Adopted Date: 11/01/2007 | **Last Revised Date:** ~~03~~09/01/~~2016~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2016~~2022

CSBA NOTE: The following optional Board policy should be revised to reflect district practice. Education Code 49600 ~~authorizes~~, as amended b AB 2508 (Ch. 153, Statutes of 2022) urges districts to offer ~~a structured, coherent, and~~ students a comprehensive educational counseling program that is implemented ~~by credentialed school counselors.~~in a structured and coherent manner within a Multi-Tiered Systems of Support framework. Pursuant to Education Code 49600, ~~if the district chooses to offer an educational counseling program, that~~ as amended by AB 2508, specialized services offered under such a program must ~~include academic counseling, as defined, and may include other specified components.~~be provided by appropriately credentialed school counselors.

The Governing Board recognizes that a structured, coherent, and comprehensive counseling program promotes academic achievement and growth, and serves the diverse needs of ~~all~~ district students. The district shall provide an educational counseling program that offers students services and supports within a Multi-Tiered Systems of Support (MTSS) framework, in accordance with law. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning and well-being.

CSBA NOTE: Pursuant to Education Code 44266 and 5 CCR 80049-80049.1, persons authorized to provide services in school counseling, school psychology, or school social work must possess a ~~pupil personnel services~~Pupil Personnel Services credential, with the appropriate specialization, issued by the Commission on Teacher Credentialing.

The Superintendent or designee shall ensure that all persons employed to provide direct school counseling, school psychology, ~~and/or~~ school social work services to students, and/or implement equitable school programs and services that support students' academic and social emotional development and college and career readiness shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of ~~each position~~such positions shall be clearly defined in a job description.

CSBA NOTE: The following optional list may be revised to reflect district practice. Education Code 49600, as amended by ~~SB 451 (Ch. 539, Statutes of 2015),~~AB 2508, expresses the Legislature's intent that school counselors fulfill the following responsibilities.

Responsibilities of school counselors include, but are not limited to:

~~1. Engaging with, advocating for, and providing support for all students with respect to learning and achievement~~

1. Engaging with, advocating for, and providing all students with direct services, such as individual counseling, group counseling, risk assessment, crisis response, and instructional services, including mental health and behavioral, academic, and postsecondary educational services and indirect services, including but not limited to, positive school climate strategies, teacher and parent consultations, and referrals to public and private community services

~~2.~~ 2. Planning, implementing, and evaluating school counseling programs ~~to promote the academic, career, personal, and social development of all students, including students from low-income families, foster youth, homeless youth, undocumented youth, and students at all levels of~~

~~academic, social, and emotional abilities~~

~~3.~~ ~~Using~~3. Working within a MTSS that uses multiple data sources ~~of information~~ to monitor and improve student behavior, attendance, engagement, and achievement

~~4. Collaborating and coordinating with school and community resources~~

4. Developing, coordinating, and supervising comprehensive student support systems in collaboration with teachers, administrators, other pupil personnel services professionals, families, community partners, and community agencies, including county mental health agencies

~~5.~~ 5. Promoting and maintaining a safe learning environment for all students by providing restorative ~~justice~~ practices, positive behavior interventions, and support services , and by developing a variety of intervention strategies, and using those strategies, to meet individual, group, and school community needs before, during, and after a crisis

~~6.~~ 6. Intervening to ameliorate school-related problems, including ~~issues~~problems related to chronic absences and retention

~~7.~~ 7. Using research-based strategies to promote mental wellness, reduce mental health stigma, ~~conflict, and student-to-student~~and to identify characteristics, risk factors, and warning signs of students who develop, or are at risk of developing, mental health and behavioral disorders and who experience, or are at risk of experiencing, mistreatment ~~and~~, including mistreatment related to any form of conflict or bullying

~~8.~~ 8. Improving school climate and student well-being by addressing the mental and behavioral health needs of students during a period of transition, separation, heightened stress, and critical changes, accessing community programs and services to meet those needs, and providing other appropriate services

~~9.~~ 9. Enhancing students' social and emotional competence, character, health, civic engagement, cultural ~~legacy~~literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs

CSBA NOTE: Item #10 below may be revised to specify only English learners, students eligible for free and reduced-price meals, and foster youth, as provided in Education Code 49600. However, a district is permitted to provide such services to other categories of students who may be in need, such as students experiencing homelessness

~~10.~~ 10. Providing counseling ~~interventions and support~~ services for unduplicated students who are classified as English learners, or foster youth, homeless children, and students eligible for free ~~or~~and reduced-priced meals, ~~or foster youth,~~ including ~~enhancing~~interventions and support services that enhance equity and access to ~~the~~appropriate education ~~system~~systems and ~~community~~public and private services

11. Engaging in continued development as a professional school counselor

Educational And Career Counseling

CSBA NOTE: The following optional section is for use by districts that maintain any of grades 7-12 and may be revised to reflect district practice and the grade levels offered by the district.

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

CSBA NOTE: Items #1-5 below reflect required components of educational counseling programs specified in Education Code 49600, as amended by ~~SB 451 (Ch. 539, Statutes of 2015).~~AB 2508.

The educational counseling program shall include academic counseling and postsecondary services, in the following areas~~:~~ (Education Code 49600~~)~~):

~~1.~~ 1. Development and implementation, with parent/guardian involvement, of the student's immediate and long-range educational plans

~~2.~~ 2. Optimizing progress towards achievement of proficiency standards and competencies

~~3.~~ 3. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes

~~4.~~ 4. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to ~~public~~ colleges and universities, standardized admissions tests, and financial aid

CSBA NOTE: Pursuant to Education Code 49600, educational counseling must include career and vocational counseling as described in ~~item~~Item #5 below. As amended by ~~SB 451 (Ch. 539, Statutes of 2015),~~AB 2508, Education Code 49600 requires that professional development related to career and vocational counseling include strategies for counseling students pursuing postsecondary education, career technical education, multiple pathways, college, and global career opportunities.

~~5.~~ ~~Career and vocational counseling.~~5. High-quality career programs at all grade levels in which students are assisted in doing all of the following:

~~a.~~ a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition

~~b.~~ b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success

~~c.~~ c. Developing ~~realistic perceptions of~~ work~~,~~ self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the ~~effect~~effects of work on ~~lifestyle~~ quality of life

~~d.~~ d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options

~~e.~~ e. Understanding the value of participating in career technical education ~~and work-based learning activities and~~ pathways, programs, and certifications, including, but not limited to, ~~service learning,~~ those related to regional occupational ~~centers and~~ programs~~, partnership programs, job shadowing, and mentoring experience~~ and centers, the federal program administered by the United States Department of Labor offering free education and vocational training to students, known as "Job Corps," the California Conservation Corps, work-based learning, industry certifications, college preparation and credit, and employment opportunities

~~f.~~ f. Understanding the need to develop essential employable skills and work habits

~~g. Understanding the variety of four-year colleges and universities and community college vocational and technical preparation programs, as well as admission criteria and enrollment procedures~~

CSBA NOTE: Education Code 49600, as amended by AB 2508, adds the following component to educational counseling programs, reflected below.

g. Understanding entrance requirements to the Armed Forces of the United States, including the benefits of the Armed Services Vocational Aptitude Battery (ASVAB) test

CSBA NOTE: In addition to the required components listed above, Education Code 49600, as amended by ~~SB 451 (Ch. 539, Statutes of 2015),~~AB 2508, includes a list of optional components which a district may, at its discretion, offer as part of the educational counseling program. ~~At its discretion, the district may expand the following paragraph to reflect any of those optional components it chooses to include in its educational counseling program.~~

The district's educational counseling program also may include, but not be limited to, identification of students who are at risk of not graduating with ~~the rest of~~ their ~~class~~peers, development of a list of coursework and experience necessary to assist students to satisfy the curricular requirements for college admission and successfully transition to postsecondary education or employment, and counseling regarding available options for ~~a student to continue his/her education if he/she fails~~students who fail to meet graduation requirements~~.~~
to continue with their education.

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

CSBA Note: As amended by AB 2508, Education Code 49600 also permits districts to offer mental and behavioral health services as provided in the following paragraph.

As part of the district's educational counseling program, students may be offered mental and behavioral health services under which a student may receive prevention, intervention, short-term counseling services, and mental health related classroom instruction to reduce stigma and increase awareness of counseling support services.

CSBA NOTE: Education Code 221.5 prohibits school counselors from offering vocational or school program guidance to a student of one sex that is different from that offered to a student of the opposite sex. In addition, 5 CCR 4930 prohibits discrimination in counseling programs to the same extent that discrimination is prohibited in all other district programs and activities. Prohibited bases for discrimination in district programs are specified in BP 0410 - Nondiscrimination in District Programs and Activities.

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

In addition, counselors shall affirmatively explore with ~~students~~a student the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

CSBA NOTE: 20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with the same access to students as is provided to colleges and prospective employers. Districts that do not grant similar access may lose those funds and may be subject to specific interventions, such as notification to the Governor and Congress, so that public officials can work with the district. Districts that do not receive ESEA funds and that choose to grant access to college and employment recruiters should do so on a nondiscriminatory basis. Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers. For information regarding military recruiter access to student directory information, see BP/AR 5125.1 - Release of Directory Information.

Option 1 below is for use by districts that choose to adopt a policy that permits college and employment recruiters, including military recruiters, access to students. Option 2 is for districts that choose to adopt a policy that does not permit such access.

OPTION 1: Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

OPTION 1 ENDS HERE

OPTION 2: Colleges and prospective employers, including military recruiters, shall not have access to students for recruiting purposes. (Education Code 49603; 10 USC 503)

OPTION 2 ENDS HERE

CSBA NOTE: Pursuant to Labor Code 3074.2, as added by AB 643 (Ch. 324, Statutes of 2021), districts are encouraged to provide students with opportunities to explore, make career choices, and seek appropriate instruction and training to support those choices, by hosting locally focused apprenticeship and/or career and technical education fair events, such as college and career fairs.

The Superintendent or designee shall collaborate with businesses, government agencies, postsecondary institutions including universities and career technical schools, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities through college and/or career fairs.

CSBA NOTE: Labor Code 3074.2, as added by AB 643, requires any district planning to hold a college or career fair to identify approved apprenticeship programs in the county and notify such programs that they are hosting a college or career fair. To identify approved programs the district is required to rely on the Division of Apprenticeship Standards' database of approved apprenticeship programs, published by the Division of Apprenticeship Standards located on its internet web site.

When planning to hold a college or career fair, the Superintendent or designee shall notify each apprenticeship program in the county. The notification shall include the planned date, time and location of the college or career fair. (Labor Code 3074.2)

Personal or Mental Health Counseling

CSBA NOTE: The following optional section may be revised to reflect district practice. A school counselor, school psychologist, or school social worker may offer personal or family counseling in accordance with the authorizations on ~~his/her~~their credentials. In addition, districts may provide mental health services through school-based health centers (see BP 5141.6 - School Health Services) and/or may collaborate with community agencies, organizations, and health care providers to ensure that services are available.

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by ~~his/her~~their credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

CSBA NOTE: If a minor is 11 years old or younger, consent by a parent/guardian is required before providing the minor with outpatient mental health counseling or treatment services. Family Code 6920-6929 and Health and Safety Code 124260 allow a minor age 12 or older to consent to outpatient mental health counseling or treatment services without parent/guardian consent if, in the opinion of a school psychologist or other professional person, as defined, the minor is mature enough to participate intelligently in the services. However, the child's parent/guardian must still be involved unless the professional person determines it would be inappropriate.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by ~~his/her~~the student's parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Teacher-Based Advisory Program

CSBA NOTE: The following optional section is for use by districts that choose to provide a teacher-based advisory program as authorized by Education Code 49600. The following section may be revised to reflect district practice, including the grade levels at which the program will operate. It should be deleted by districts in which all student counseling is provided by credentialed school counselors.

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

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State	**Description**
5 CCR 4930-4931	Counseling
5 CCR 80049-80049.1	Pupil ~~personnel~~ ~~services~~Personnel Services credential
5 CCR 80632-80632.5	Preparation programs for ~~pupil~~ ~~personnel~~ ~~services~~Pupil Personnel Services
Ed. Code 221.5	Equal opportunity
Ed. Code 44266	Pupil ~~personnel~~ ~~services~~Personnel Services credential
Ed. Code 48431	Establishing and maintaining high school guidance and placement program
Ed. Code 49600-49604	Educational counseling
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51513	Personal beliefs
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 6254	Exemption for personnel records if invasion of personal privacy
H&S Code 124260	Mental health services; consent by minors age 12 and older
Labor Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 11166-11170	Reporting known or suspected cases of child abuse
W&I Code 5850-5883	Mental Health Services Act

Federal	**Description**
10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 7908	Armed forces recruiter access to students and student recruiting information
34 CFR 99.1-99.67	Family Educational Rights and Privacy

Management Resources	**Description**
California Department of Education Publication	California Results-Based School Counseling and Student Support Guidelines, 2007
Website	California Association of School Counselors
Website	American School Counselor Association
Website	U.S. Department of Education, access to military recruiters
Website	Commission on Teacher Credentialing
Website	California Department of Education
Website	California Division of Apprenticeship Standards

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
1313	Civility
1400	Relations Between Other Governmental Agencies And The Schools
3515	Campus Security
3515	Campus Security
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.2	Bomb Threats
4112.2	Certification
4112.2	Certification
4119.23	Unauthorized Release Of Confidential/Privileged Information

4131	Staff Development
4219.23	Unauthorized Release Of Confidential/Privileged Information
4319.23	Unauthorized Release Of Confidential/Privileged Information
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E PDF(1)	Release Of Directory Information
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.6	School Health Services
5141.6	School Health Services
5144	Discipline
5144	Discipline
5145.3	Nondiscrimination/Harassment

5145.3	Nondiscrimination/Harassment
5145.6	~~Parental~~Parent/guardian Notifications
5145.6-E(1)	~~Parental~~Parent/guardian Notifications
5145.6-E PDF(1)	~~Parental Notifications~~Parent/guardian Notifications
5145.9	Hate-Motivated Behavior
5147	Dropout Prevention
6120	Response To Instruction And Intervention
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E PDF(1)	Education For Homeless Children
6173-E PDF(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.2	Regional Occupational Center/Program
6184	Continuation Education

6184	Continuation Education
6185	Community Day School
6185	Community Day School
6200	Adult Education
6200	Adult Education

Policy 6178: Career Technical Education **Status:** ADOPTED

Original Adopted Date: 03/01/2008 | **Last Revised Date:** ~~10~~09/01/~~2018~~2022 | **Last Reviewed Date:** ~~10~~09/01/~~2018~~2022

CSBA NOTE: The following policy is for use by districts that maintain any of grades 7-12. Education Code 51220 requires that the adopted course of study for grades 7-12 include courses in career technical education (CTE); see BP/AR 6143 - Courses of Study.

Funding for CTE programs may be available through the federal Strengthening Career and Technical Education for the 21st Century Act, sometimes referred to as Perkins V (20 USC 2301-2414~~, as amended by P.L. 115-224 and effective July 1, 2019~~), and state grant programs such as the California Career Pathways Trust pursuant to Education Code 53010-53016 ~~and~~, the California Career Technical Education Incentive Grant Program pursuant to Education Code 53070-53076.4, ~~as amended by AB 1808 (Ch. 32, Statutes of 2018).~~the Golden State Pathways Program pursuant to Education Code 53020-53025, the Apprenticeship Innovation Funding Program pursuant to Labor Code 3110-3112.1, and Youth Apprenticeship pursuant to Labor Code 3120-3122.4. In addition, secondary schools may offer CTE through partnership academies (Education Code 54690-54697), regional occupational centers and programs (ROC/Ps) (Education Code 52300-52335.12), and/or district-funded programs.

The following policy should be revised to reflect program(s) offered by the district and grade levels at which such programs shall be offered.

The Governing Board desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy. ~~The program shall include a rigorous academic component and provide students with practical experience and understanding of all aspects of an industry.~~

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations~~.~~ by providing a rigorous academic component and practical experience in all aspects of an industry. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs (ROC/Ps), charter schools, small learning communities, magnet programs, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The Superintendent or designee shall explore available funding sources that may be used to support CTE programs. The Board shall review and approve all district plans and applications for the use of district, state, and/or federal funds supporting CTE.

CSBA NOTE: State model curriculum standards for CTE for grades 7-12 integrate the state's academic content standards with industry-specific knowledge and skills in 58 career pathways organized into 15 industry sectors: agriculture and natural resources; arts, media, and entertainment; building trades and construction; education, child development, and family services; energy and utilities; engineering and design; fashion and interior design; finance and business; health science and medical technology; hospitality, tourism, and recreation; information technology; manufacturing and product development; marketing, sales, and service; public services; and transportation. The state's curriculum framework for

CTE provides guidance in implementing the state content standards. Any district that adopts a course of study that meets or exceeds the state model curriculum standards will be deemed to have satisfied the requirement of Education Code 51228 that the district offer students in grades 7-12 the opportunity to attain entry-level employment skills in business or industry upon high school graduation; see BP 6143 - Courses of Study.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

CSBA NOTE: Pursuant to Education Code 52376, the following two paragraphs are mandated for districts that accept funds for the purpose of developing and implementing, in consultation with the ROC/P and community college serving the geographic area of the district, a CTE program for high school students.

At least every three years, the Board shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

CSBA NOTE: Education Code 52376 requires districts to determine the extent to which their CTE courses may offer an alternative means for completing course requirements for high school graduation. ~~In addition,~~ Education Code 51225.3, as amended by AB 101 (Ch. 661, Statutes of 2021), no longer authorizes ~~the Board to include~~ a course in CTE to serve as an alternative to the visual or performing arts or ~~foreign~~world language course requirement for high school graduation. However, if a student completed a CTE course prior to July 1, 2022 that met the requirements of Education Code 51225.3, such course will fulfill the visual or performing arts or world language graduation requirement; see BP 6146.1 - High School Graduation Requirements.

The Superintendent or designee shall systematically review the district's CTE courses to determine the degree to which each course may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. ~~The Board~~ CTE courses approved for these purposes shall ~~ensure that these classes are~~be equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

CSBA NOTE: Education Code 51760.1 authorizes districts, county offices of education, ROC/Ps, and partnership academies to provide work-based learning opportunities which may include, but are not limited to, work experience education as defined in Education Code 51764, community classrooms or cooperative CTE programs as defined in Education Code 52372.1, and job shadowing as defined in Education Code 51769; see BP/AR 6178.1 - Work-Based Learning. In addition, although not specified in state law, other examples of work-based learning opportunities cited in ~~the~~ CDE's publication , "Multiple Pathways to Student Success: Envisioning the New California High School," include student internships/field study, apprenticeships, service learning, work in social/civic enterprises or school-based enterprises such as student stores, and technology-based or other simulated work experiences.

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. ~~He/she~~The Superintendent or designee shall also work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

CSBA NOTE: Education Code 8070 requires the Board to appoint a CTE advisory committee composed of representatives from specified groups, as detailed below. During the Federal Program Monitoring process, CDE staff will review whether the district has appointed such a committee.

In addition, pursuant to 20 USC 2354~~, as amended by P.L. 115-224,~~ districts that receive Perkins V funding are required to involve specified stakeholders in conducting a needs assessment and developing the district application, and on a continuing basis thereafter. One way to accomplish this is to include such stakeholders on the CTE advisory committee. Other programs may have similar requirements for stakeholder involvement. The following paragraph may be revised to reflect requirements applicable to programs offered by the district.

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Among the criteria for admission to the University of California (UC) or California State University (CSU) system is a requirement that high school students satisfactorily complete 15 units of specified courses ("~~a-g~~A-G" courses). These include a growing number of CTE courses that connect knowledge of academic content with practical or work-related applications. Education Code 51229 requires that districts annually provide parents/guardians of students in grades 9-12 with (1) a brief explanation of the ~~a-g~~A-G course requirements; (2) a list of UC and CSU web sites that provide related information and a list of certified ~~a-g~~A-G courses; (3) a brief description of CTE, as defined by CDE; (4) the Internet address for the portion of ~~the CDE~~CDE's web site where students can learn more about CTE; and (5) information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or to enroll in CTE courses. See AR 6143 - Courses of Study and E ~~5145.6 - Parental Notifications.~~

~~In addition, districts that include a course in CTE as an alternative to the visual or performing arts or foreign language course requirement for high school graduation, as authorized by Education Code 51225.3, are required by Education Code 48980 to provide a list of CTE courses offered by the district that satisfy the a-g course requirements for college admission and to specify which requirements they satisfy. Districts that do not allow this alternative graduation requirement should modify the following paragraph accordingly.~~(1) 5145.6 - Parental Notifications.

The Superintendent or designee shall inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements. In addition, secondary students shall receive individualized academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

CSBA NOTE: Pursuant to 34 CFR 100 (Appendix B), the notice specified below may be made in local newspapers, publications or media reaching target populations, or by other means and should include a brief summary of program offerings, admission criteria, and the name and contact information of the person designated to coordinate Title IX and Section 504 compliance activity. If the population within the district contains a community of persons with limited English language skills, the notification must be disseminated in the languages of the community. See BP 5145.6 - Parental Notifications for state requirements pertaining to the translation of parental notifications.

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. The notification shall be disseminated in languages other than English as needed and shall state that the district will take

steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100 Appendix B, 104.8, 106.9)

CSBA NOTE: The following paragraph is for use by districts that receive funding through Perkins V for basic CTE programs pursuant to 20 USC 2301-2414. See the accompanying administrative regulation for further information regarding the participation of private school students and staff in district programs.

To the extent required by law, the Superintendent or designee shall invite the participation of private school students in CTE programs supported by federal funding under the Strengthening Career and Technical Education for the 21st Century Act (Perkins). (20 USC 2397)

CSBA NOTE: Pursuant to Labor Code 3074.2, as added by AB 643 (Ch. 324, Statutes of 2021), districts are encouraged to provide students with opportunities to explore, make career choices, and seek appropriate instruction and training to support those choices, by hosting locally focused apprenticeship and/or career technical education fair events, such as college and career fairs.

The Superintendent or designee shall collaborate with businesses, government agencies, postsecondary institutions including universities and career technical schools, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities through college and/or career fairs.

CSBA NOTE: Labor Code 3074.2, as added by AB 643, requires any district planning to hold a college or career fair to identify approved apprenticeship programs in the county and notify such programs that they are hosting a college or career fair. To identify approved programs the district is required to rely on the Division of Apprenticeship Standards' database of approved apprenticeship programs, located on its web site.

When planning to hold a college or career fair, the Superintendent or designee shall notify each apprenticeship program in the county. The notification shall include the planned date, time and location of the college or career fair. (Labor Code 3074.2)

CSBA NOTE: Teachers of technical, trade, or vocational courses must possess a single subject credential or a designated subjects credential issued by the Commission on Teacher Credentialing which authorizes teaching CTE courses. The designated subjects CTE credential is available in 15 subjects which reflect the 15 industry sectors identified in the state's model curriculum standards; see AR 4112.2 - Certification. In order to obtain the preliminary designated subjects credential, teachers must have at least three years of work experience directly related to each industry sector specified on the credential.

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. ~~He/she~~The Superintendent or designee shall also provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

The Superintendent or designee shall provide counselors and other guidance personnel with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of the district's CTE program, work-based learning opportunities, and postsecondary education and employment options following high school.

CSBA NOTE: The following paragraph is optional. Education Code 17078.72 provides funding for improving and expanding CTE programs through construction of new facilities, remodeling of existing facilities, and/or purchase of equipment.

The Superintendent or designee shall regularly assess district needs for facilities, technologies, and equipment to increase students' access to the district's CTE program.

CSBA NOTE: The following paragraph may be revised to reflect requirements applicable to programs offered by the district. Pursuant to Education Code 52060, the district must annually review its progress toward the goals identified in its local control and accountability plan, including, when applicable, measures of student achievement such as the percentage of students who have successfully completed courses that satisfy the requirements for CTE sequences or programs of study that align with state CTE standards and frameworks. The California School Dashboard provides a tool to assist in evaluation of district and school performance and includes measures of CTE pathway completion within the college/career readiness indicator.

In addition, each district receiving Perkins V funding must evaluate its progress in achieving specific performance levels on core indicators as detailed in the state plan and 20 USC 2323~~, as amended by P.L. 115-224.~~. Pursuant to 20 USC 2343, if the district falls below 90 percent on any of these targets, the district will be required to develop and implement an improvement plan.

The Superintendent or designee shall annually report to the Board achievement data on participating students, including, but not limited to, the percentage of participating students who successfully complete CTE programs, their performance on state and district academic achievement tests, and graduation ~~rate~~rates. Data shall be disaggregated by program and various student subgroups. Based on such data, the Board shall determine the need for program improvements and update the goals in the district's local control and accountability plan as necessary.

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State	Description
5 CCR 10070-10075	Work experience education
5 CCR 10080-10092	Community classrooms
5 CCR 10100-10111	Cooperative vocational education
5 CCR 11500-11508	Regional occupational centers and programs
5 CCR 11535-11538	Career technical education contracts with private postsecondary schools
5 CCR 11610-11611	Regional adult and vocational education councils
5 CCR 1635	Credit for work experience education
5 CCR 3051.14	Specially designed career technical education for students with disabilities
8 CCR 200-240	Apprenticeships
Ed. Code 1205	Classification of counties
Ed. Code 17078.70-17078.72	Career technical education facilities
Ed. Code 33430-33432	Health science and medical technology grants
Ed. Code 35168	Inventory of equipment
Ed. Code 41540-41544	Targeted instructional improvement block grant

Ed. Code 44257.3	CTC recognition of study in linked learning teaching methods
Ed. Code 44260-44260.1	Designated subjects career technical education credential
Ed. Code 44260.9	Designated subjects career technical education credential
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 51220-51230	Course of study for grades 7-12
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52300-52499.66	Career technical education
Ed. Code 52519-52520	Adult education;; occupational training
Ed. Code 53010-53016	California Career Pathways Trust
Ed. Code 53020-53025	Golden State Pathways Program
Ed. Code 53070-53076.4	The California Career Technical Education Incentive Grant Program
Ed. Code 53086	California Career Resource Network
Ed. Code 54690-54699.1	California Partnership Academies
Ed. Code 54750-54760	California Partnership Academies;; green technology and goods movement occupations
Ed. Code 56363	Related services for students with disabilities; specially designed career technical education
Ed. Code 66205.5-66205.9	Approval of career technical education courses for admission to California colleges
Ed. Code 8006-8155	Career technical education
Ed. Code 88500-88551	Community college economic and workforce development program
Gov. Code 54950-54963	The Ralph M. Brown Act
Lab. Code 3070-3099.5	Apprenticeships
Lab. Code 3110-3112.1	Apprenticeship Innovation Funding Program
Labor Code 3120-3122.4	Youth Apprenticeship

Federal	**Description**
20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
20 USC 6301-6578	Improving the Academic Achievement of the Disadvantaged
34 CFR 100	Appendix B Guidelines for eliminating discrimination in career technical education programs
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61	Discrimination on the basis of sex;; effectuating Title IX

Management Resources	**Description**

California Department of Education Publication	California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, January 2013
California Department of Education Publication	Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007
California Department of Education Publication	Multiple Pathways to Student Success: Envisioning the New California High School, 2010
CSBA Publication	The Linked Learning Approach to High School Reform, Governance Brief, January 2014
CSBA Publication	A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts, March 2014
Website	Association for Career and Technical Education
Website	California Association of Regional Occupational Centers and Programs
Website	U.S. Department of Education, Office of Vocational and Adult Education
Website	U.S. Department of Labor, Bureau of Labor Statistics
Website	California Department of Education, Career Technical Education
Website	California Department of Employment Development
Website	California Workforce Development Board
Website	California Department of Industrial Relations
Website	University of California, A-G Course Submissions
Website	California Career Resource Network
~~Website~~	~~California Department of Industrial Relations~~
~~Website~~	~~University of California, a-g Course Submissions~~
Website	Commission on Teacher Credentialing
Website	CSBA

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0440	District Technology Plan
0440	District Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan

0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
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3512-E(1)	Equipment
4112.2	Certification
4112.2	Certification
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4331	Staff Development
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5113.1	Chronic Absence And Truancy
5113.2	Work Permits
5113.2	Work Permits
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
5145.6-E PDF(1)	Parental Notifications
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6112	School Day
6112	School Day
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.4	International Baccalaureate Program
6143	Courses Of Study

6143	Courses Of Study
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6172.1	Concurrent Enrollment In College Classes
6172.1	Concurrent Enrollment In College Classes
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E PDF(1)	Education For Homeless Children
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6175	Migrant Education Program
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6176	Weekend/Saturday Classes
6178.1	Work-Based Learning

6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6181	Alternative Schools/Programs Of Choice
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Regulation 6178: Career Technical Education **Status:** ADOPTED

Original Adopted Date: 03/01/2008 | **Last Revised Date:** ~~10~~09/01/~~2018~~2022 | **Last Reviewed Date:** ~~10~~09/01/~~2018~~2022

CSBA NOTE: The following optional administrative regulation should be revised to reflect program(s) offered by the district.

Federal Grants for Career Technical Education (Perkins)

CSBA NOTE: The following optional section is for use by districts that receive basic grants to support programs of career technical education (CTE) pursuant to the Strengthening Career and Technical Education for the 21st Century Act, often referred to as Perkins V (20 USC 2301-2355~~, as amended by P.L. 115-224). As amended, the "hold harmless" provision has been replaced with a guarantee~~), which guarantees that each state will receive a minimum grant equal to 90 percent of its prior year allocation~~, effective in fiscal year 2021~~.

During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will review whether the district uses these federal funds to supplement, not supplant, state and local funds for CTE activities, as required by 20 USC 2391, and whether funds are used for appropriate purposes as described in 20 USC 2355 and in the ~~state plan adopted pursuant to 20 USC 2342. As amended by P.L. 115-224, 20 USC 2342 authorizes states to develop a one-year transition plan until Perkins V becomes effective July 1, 2019, after which a four-year state plan will be required.~~four-year state plan adopted pursuant to 20 USC 2342.

The district shall submit to the California Department of Education an application for a basic grant of the federal Strengthening Career and Technical Education for the 21st Century Act. The application shall address the components specified in 20 USC 2354 and any additional requirements specified in the state plan developed pursuant to 20 USC 2342. (20 USC 2354)

The district shall conduct a needs assessment in accordance with 20 USC 2354, which shall be updated at least once every two years. The needs assessment shall be conducted in consultation with representatives of district career technical education (CTE) programs, postsecondary CTE programs, state or local workforce development boards and businesses, parents/guardians, students, and other specified stakeholders. (20 USC 2354)

CSBA NOTE: The district may use Perkins V and other federal, state, and/or district funds to meet the program requirements listed below. ~~P.L. 115-224 amended 20 USC 2355 to streamline the allowable uses of funds and eliminate the additional list of permissible uses.~~

To meet the needs identified in the needs assessment, the Superintendent or designee shall develop, coordinate, implement, or improve CTE programs that are of sufficient size, scope, and quality to be effective and that fulfill the following purposes: (20 USC 2355)

1. Provide career exploration and career development activities through an organized, systematic framework designed to aid students, including students in the middle grades, in making informed plans and decisions about future education and career opportunities and programs of study. Such activities shall occur before students enroll and while they are participating in a CTE program, and may include:

a. Introductory courses or activities focused on career exploration and career awareness, including non-traditional fields

b. Readily available career and labor market information, including information on occupational supply and demand, educational requirements, other information on careers aligned to economic priorities, and employment sectors

c. Programs and activities related to the development of student graduation and career plans

d. Career guidance and academic counselors who provide information on postsecondary education and career options

e. Any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including nontraditional fields

f. Activities that provide students with strong experience in, and comprehensive understanding of, all aspects of an industry

2. Provide the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations

3. Integrate academic skills into CTE programs and programs of study to support participating students in meeting state academic standards

4. Provide professional development for teachers, school leaders, administrators, specialized instructional support personnel, guidance counselors, and/or paraprofessionals, which may include the types of activities listed in 20 USC 2355

5. Plan and carry out elements that support the implementation of CTE programs and programs of study and that result in increased student achievement. Such elements may include curriculum aligned with program requirements, sustainable relationships among community stakeholders, opportunities for students to participate in accelerated learning programs, equipment and instructional materials aligned with business and industry needs, and other activities specified in 20 USC 2355.

6. Develop and implement evaluations of the activities funded by the grant

CSBA NOTE: Pursuant to 20 USC 2354, the district application for Perkins V funding must describe how individuals will not be discriminated against based on their status as members of "special populations," as defined in 20 USC 2302 ~~as amended by P.L. 115-224~~. In addition, a district that receives federal aid is required by 34 CFR 100 (Appendix B), 104.8, and 106.9 to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate in its educational programs or activities. See BP 0410 - Nondiscrimination in District Programs and Activities.

During the FPM process, CDE staff will check whether the district complies with requirements to (1) ensure equitable access by special population students through outreach, recruitment, enrollment, and placement activities; (2) identify and adopt strategies to overcome barriers to access or success in the program; (3) ensure that counseling materials and activities, including student program selection and career/employment selection, and promotional and recruitment efforts are nondiscriminatory; and (4) advise students, parents/guardians, employees, and the general public, prior to the beginning of the school year, that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100 (Appendix B).

The ~~district's~~district's program shall provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency. Special populations shall be provided with equal access to CTE programs and shall not be unlawfully discriminated against.

Special populations include, but are not limited to, students with disabilities, students from economically disadvantaged families, pregnant and parenting students, out-of-work individuals, English learners, homeless students, foster youth, children of military families, and students preparing for nontraditional fields. Nontraditional fields include occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

Upon written request from a nonprofit private school within the geographical area served by the district, the Superintendent or designee shall consult with private school representatives in a timely and meaningful manner and may provide for the participation of private school secondary students in the ~~district's~~district's programs and activities funded pursuant to 20 USC 2301-2414. To the extent practicable, the Superintendent or designee shall also, upon request, permit participation of CTE teachers, administrators, and other personnel from private schools in the ~~district's~~district's inservice and preservice professional development programs funded through such grants. (20 USC 2397)

Linked Learning Programs

CSBA NOTE: The following optional section is for use by districts that offer ~~"~~"linked learning~~"~~" programs integrating academic and career technical study (sometimes called ~~"~~"multiple pathways~~")~~") and may be revised to reflect district practice.

The district shall offer one or more comprehensive, multi-year linked learning programs in grades 9-12 that are organized around a broad theme, interest area, or industry sector including, but not limited to, the industry sectors identified in model standards adopted by the State Board of Education pursuant to Education Code 51226. The program shall provide all participating students with curriculum choices that prepare them for career entry and a full range of postsecondary options, including two-year and four-year colleges, apprenticeships, and formal employment training.

At a minimum, the ~~district's~~district's linked learning program shall include:

1. An integrated core curriculum that meets the eligibility requirements for admission to the University of California (UC) and the California State University (CSU) and is delivered through project-based learning and other engaging instructional strategies that bring real-world context and relevance to the curriculum where broad themes, interest areas, and CTE are emphasized

2. An integrated technical core of a sequence of at least four related courses that may reflect CTE standards-based courses and that provide students with career skills, are aligned to academic principles, and fulfill academic core requirements described in ~~item~~Item #1 above to the extent possible

3. A series of work-based learning opportunities that begin with mentoring and job shadowing and evolve into intensive internships, school-based enterprises, or virtual apprenticeships

4. Support services, including supplemental instruction in reading and mathematics, that help students master the advanced academic and technical content that is necessary for success in college and career

Partnership Academies

CSBA NOTE: The following optional section is for use by districts that have established a partnership academy pursuant to Education Code 54690-54699.1 and 54750-54760. A partnership academy functions as a school-within-a-school with a career theme and related academic courses primarily directed at students who are at risk of dropping out.

The district shall operate one or more partnership academies as a school-within-a-school focused on a broad career theme. The program shall be available to students in grades 10-12, at least half of whom shall be students who are at risk of dropping out of school as indicated by three or more of the following criteria: (Education Code 54690-54691)

1. Past record of irregular attendance, with absence from school 20 percent or more of the school year

2. Past record of underachievement in which the student is at least one-third of a year behind the coursework for the respective grade level, or as demonstrated by credits achieved

3. Past record of low motivation or disinterest in the regular school program

4. Economic disadvantage

5. Scores below basic or far below basic on the mathematics or English language arts test of the California Assessment of Student Performance and Progress

6. A grade point average of 2.2 or below or the equivalent of a C minus

Ninth-grade teachers and counselors shall identify students eligible to participate in a partnership academy. Participating students shall be selected by academy staff from among those who have expressed an interest in the academy and whose parents/guardians have approved the ~~student's~~student's participation. (Education Code 54695)

The district's program shall provide: (Education Code 54692)

1. During each regular school term, instruction in at least three academic subjects that:

   a. Prepares students for a regular high school diploma

   b. Where possible and appropriate, prepares students to meet subject requirements for admission to ~~the California State University~~UC and ~~University of California~~ CSU

   c. Contributes to an understanding of the occupational field of the academy

~~CTE~~CSBA NOTE: Education Code 54692, as amended by AB 1923 (Ch. 114, Statutes of 2022), includes science, technology, engineering, and mathematics courses as required alternative courses that must be offered to students participating in partnership academies.

2. CTE or science, technology, engineering, and mathematics courses offered at each grade level at the academy that are part of an occupational course sequence that targets comprehensive skills and meets the criteria specified in Education Code 54692

3. Classes that are block scheduled in a cluster whenever possible to provide flexibility to academy teachers and which may vary in number during grade 12

4. A mentor from the business community for students during grade 11

5. An employer-based internship or work experience that occurs during the summer following grade 11 or during grade 12

6. Additional motivational activities with private sector involvement to encourage academic and occupational preparation

Attendance in academy classes shall be limited to students enrolled in the academy. (Education Code 54692)

The Superintendent or designee shall establish an advisory committee consisting of individuals involved in academy operations, including district and school administrators, lead teachers, and representatives of the private sector. (Education Code 54692)

Apprenticeship Programs

CSBA NOTE: The following optional paragraph may be used by districts that provide a program of "orientation to apprenticeships" to students who have not yet applied to an apprenticeship program. Such programs are sometimes referred to as "pre-apprenticeship programs." However, the Department of Industrial Relations (DIR), in its publication , "Orientation to Apprenticeship: A Guide for Educators," notes that "pre-apprentice" is used by some trades as a classification of worker and therefore prefers the term "orientation to apprenticeship" to refer to a program offered by secondary schools. Items #1-5 below reflect key program components recommended in the DIR publication and may be revised to reflect district practice.

The district shall offer high school and/or adult education students a program of orientation to apprenticeships that acquaints students with a broad range of career options, provides information regarding available apprenticeship programs, and provides classroom instructional job training which guides students to a registered apprenticeable occupation.

The district's program shall:

1. Introduce students to what they need to know in order to apply, test, and interview for acceptance into an apprenticeship program
2. Demonstrate the need for proficiency in reading and comprehension, mathematics, science, and technology
3. Emphasize the necessity to have the ability to communicate in reading, writing, speaking, listening, and numeration skills
4. Identify the knowledge, skills, and attitudes needed to enter and successfully complete an apprenticeship program
5. Provide an orientation to a specific craft or trade or to an industry

CSBA NOTE: The following optional paragraph is for use by districts that contract with sponsors of approved apprenticeship programs (e.g., individual employers, labor or management apprenticeship committees, or joint labor-management apprenticeship committees) pursuant to Education Code 8150-8155 and Labor Code 3070-3099.5 to provide classes of related and supplemental instruction. Apprenticeship programs are offered for a period of one to six years (typically four years) and provide specialized on-the-job training that prepares an individual for employment in a craft or trade profession.

The district may enter into an agreement with a local business, labor or management apprenticeship committee, and/or joint labor-management apprenticeship committee that has been approved by the Department of Industrial Relations' Division of Apprenticeship Standards to sponsor an apprenticeship program in order to develop and deliver related and supplemental instruction to students participating in a registered apprenticeship program. (Education Code 8150-8155; Labor Code 3074, 3075, 3078)

Regional Occupational Center/Program

CSBA NOTE: The following optional section is for use by districts that partner with or offer their own local regional occupational center or program (ROC/P) pursuant to Education Code 52300-52335.12, and may be revised to reflect district practice. Education Code 52301 authorizes the establishment of an

ROC/P by (1) the County Superintendent of Schools, with the approval of the State Board of Education (SBE); (2) two or more districts maintaining high schools, with the approval of ~~the~~ SBE and the County Superintendent; or (3) a single district with an average daily attendance (ADA) of 50,000 or more located in a class 1 county or a district with an ADA of 100,000 or more located in a class 2 county, as defined in Education Code 1205. ROC/P courses are open to secondary students, with priority enrollment given to students ages 16-18 or in grades 11-12. See BP 6178.2 - Regional Occupational Center/Program for additional program requirements.

The district shall operate and/or partner with a regional occupational center or program (ROC/P), established pursuant to Education Code 52335.12, which offers CTE courses, linked learning programs, partnership academies, and/or pre-apprenticeship and apprenticeship programs as appropriate.

Occupational course sequences offered by ~~the~~ ROC/P shall provide prerequisite courses needed to enter apprenticeship or postsecondary vocational certificate or degree programs, focus on occupations requiring comprehensive skills leading to high entry-level wages and/or the possibility of significant wage increases after a few years on the job, offer as many courses as possible that meet college admission requirements, and lead to attainment of an occupational skill certificate. (Education Code 52302)

Student Organizations

CSBA NOTE: The following optional section may be used by districts providing any CTE program(s). 20 USC 2355 permits the use of Perkins V funding to support career technical student organizations and related activities. According to CDE, state-supported organizations include California DECA: A Marketing Association (formerly Distributive Education Clubs of America), Future Business Leaders of America (FBLA), Future Farmers of America (FFA), Future Homemakers of America-Home Economics Related Occupations (FHA-HERO), Health Occupations Students of America (HOSA), and Skills USA (formerly Vocational Industrial Clubs of America-VICA).

The district may provide support, including supplies, materials, activities, and advisor expenses, to student organizations which engage in activities that are integral to the CTE program and provide for the development of student leadership skills. However, no state or federal funds shall be used to pay students' membership dues, food or lodging expenses, out-of-state travel, or the cost of a social activity or assemblage.

Policy Reference UPDATE Service
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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 10070-10075	Work experience education
5 CCR 10080-10092	Community classrooms
5 CCR 10100-10111	Cooperative vocational education
5 CCR 11500-11508	Regional occupational centers and programs
5 CCR 11535-11538	Career technical education contracts with private postsecondary schools
5 CCR 11610-11611	Regional adult and vocational education councils
5 CCR 1635	Credit for work experience education

5 CCR 3051.14	Specially designed career technical education for students with disabilities
8 CCR 200-240	Apprenticeships
Ed. Code 1205	Classification of counties
Ed. Code 17078.70-17078.72	Career technical education facilities
Ed. Code 33430-33432	Health science and medical technology grants
Ed. Code 35168	Inventory of equipment
Ed. Code 41540-41544	Targeted instructional improvement block grant
Ed. Code 44257.3	CTC recognition of study in linked learning teaching methods
Ed. Code 44260-44260.1	Designated subjects career technical education credential
Ed. Code 44260.9	Designated subjects career technical education credential
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 51220-51230	Course of study for grades 7-12
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52300-52499.66	Career technical education
Ed. Code 52519-52520	Adult education, occupational training
Ed. Code 53010-53016	California Career Pathways Trust
Ed. Code 53070-53076.4	The California Career Technical Education Incentive Grant Program
Ed. Code 53086	California Career Resource Network
Ed. Code 54690-54699.1	California Partnership Academies
Ed. Code 54750-54760	California Partnership Academies, green technology and goods movement occupations
Ed. Code 56363	Related services for students with disabilities; specially designed career technical education
Ed. Code 66205.5-66205.9	Approval of career technical education courses for admission to California colleges
Ed. Code 8006-8155	Career technical education
Ed. Code 88500-88551	Community college economic and workforce development program
Gov. Code 54950-54963	The Ralph M. Brown Act
Lab. Code 3070-3099.5	Apprenticeships
Federal	**Description**
20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
20 USC 6301-6578	Improving the Academic Achievement of the Disadvantaged

34 CFR 100	Appendix B Guidelines for eliminating discrimination in career technical education programs
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61	Discrimination on the basis of sex, effectuating Title IX

Management Resources	**Description**
California Department of Education Publication	California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, January 2013
California Department of Education Publication	Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007
California Department of Education Publication	Multiple Pathways to Student Success: Envisioning the New California High School, 2010
CSBA Publication	The Linked Learning Approach to High School Reform, Governance Brief, January 2014
CSBA Publication	A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts, March 2014
Website	Association for Career and Technical Education
Website	California Association of Regional Occupational Centers and Programs
Website	U.S. Department of Education, Office of Vocational and Adult Education
Website	U.S. Department of Labor, Bureau of Labor Statistics
Website	California Department of Education, Career Technical Education
Website	California Department of Employment Development
Website	California Workforce Development Board
~~Website~~	~~Association for Career and Technical Education~~
~~Website~~	~~California Association of Regional Occupational Centers and Programs~~
~~Website~~	~~California Career Resource Network~~
Website	California Department of Industrial Relations
Website	University of California, a-g Course Submissions
Website	California Career Resource Network
Website	Commission on Teacher Credentialing
Website	CSBA

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0415	Equity

0420.4	Charter School Authorization
0420.4	Charter School Authorization
0440	District Technology Plan
0440	District Technology Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
1700	Relations Between Private Industry And The Schools
3230	Federal Grant Funds
3230	Federal Grant Funds
3440	Inventories
3512	Equipment
3512-E(1)	Equipment
3512-E PDF(1)	Equipment
4112.2	Certification
4112.2	Certification
4131	Staff Development
4331	Staff Development
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.2	Work Permits
5113.2	Work Permits
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
5145.6-E PDF(1)	Parental Notifications
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6011	Academic Standards
6020	Parent Involvement

6020	Parent Involvement
6112	School Day
6112	School Day
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.4	International Baccalaureate Program
6143	Courses Of Study
6143	Courses Of Study
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency
6159	Individualized Education Program
6159	Individualized Education Program
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6172.1	Concurrent Enrollment In College Classes
6172.1	Concurrent Enrollment In College Classes
6173	Education For Homeless Children

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6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
6200	Adult Education
6200	Adult Education
7110	Facilities Master Plan

Policy 6200: Adult Education **Status:** ADOPTED

Original Adopted Date: 06/01/1997 | **Last Revised Date:** ~~05~~09/01/~~2016~~2022 | **Last Reviewed Date:** ~~05~~09/01/~~2016~~2022

CSBA NOTE: The following ~~Board~~ policy is for use by any high school district or unified school district that maintains an adult education school or program or that participates in a program offered by the county office of education.

Education Code 84900-84920~~, as added by AB 104 (Ch. 13, Statutes of 2015),~~ establish the Adult Education ~~Block Grant~~Program to provide adult education services through a regional consortium of school districts, county offices of education, community college districts, and joint powers authorities consisting of those entities. Other funding for adult education may be available through local control funding formula apportionments, California Work Opportunity and Responsibility to Kids (CalWORKs) funds for education and job training (Welfare and Institutions Code 11320-11329.5), the federal Workforce Innovation and Opportunity Act (29 USC 3101-3255), Adult Education and Literacy Act (29 USC 3271-3333), and/or ~~Carl D. Perkins~~Strengthening Career and Technical Education for the 21st Century Act (20 USC 2301-2414). Pursuant to Education Code 41976, as amended by AB 486 (Ch. 666, Statutes of 2021), funds allocated through the Adult Education Program may only be used in accordance with law and as specified in the accompanying administrative regulation. The district may revise the following policy to reflect requirements of the program(s) it offers.

The Governing Board believes that education is a lifelong ~~process~~endeavor and that it is important for individuals to continuously develop new skills necessary to participate effectively as citizens, workers, parents/guardians, and family and community members. Eligible adults shall be offered opportunities to enroll in programs and courses that develop academic and workforce skills and, as appropriate, lead to completion of requirements for high school graduation.

~~CSBA NOTE: Option 1 below is for use by districts that maintain classes for adults as authorized by Education Code 52501. Option 2 is for use by districts whose students may participate in an adult education program administered by a county office of education in geographically isolated, sparsely populated areas as authorized by Education Code 52616.21.~~

CSBA NOTE: Education Code 51056 and 52515 require approval by the California Department of Education (CDE) of courses offered in adult education programs. ~~See~~For further information regarding course approval see the accompanying administrative regulation and ~~the~~ CDE's ~~Adult Education Handbook for California~~web site.

~~OPTION 1:~~
The Superintendent or designee shall recommend, for approval by the Board and the California Department of Education, courses to be offered through the district's adult education program.

~~OPTION 1 ENDS HERE~~

~~OPTION 2: The district shall participate in the adult education program administered by the county office of education. District students enrolled in this program shall be under the immediate supervision of a certificated district employee.~~

~~OPTION 2 ENDS HERE~~

Adult education classes may be offered any day or evening, including weekends, for such length of time during the school year as determined by the Board. (Education Code 52505)

CSBA NOTE: Classes organized primarily for adults may be taught by holders of the designated subjects adult teaching credential pursuant to Education Code 44260.2-44260.3. See the Commission on Teacher Credentialing's web site for further information and credential requirements.

The Superintendent or designee shall ensure that all teachers of adult education classes possess an appropriate credential issued by the Commission on Teacher Credentialing and have access to high-quality professional development to continuously enhance their knowledge and skills.

CSBA NOTE: Education Code 52620 permits the Governing Board to authorize an adult education student pursuing a high school diploma or a high school equivalency certificate to enroll as a special part-time student at a community college.

Upon recommendation of the administrator of the student's adult school or noncredit program of attendance, the Board may authorize an adult education student pursuing a high school diploma or a high school equivalency certificate to attend a community college during any session or term as a special part-time student. (Education Code 52620)

CSBA NOTE: Pursuant to Education Code 52508, the Board is authorized to award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program, as long as the Board has prescribed the requirements for the awarding of any such diplomas pursuant to Education Code 52509.

The Board may award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program. (Education Code 52508, 52509)

CSBA NOTE: Education Code 52509 mandates the Board of any district maintaining an adult school or program to prescribe requirements for the granting of a high school diploma. Courses required for a high school diploma in California are specified in Education Code 51225.3; see BP 6146.1 - High School Graduation Requirements. Students seeking their high school diploma through adult education must meet those course requirements. However, the district may waive any additional district-established high school graduation requirements. Districts that have so revised their local graduation requirements for adult education students should modify the following paragraph as appropriate.

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

~~CSBA NOTE: The following two optional paragraphs may be used by districts that select either Option 1 or 2 above and participate in the regional consortium established for purposes of the Adult Education Block Grant pursuant to Education Code 84900-84920, as added by AB 104 (Ch. 13, Statutes of 2015). The consortium is required to approve an adult education plan containing the components specified in Education Code 84906 at least once every three years and to update the plan at least once each year based on available data.~~

~~Funds allocated through this block grant may be used in accordance with Education Code 84913,~~

~~including to provide support for adult education programs related to elementary and secondary basic skills, entry or reentry into the workforce, career technical education, pre-apprenticeship training, knowledge and skills to assist K-12 students to succeed academically, and programs for immigrants and adults with disabilities. See the accompanying administrative regulation.~~

CSBA NOTE: Pursuant to Education Code 52511, a district may contract with another district to provide adult education instruction in any of the situations specified in the following paragraph.

If the district has an adult school or classes for adults but is unable to maintain such school or classes because of an inability to secure a teacher(s) or because of a lack of facilities, the district may, with the approval of the County Superintendent of Schools and the Superintendent of Public Instruction, contract with another district for the instruction of such students. (Education Code 52511)

CSBA NOTE: The following two optional paragraphs may be used by districts that participate in the regional consortium established for purposes of the Adult Education Program pursuant to Education Code 84900-84920. Education Code 84906 requires the consortium to approve a three-year adult education plan that addresses a three-year fiscal planning cycle, and fulfills the components specified in Education Code 84906. The plan is required to be updated at least once each year based on available data.

To ensure efficient and coordinated adult education services, the district ~~shall collaborate with other local educational agencies and the community college district in the region's~~may join a regional adult education consortium. The district shall participate in the consortium's identification of the educational needs of adults in the region, identification of available funding and services, development and approval of an adult education plan pursuant to Education Code 84906, and implementation of strategies to address the identified needs, improve the effectiveness of district services, and improve students' transitions into postsecondary education and the workforce.

The district's representative to the ~~region's~~regional adult education consortium shall be designated by the Board. (Education Code 84905)

~~CSBA NOTE: The remainder of this policy is for use by districts selecting Option 1 above, but may be adapted for use by districts selecting Option 2.~~

~~Classes organized primarily for adults may be taught by holders of the designated subjects adult teaching credential pursuant to Education Code 44260.2-44260.3. See the Commission on Teacher Credentialing's web site for further information and credential requirements.~~CSBA NOTE: The following paragraph may be revised to reflect indicators of program effectiveness identified by the district and/or adult education regional consortium in which the district participates. Education Code 84920 requires the Superintendent of Public Instruction and California Community College Chancellor (CCCC) to identify common measures for determining consortium members effectiveness in meeting the educational needs of adults, which is provided for in CDE's and CCCC's, "Adult Education Block Grant (AEBG) Measures of Effectiveness". In addition, for districts participating in the federal Adult Education and Family Literacy Act, CDE requires the use of the Comprehensive Adult Student Assessment Systems (CASAS), a set of standardized assessment instruments developed by the nonprofit organization CASAS, to track the progress of adult students.

~~(Education Code 52505, 52513)~~

~~CSBA NOTE: If the district's adult school or program offers a course in elementary subjects appropriate to the needs of adults, as authorized by Education Code 52516 and 84913, the Board is mandated pursuant to Education Code 52510 to prescribe requirements for eighth-grade graduation. Items #1-2 below should be revised to reflect district practice.~~

~~A certificate of completion of the eighth grade shall be awarded through the adult school upon successful completion of both of the following:~~

~~1. At least one term in the adult elementary program~~

~~2. Overall eighth-grade placement on a recognized standardized achievement test~~

~~CSBA NOTE: Education Code 52509 mandates the Board of any district maintaining an adult school or program to prescribe requirements for the granting of a high school diploma. Courses required for a high school diploma in California are specified in Education Code 51225.3; see BP 6146.1 - High School Graduation Requirements. Students seeking their high school diploma through adult education must meet those course requirements. However, the district may waive any high school graduation requirements established by the district. Districts that have so revised their local graduation requirements for adult education students should modify the following paragraph as appropriate.~~

~~CSBA NOTE: The following paragraph may be revised to reflect indicators of program effectiveness identified by the district and/or adult education regional consortium in which the district participates. Education Code 84920, as added by AB 104 (Ch. 13, Statutes of 2015), requires the Superintendent of Public Instruction and California Community College Chancellor to identify common measures for determining the effectiveness of school districts and other consortium members in meeting the educational needs of adults. In addition, for districts participating in the federal Adult Education and Family Literacy Act, the CDE requires the use of the Comprehensive Adult Student Assessment Systems (CASAS), a set of standardized assessment instruments developed by the nonprofit organization CASAS, to track the progress of adult students.~~

The Superintendent or designee shall regularly report to the Board on the effectiveness of the district's adult education program. This report shall include, but not be limited to, the number of adults and high school students participating in the program, student participation in each type of adult education course or class, and the extent to which students successfully completed these programs, including, as applicable, the completion of requirements for the high school diploma or certificate of equivalency.

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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 10501	Adult education; definition of adult for attendance counting
5 CCR 10508	Records and reports
5 CCR 10530	Counseling and guidance services
5 CCR ~~10530-10534~~10560	Standards of administration

5 CCR 53412	Minimum qualifications for instructors of noncredit courses
5 CCR 80034	Teaching credentials~~,~~; adult education
5 CCR 80034.5	Adult education~~,~~; substitute teachers
5 CCR 80036-80036.4	Requirements for designated subjects adult education credential
5 CCR 80040.2-80040.2.7	Programs of personalized preparation for the designated subjects adult education teaching credentialing
Ed. Code 10200	~~CalWORKs education and job training plan~~CalWORKs instructional and job training plan
Ed. Code 41975-41976.2~~2~~1	Adult education; authorized classes and courses
Ed. Code 44260.2-44260.3	Credential requirements~~,~~; designated subjects adult education credential
Ed. Code 44865	Qualifications for home teachers
Ed. Code ~~46190-46192~~46191	~~Adult education classes, day of attendance~~Attendance for adults in correctional facilities
Ed. Code 46300.1-46300.4~~2~~	Independent study
Ed. Code 51040	Prescribed courses
Ed. Code 51056	Adult education course of study
Ed. Code 51225.3	High school graduation
Ed. Code 51241	Temporary~~,~~ two-year or permanent exemption from physical education
Ed. Code 51246	Physical education exemptions
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes~~)~~); admissions of adults and minors
Ed. Code 51745	Independent study
Ed. Code 51810-51815	Community service classes
Ed. Code 52500-52523	Adult schools
~~Ed. Code 52530-52531~~	~~Use of hospitals~~
Ed. Code 52540~~-52544~~	Adult English classes
Ed. Code 52550-52556	Classes in citizenship
Ed. Code 52570-52572	Disabled adults
Ed. Code 52620	Attendance at community college as special part-time student
Ed. Code 52610-52616.2~~4~~18	Adult schools~~,~~; finances
Ed. Code 52651-52656	Immigrant Workforce Preparation Act
Ed. Code 60410	Books for adult classes

Ed. Code 84830	Adult education consortium
Ed. Code 84900-84920	Adult Education ~~Block Grant~~Program
Ed. Code 8500-8538	Adult education
W&I Code 11320-11329.5	CalWORKs~~, including:~~ education and job training

Federal	**Description**
20 USC 2301-~~24152~~2414	~~Carl D. Perkins~~Strengthening Career and Technical Education for the 21st Century Act
29 USC 3101-3255	Workforce Innovation and Opportunity Act
29 USC 3271-3333	Adult Education and Family Literacy Act

Management Resources	**Description**
California Department of Education Publication	~~Adult Education Handbook for California, 2005~~Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Department of Education and California Community College Chancellor Office Publication	~~Pupil Fees, Charges, and Other Deposits, Fiscal Management Advisory 12-02, April 24, 2013~~Adult Education Block Grant (AEBG) Measures of Effectiveness
Website	California Department of Education, Adult Education
Website	California Department of Industrial Relations, Division of Apprenticeship Standards
Website	Comprehensive Adult Student Assessment Systems
Website	California Council for Adult Education
Website	Commission on Teacher Credentialing

Cross References

Code	**Description**
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
3260	Fees And Charges
3260	Fees And Charges
3541	Transportation Routes And Services

4112.2	Certification
4112.2	Certification
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes
~~6142.7~~6145.6	~~Physical Education And Activity~~International Exchange (BP and AR)
~~6142.7~~6146.1	~~Physical Education And Activity~~High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.~~1~~2	~~High School Graduation Requirements~~Certificate of Proficiency/High School Equivalency (BP and AR)
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E PDF (1)	Certificate Of Proficiency/High School Equivalency
6146.~~2-E PDF(1)~~4	~~Certificate Of Proficiency/High School Equivalency~~Differential Graduation And Competency Standards For Students With Disabilities
6146.45	~~Differential Graduation And Competency Standards For Students With Disabilities~~Elementary/Middle School Graduation Requirements
~~6158~~6146.5	~~Elementary/Middle School Graduation Requirements~~Independent Study
6158	Independent Study
~~6164.2~~	~~Independent Study~~Guidance/Counseling Services
6172.1	~~Guidance/Counseling Services~~Concurrent Enrollment in College Classes (BP and AR)
6178	Career Technical Education
6178	Career Technical Education

6178.2	Regional Occupational Center/Program
6184	Continuation Education
6184	Continuation Education
9140	Board Representatives

Regulation 6200: Adult Education **Status:** ADOPTED

Original Adopted Date: 06/01/1997 | **Last Revised Date:** ~~05~~09/01/~~2016~~2022 | **Last Reviewed Date:** ~~05~~09/01/~~2016~~2022

CSBA NOTE: The following administrative regulation may be revised for consistency with the adult education plan adopted by the regional consortium established for the Adult Education ~~Block Grant, pursuant to Education Code 84906, as added by AB 104 (Ch. 13, Statutes of 2015). In addition, districts that participate in a county-operated adult education program (Option 2 in the accompanying Board policy) should tailor the following administrative regulation to delete references to district programs.~~Program, pursuant to Education Code 84906.

~~Enrollment~~

~~With the exception of programs specified in Education Code 52570, adult education classes shall be located in a facility which clearly identifies the class as being open to the general public. (Education Code 52517, 52570)~~

Enrollment

~~CSBA NOTE: The following paragraph may be revised to reflect programs in which the district participates.~~

For ~~For purposes of the Adult Education Block Grant pursuant to Education Code 84900-84920, adults include persons 18 years of age or older. For other~~ adult education programs, adults include persons age 18 or older and other persons not concurrently enrolled in a regular high school program. However, high school students may be concurrently enrolled in adult education under the conditions specified in the section "Concurrent Enrollment of High School Students" below. (Education Code 52523, 52610) ~~(Education Code 52523)~~

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period.~~, 84901~~ (Education Code 52523)

With the exception of programs for adults with disabilities specified in Education Code 52570, adult education classes shall be located in a facility which clearly identifies attendance in the class as being open to the general public. (Education Code 52517, 52570)

Concurrent Enrollment of High School Students

High school students ~~shall~~may be permitted to enroll in an adult education program, course, or class for sound educational purposes, including, but not limited to, the following: (Education Code 52523)

1. The adult education program, course, or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course, or class in order to make up deficient credits for graduation from high school.
3. The adult education program, course, or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's ~~career~~vocational and technical education

program.

4. The adult education program, course, or class supplements and enriches the high school student's educational experience.

CSBA NOTE: The following paragraph is optional.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

Before enrolling in an adult education class, the high school student shall complete a counseling session that includes ~~his/her~~the student, the student's parent/guardian, and a certificated representative of the high school. The certificated high school representative shall ensure that the student's school record includes written documentation of the counseling session and both of the following statements: (Education Code 52500.1, 52523)

1. That the student is enrolling voluntarily in the adult education course or class

2. That ~~this~~the enrollment will enhance the student's progress toward meeting educational requirements for high school graduation

CSBA NOTE: The following paragraph is optional. Education Code 52500.1 does not require that the above statement be signed. However, obtaining the signature of all parties is one way to document the student's voluntary participation in the program and the high school representative's determination that the program will enhance the student's progress toward graduation.

The above statement shall be signed by the student, the student's parent/guardian, and the certificated high school representative.

Classes offered in the district's adult education program shall supplement and not supplant the regular high school curriculum. No course required by the district for high school graduation or necessary for students to maintain satisfactory academic progress shall be offered exclusively through the adult education program. (Education Code 52523)

Programs and Courses

CSBA NOTE: The following list should be revised to reflect the types of adult education programs offered by the district. Education Code ~~84913~~41976, as ~~added~~amended by AB ~~104~~486 (Ch. ~~13~~666, Statutes of ~~2015~~2022), authorizes the use of Adult Education ~~Block Grant~~Program funds to support the programs listed in ~~items~~Items #1-7 below. ~~Education Code 41976, as amended by AB 104, authorizes the use of local~~Local control funding formula (LCFF) and/or other district funds may be used for many of these same purposes~~, as well as the purposes listed in items #8-12 below~~.

~~Adult~~The district's adult education ~~classes or courses~~program shall offer instruction in one or more of the following~~:~~ areas: (Education Code 41976~~, 84913~~))

1. Programs in elementary and secondary basic skills, including programs leading to a high school diploma or high school equivalency certificate

CSBA NOTE: Education Code 52550-~~52556 set conditions for~~52555 require establishing citizenship programs in high school districts when 25 or more persons residing in the district apply for such training~~.~~, and permit such classes upon demand when there are a lesser number of applicants. Pursuant to Education Code 41976, as amended by AB 486, the course may include immigrant integration.

2. Programs for immigrants eligible for educational services in citizenship, English as a second language, ~~and~~ workforce preparation , and immigrant integration

3. Programs ~~for adults, including, but not limited to, older adults,~~ that are primarily related to entry or reentry into the workforce

4. ~~Programs for adults, including, but not limited to, older adults,~~Programs that are primarily designed to develop knowledge and skills to assist elementary and secondary students to succeed academically in school

5. Programs for adults with disabilities

6. Short-term career technical education programs with high employment potential

7. Programs offering pre-apprenticeship training activities in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.

~~CSBA NOTE: Education Code 84913, as added by AB 104 (Ch. 13, Statutes of 2015), authorizes the use of Adult Education Block Grant funds to support pre-apprenticeship training activities, as provided in item #7 below. Pre-apprenticeship training activities must be conducted in coordination with apprenticeship programs approved by the California Department of Industrial Relations' Division of Apprenticeship Standards for the occupation and geographic area.~~CSBA NOTE: Education Code 52540 sets conditions for establishing English as a second language classes in high school districts when 20 or more adults residing in the district apply for such classes.

~~7. Programs offering pre-apprenticeship training activities in coordination with one or more approved apprenticeship programs~~

The district may also offer programs in parenting, family and consumer awareness, English as a second language, classes for older adults, home economics, and health and safety education. Such programs shall not be paid for with Adult Education Program Funds.

~~CSBA NOTE: The types of programs listed in optional items #8-12 below are not authorized uses of the Adult Education Block Grant. However, Education Code 41976 authorizes the use of other district funds for these purposes, as well as the purposes listed in items #1-2 and #5-7 above.~~CSBA NOTE: Pursuant to Education Code 51056 and 52515, adult education courses must be approved by the California Department of Education (CDE). According to CDE's website, within 20 working days of receiving a request, CDE will provide electronic certification of course approval. Authorized courses are listed in the Adult Education Course Approval System (A-22) on CDE's web site.

~~8. Programs in parenting, including parent cooperative preschools, and classes in child growth and development, parent-child relationships, and parenting~~

~~CSBA NOTE: Education Code 52540-52544 set conditions for establishing English as a second language classes in high school districts when 20 or more adults residing in the district apply for such classes.~~

~~9. English as a second language~~

~~10. Programs for older adults~~

~~11. Home economics~~

~~12. Health and safety education~~

~~CSBA NOTE: Pursuant to Education Code 51056 and 52515, adult education courses must be approved by the CDE. According to the CDE's Adult Education Handbook for California, districts must annually submit a list of course titles to the CDE for approval. Authorized courses are listed in the Adult Education Course Approval System (A-22) on the CDE's web site.~~

The Superintendent or designee shall ~~annually~~regularly submit to the California Department of Education for approval the titles of classes that have been approved by the Governing Board to be offered in any of the program areas listed above.

CSBA NOTE: The following optional paragraph is for use by districts that offer community service classes; see BP ~~6146~~6142.4 - Service Learning/Community Service Classes. Pursuant to Education Code 51810, the district may provide community service classes in specified subjects without the approval of ~~the~~ CDE.

Adults may also ~~may~~ be enrolled in community service classes offered by the district. (Education Code 51811)

All adult education programs, courses, and classes and their enrollment period shall be published in the district's catalog of adult education classes provided to the public. (Education Code 52523)

Independent Study

The Superintendent or designee may make independent study available as an instructional strategy for students enrolled in adult education as appropriate to meet their individual needs.

~~Participation in independent study shall be voluntary. (Education Code 51747)~~

~~Any course taken through independent study shall be a course listed in Education Code 51225.3 or otherwise required by the Board for high school graduation. (Education Code 46300.4)~~

~~An adult who has been continuously enrolled in K-12 education since his/her 18th birthday may remain engaged in K-12 independent study until his/her 21st birthday. (Education Code 46300.1~~Student participation in independent study shall be voluntary and no student shall be required to participate. (Education Code 51747)

Fees

CSBA NOTE: Education Code 52612-52613 authorize the district to charge fees for adult education classes, with certain exceptions. The total of these fees plus revenues derived from ~~ADA~~average daily attendance must not exceed the estimated cost of all such classes. The following section should be revised to reflect district practice.

~~No fee~~The district may require fees for enrollment in an adult education class. However, no fees shall be charged for the following adult education programs or classes: (Education Code 52612, 52613)

1. A class for which high school credit is granted, if the class is taken by an individual who does not hold a high school diploma.

2. A class in an elementary subject or a class in English as a second language or citizenship, unless the student is a nonimmigrant ~~alien~~ with an F-1 visa status. Any nonimmigrant enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged.

CSBA NOTE: The following paragraph is optional.

Except for those fees required by law, the payment of fees may be waived in cases of hardship at the recommendation of the Superintendent or designee.

The Board may fix a charge, not to exceed cost, for books furnished to adult education students. In ~~some cases~~lieu of fixing such charge, books may be ~~obtained from the district at cost or may be obtained on loan~~ loaned to students with the payment of a refundable deposit. ~~In addition, materials purchased from the incidental expense account may be sold to adult school students for use in their classes.~~ (Education Code ~~52615,~~ 60410)

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State	Description
5 CCR 10501	Adult education
5 CCR 10508	Records and reports
5 CCR 10530-10534	Standards
5 CCR 80034	Teaching credentials, adult education
5 CCR 80034.5	Adult education, substitute teachers
5 CCR 80036-80036.4	Requirements for designated subjects adult education credential
5 CCR 80040.2-80040.2.7	Programs of personalized preparation for the designated subjects adult education teaching credentialing
Ed. Code 10200	CalWORKs education and job training plan
Ed. Code 41975-41976.2	Adult education; authorized classes and courses
Ed. Code 44260.2-44260.3	Credential requirements, designated subjects adult education credential
Ed. Code 44865	Qualifications for home teachers

Ed. Code 46190-46192	Adult education classes, day of attendance
Ed. Code 46300.1-46300.4	Independent study
Ed. Code 51040	Prescribed courses
Ed. Code 51056	Adult education course of study
Ed. Code 51225.3	High school graduation
Ed. Code 51241	Temporary, two-year or permanent exemption from physical education
Ed. Code 51246	Physical education exemptions
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes)
Ed. Code 51745	Independent study
Ed. Code 51810-51815	Community service classes
Ed. Code 52500-52523	Adult schools
Ed. Code 52530-52531	Use of hospitals
Ed. Code 52540-52544	Adult English classes
Ed. Code 52550-52556	Classes in citizenship
Ed. Code 52570-52572	Disabled adults
Ed. Code 52610-52616.24	Adult schools, finances
Ed. Code 52651-52656	Immigrant Workforce Preparation Act
Ed. Code 60410	Books for adult classes
Ed. Code 84830	Adult education consortium
Ed. Code 84900-84920	Adult Education Block Grant
Ed. Code 8500-8538	Adult education
W&I Code 11320-11329.5	CalWORKs, including education and job training

Federal	**Description**
20 USC 2301-2415	Carl D. Perkins Career and Technical Education Act
29 USC 3101-3255	Workforce Innovation and Opportunity Act
29 USC 3271-3333	Adult Education and Family Literacy Act

Management Resources	**Description**
California Department of Education Publication	Adult Education Handbook for California, 2005
California Department of Education Publication	Pupil Fees, Charges, and Other Deposits, Fiscal Management Advisory 12-02, April 24, 2013
Website	California Department of Education, Adult Education
Website	California Department of Industrial Relations, Division of Apprenticeship Standards

Website	Comprehensive Adult Student Assessment Systems
Website	California Council for Adult Education
Website	Commission on Teacher Credentialing

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
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0440	District Technology Plan
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3260	Fees And Charges
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3541	Transportation Routes And Services
4112.2	Certification
4112.2	Certification
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6112	School Day
6112	School Day
6142.4	Service Learning/Community Service Classes
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6146.11	Alternative Credits Toward Graduation
6146.11	Alternative Credits Toward Graduation

6146.2	Certificate Of Proficiency/High School Equivalency
6146.2	Certificate Of Proficiency/High School Equivalency
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6146.5	Elementary/Middle School Graduation Requirements
6158	Independent Study
6158	Independent Study
6164.2	Guidance/Counseling Services
6178	Career Technical Education
6178	Career Technical Education
6178.2	Regional Occupational Center/Program
6184	Continuation Education
6184	Continuation Education
9140	Board Representatives

Policy 7110: Facilities Master Plan **Status:** ADOPTED

Original Adopted Date: 02/01/1996 | **Last Revised Date:** ~~03~~09/01/~~2012~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2012~~2022

CSBA NOTE: The following optional policy may be revised to reflect district practice. Pursuant to the School Facility Program (Education Code 17070.10-17079.30), the State Allocation Board (SAB) and Office of Public School Construction administer state funding programs for new construction, modernization, career technical education facilities, charter school facilities, critically overcrowded school facilities, facility hardships, seismic mitigation, high performance incentives (environmentally efficient schools), joint use programs, labor compliance, overcrowding relief, emergency repairs, and deferred maintenance.

For additional information about the facilities master planning process, see CSBA's fact sheet , "Facilities Master Planning~~.~~." In addition, CSBA's Facilities Planning program provides assistance with enrollment projections and/or the development of facilities master plans.

Although not required by law, the California Department of Education's (CDE) publication , "Educational Specifications: Linking Design of School Facilities to Educational Program," recommends that the district's facilities master plan be adopted by formal resolution of the Governing Board.

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment, teacher housing needs, and ~~in~~ the district's educational program ~~needs~~. The Superintendent or designee shall develop, for Board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. ~~He/she also~~ The Superintendent or designee shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. In its "Public School Construction Cost Reduction Guidelines~~, the~~," SAB recommends that facilities master plans be reevaluated whenever a new construction project is initiated or at intervals not exceeding five years.

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

Plan Components

CSBA NOTE: ~~The~~ CDE's publication , "Educational Specifications: Linking Design of School Facilities to Educational Program (Appendix 1~~)~~)," recommends components that should be addressed in the facilities master plan. Items #1-8 below are optional and may be revised to reflect district practice.

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs
4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds
6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives
2. Provide for maximum site enrollment at school facilities
3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010
4. Are designed for the environmental comfort and work efficiency of the occupants
5. Are designed to require a practical minimum of maintenance
6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety
7. Are designed and engineered with flexibility to accommodate future need

CSBA NOTE: 5 CCR 14030 delineates detailed standards for developing plans for the design and construction of school facilities. All school districts must comply with these standards, whether a project

is state funded or locally funded. Other legal requirements for facilities plans, including Education Code 16011, 16322, and 17251, vary depending on the funding source and type of project.

Pursuant to the Americans with Disabilities Act (ADA) (42 USC 12101-12213) and 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, ~~starting March 15, 2012~~, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs pursuant to 28 CFR 35.151~~, as amended by 75 Fed. Reg. 178.~~. CSBA's ADA Compliance Program offers a variety of accessibility services including, but not limited to, facilities inspections and planning to transition facilities into full ADA compliance.

California Green Building Standards Code, Title 24 ~~CCR 101 et seq.~~ (~~"CalGreen,~~ Part 11 of the California Code of Regulations, ("CALGreen") establishes both mandatory requirements and voluntary standards for "green" building, which apply to all new construction and are applicable to K-12 schools. ~~CalGreen~~CALGreen addresses five major areas: (1) planning and design, (2) energy efficiency, (3) water efficiency, (4) material conservation and resource efficiency~~;~~, and (5) indoor environmental quality.

Health and Safety Code 53570-53574, The Teacher Housing Act of 2016, authorizes districts to establish and implement programs that address the housing needs of teachers and district employees facing challenges in securing affordable housing. Pursuant to Education Code 17283.5 and Government Code 4454.5, as added by AB 306 (Ch. 49, Statutes of 2021), residential housing, defined as any building used as a personal residence by a teacher or employee of a district, with the teacher's or employee's family, is specifically exempt from obtaining approval from the Department of General Services for earthquake safety (Field Act) and access by persons with disabilities.

Plans for the design and construction of new school facilities ~~also~~ shall also meet the standards described in 5 CCR 14030, ~~green building standards pursuant to~~the California Green Building Standards Code, Title 24 ~~CCR 101 et seq.~~, Part 11 of the California Code of Regulations ("CALGreen"), the Americans with Disabilities Act (ADA) pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

However, plans for residential housing, which includes any building used or intended to be used by the district as a personal residence by a teacher or employee of the district, is not considered to be a "school building" and does not require approval by the Department of General Services regarding earthquake safety and/or the ADA. (Education Code 17283.5; Government Code 4454.5)

CSBA NOTE: Subject to the availability of funds, districts may apply pursuant to Education Code 17077.40-17077.45 to fund joint use projects which are part of (1) a qualifying new construction project that will either increase the size and/or create extra costs beyond that necessary for school use of the multipurpose room, gymnasium, child care facility, library, or teacher education facility; or (2) a modernization project or a stand-alone project to provide for a multipurpose room, gymnasium, child care facility, library, or teacher education facility at a school that does not have the type of facility needed or has an inadequate facility.

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

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Policy Reference Disclaimer:

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State	**Description**
2 CCR 1859-1859.199	Leroy F. Greene School Facilities Act
24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14010	Procedure for site acquisition
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Ed. Code 16011	Long-range comprehensive master plan
Ed. Code 16322	California Department of Education services
Ed. Code 17017.5	Approval of applications for projects
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17251-17256	Powers concerning buildings and building sites
Ed. Code 17260-17268	Plans and specifications for school facilities
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17283.5	School building does not include residential housing
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 17405	Relocatable structures; lease requirements
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 4454.5	Approval of plans and specifications; exemption of residential housing
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 65352.2	Communicating and coordinating of school sites
Gov. Code 65995.6	School facilities needs analysis
H&S Code 53570-53574	Teacher Housing Act of 2016

Federal	**Description**
28 CFR 35.101-35.190	Americans with Disabilities Act
42 USC 12101-12213	Americans with Disabilities Act

Management Resources	**Description**
California Department of Education Publication	Educational Specifications: Linking Design of School Facilities to Educational Program, 1997
California Department of Education Publication	Guide for the Development of a Long-Range Facilities Plan, 1986
California Department of Education Publication	Schools of the Future Report, September 2011
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, ~~September 2009~~February 2010
CSBA Publication	Facilities Master Planning, Fact Sheet, November 2007

Office of Public School Construction Publication	School Facility Program Handbook, January 2019
Office of Public School Construction Publication	~~An~~A Brief Overview of the ~~State~~ School Facility ~~Programs, rev. October 2011~~Program, May 2016
State Allocation Board Publication	Public School Construction Cost Reduction Guidelines, 2000
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0400	Comprehensive Plans
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.1	Uniform Public Construction Cost Accounting Procedures
3311.3	Design-Build Contracts
3470	Debt Issuance And Management
3510	Green School Operations
3511	Energy And Water Management
3511	Energy And Water Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3514	Environmental Safety
3514	Environmental Safety

3517	Facilities Inspection
3517-E(1)	Facilities Inspection
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
5030	Student Wellness
5141.7	Sun Safety
5142	Safety
5142	Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6117	Year-Round Schedules
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.1	Library Media Centers
6178	Career Technical Education
6178	Career Technical Education
7000	Concepts And Roles
7111	Evaluating Existing Buildings
7131	Relations With Local Agencies
7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
7150	Site Selection And Development
7150	Site Selection And Development
7160	Charter School Facilities
7160	Charter School Facilities

7210	Facilities Financing
7212	Mello-Roos Districts
7213	School Facilities Improvement Districts
7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board

Policy 7150: Site Selection And Development **Status:** ADOPTED

Original Adopted Date: 02/01/1999 | **Last Revised Date:** ~~03~~09/01/~~2002~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2002~~2022

CSBA NOTE: Education Code 17070.10-17077.10 ~~set~~sets forth eligibility requirements for the receipt of state facilities funds under the Leroy F. Greene School Facilities ~~Program~~Act of 1998 (Proposition 1A). As a condition for receipt of the funds, Education Code 17070.50 requires districts to obtain written approval from the California Department of Education (CDE) and certify to the State Allocation Board that the district's site selection and building plans comply with the regulations developed by ~~the department~~CDE, pursuant to Education Code 17251(b) and (c). In addition, Education Code 17070.50 requires the district to certify that the services of an architect, a structural engineer, or other design professional has been selected using a competitive process consistent with Government Code 4526. See BP/AR 7140 - Architectural and Engineering Services.

The Governing Board believes that a school site should serve the district's educational needs in accordance with the district's master plan, as well as show potential for contributing to other community needs.

The Board recognizes the importance of community input in the site selection process. To this end, the Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

CSBA NOTE: Pursuant to Education Code 17211, districts are required to ensure that property acquired for a new school or an addition to an existing school site meets standards for school site selection as specified in 5 CCR 14010-14012.

Before acquiring property for a new school or an addition to an existing school site, the Board, at a public hearing, shall either evaluate the property ~~at a public hearing~~ using state site selection standards~~:~~ ~~(Education Code 17211~~ specified in 5 CCR 14010 or, if a district advisory committee was appointed to evaluate the property, receive the committee's report of findings based on those standards. (Education Code 17211, 17251)

Environmental Impact Investigation for the Site Selection Process

CSBA NOTE: Pursuant to Public Resources Code 21082, districts are mandated to adopt procedures for the evaluation of all projects (beyond just site selection) and the preparation of environmental impact reports and negative declarations required under the California Environmental Quality Act (CEQA). In order to satisfy this mandate, the district may either (1) adopt the actual CEQA guidelines, as applicable, as its own procedure~~:~~, (2) adopt the county or city guidelines, (3) or develop its own procedure. In most cases, the district's environmental investigation will conclude with a simultaneous public review of both the environmental documentation and, if applicable, the Department of Toxic Substance Control (DTSC) documents.

Pursuant to Public Resources Code 21092 and 21092.2, as amended by AB 819 (Ch. 97, Statutes of 2021), when CEQA requires a draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration (environmental review documents), the district is required

to post on its web site those environmental review documents, and public notice of the preparation and availability of such documents. The district must email specified notices when written requests for notices have been filed. See Exhibit 1113-District and School Web Sites and the accompanying administrative regulation.

The following paragraph provides for the use of CEQA guidelines for the evaluation of all projects, including site selection. Districts that have adopted the city/county guidelines or their own procedure should modify the paragraph accordingly.

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act ~~whenever so required.~~ , including any web site posting requirements. When evaluating district projects, the CEQA guidelines shall be used.

Environmental review documents, including a draft environmental impact report, environmental impact report, negative declaration or mitigated negative declaration, and public notice of the preparation and availability of such documents, shall be posted on the district's web site. (Public Resources Code 21082.1, 21092, 21092.2)

Agricultural Land

CSBA NOTE: In 82 Ops.Cal.Atty.Gen. 130 (1999), the Attorney General opined that a district may construct a school on land designated by a county ordinance for "agricultural, open space or rural land use." However, the Board must, by a two-thirds vote pursuant to Government Code 53094, render the ordinance inapplicable to the proposed use of the property. See 9323.2 - Actions by the Board. The exemption can be blocked only by a court determination that the action was "arbitrary and capricious."

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Board shall determine all of the following: (Education Code 17215.5)

1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located

2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land

3. That the district shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

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State	Description
14 CCR 15000-15285	Implementation of California Environmental Quality Act of 1970
5 CCR 14001-14036	~~Minimum standards~~California Department of Education: school facilities construction

CCP: 1263.710-1263.770	Remediation of hazardous substances on property to be acquired by school district
Ed. Code 17006	Definition of self-certifying district
Ed. Code 17024	Prior written approval of CDE for selection of school site or construction of building
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998
Ed. Code 17210-17224	School Sites: ~~General~~general provisions ~~(school sites)~~
Ed. Code 17240-17245	New Schools Relief Act
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17251-17256	CDE ~~Powers~~powers concerning buildings and building sites
Ed. Code 17260-17268	Plans and specifications for school facilities
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17565-17592.5	Board duties ~~re-~~; management and control of school property
Ed. Code 35271	Power to acquire and construct on adjacent property
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 53094	Authority to render zoning ordinances inapplicable
Gov. Code 65402	Acquisition or disposition of property
Gov. Code 65995-65997	Developer fees
Gov. Code 66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition
H&S Code 44360	Risk assessment
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970

Management Resources	**Description**
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 130 (1999)
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education, School Facilities
Website	California Department of Education, School Site Selection and Approval Guide
Website	Department of Toxic Substances Control
Website	Governor's Office of Planning and Research

Cross References

Code	**Description**
1113	District and School Web Sites (BP/AR/E(1))
1220	Citizen Advisory Committees

1220	Citizen Advisory Committees
1330.1	Joint Use Agreements
3311.2	Lease-Leaseback Contracts
3510	Green School Operations
3514	Environmental Safety
3514	Environmental Safety
5142.2	Safe Routes To School Program
5142.2	Safe Routes To School Program
7000	Concepts And Roles
7110	Facilities Master Plan
7131	Relations With Local Agencies
7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
7210	Facilities Financing
9000	Role Of The Board
9320	Meetings And Notices
9323.2	Actions By The Board
9323.2-E PDF(1)	Actions By The Board
9323.2-E PDF(2)	Actions By The Board

Regulation 7150: Site Selection And Development **Status:** ADOPTED

Original Adopted Date: 11/01/2000 | **Last Revised Date:** ~~03~~09/01/~~2006~~2022 | **Last Reviewed Date:** ~~03~~09/01/~~2006~~2022

As part of the district's site selection process, the Superintendent or designee shall:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)

2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site or proposed addition's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)

3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage as specified in Government Code 65302. (Education Code 17212-17212.5)

CSBA NOTE: Education Code 17212.2~~, as added by AB 2485 (Ch. 505, Statutes of 2004),~~ authorizes the district to request information from the following entities in order to evaluate the safety of a proposed site.

4. ~~As necessary,~~Make a written request for information necessary or useful to assess and determine the safety of a proposed school site, or an addition to an existing school site, from a person, corporation, public utility, locally publicly owned utility, or governmental agency regarding pipelines, electric transmission and distribution lines, railroads, and storage tanks in accordance with law. (Education Code 17212.2, 17251)

5. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14012.

CSBA NOTE: Pursuant to Public Resources Code 21092, 21092.2, 21092.3, and 21152, as amended by AB 819 (Ch. 97, Statutes of 2021), districts are required to (1) post specified notices to the district's web site, (2) submit a notice of determination or notice of exemption with the county clerk electronically, if that option is offered by the county clerk, and (3) file an environmental notice with the Office of Planning and Research using their online process.

6. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law~~.~~ , including posting required notices to the district web site. (Public Resources Code 21000-21177)

~~CSBA NOTE: AB 1358 (Ch. 229, Statutes of 2005) amended Education Code 17215 to require notification to the California Department of Education (CDE) if the district is leasing a site near an airport.~~

7. ~~If~~Notify the California Department of Education in writing before acquiring title or leasing the site if the proposed site is within two miles of the air line of an airport runway or proposed runway~~, before acquiring title to or leasing the site, notify the California Department of Education in writing.~~ . (Education Code 17215)

~~CSBA NOTE: Education Code 17213 prohibits the approval of a school site within 500 feet from the freeway or other busy traffic corridor, unless the district performs an air quality analysis as specified in law.~~

8. ~~If~~Conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213 if the proposed site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor~~, conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213~~ and determine that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to students. (Education Code 17213)

CSBA NOTE: ~~Pursuant to Education Code 17213.1, both~~Both a Phase I environmental assessment and a preliminary endangerment assessment, if necessary, must be conducted pursuant to Education Code 17213.1 to determine whether a release of hazardous materials has occurred, as provided in ~~item~~Item #1 below. The district must submit these documents to ~~the~~ CDE and the Department of Toxic Substance Control (DTSC) for review. If hazardous substances are disclosed, Education Code 17213.1 authorizes DTSC to order the district to complete certain "response actions" prior to securing state funding.

In the selection and development of projects funded pursuant to the School Facilities Program of 1998 (Proposition 1A) as contained in Education Code 17070.10-17077.10, the Superintendent or designee shall:

1. Determine whether the proposed site is free of toxic contamination by ensuring that a Phase I environmental assessment and/or preliminary endangerment assessment is conducted as required by law (Education Code 17213.1)

   The Superintendent or designee shall ensure that the preliminary endangerment assessment is made available for public review and comment in accordance with Education Code 17213.1.

2. ~~Annually submit a~~Submit an annual summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)

3. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)

CSBA NOTE: The Office of Public School Construction recommends that districts consult with legal counsel to ensure compliance with the disabled veteran provisions of ~~item~~Item #4 below.

4. Establish a participation goal of at least three percent, per year, of the overall dollar amount expended each year by the district for disabled veteran business enterprises (Education Code 17076.11)

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State	**Description**
14 CCR 15000-15285	Implementation of California Environmental Quality Act of 1970
5 CCR 14001-14036	~~Minimum~~School Facilities Construction; general standards

CCP~~:~~ 1263.710-1263.770	Remediation of hazardous substances on property to be acquired by school district
Ed. Code 17006	Definition of self-certifying district
Ed. Code 17024	Prior written approval of CDE for selection of school site or construction of building
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998
Ed. Code 17210-17224	~~General~~School Sites; general provisions ~~(school sites)~~
Ed. Code 17240-17245	New Schools Relief Act
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17251-17256	~~Powers~~CDE powers concerning buildings and building sites
Ed. Code 17260-17268	Plans and specifications for school facilities
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17565-17592.5	Board duties ~~re-~~; management and control of school property
Ed. Code 35271	Power to acquire and construct on adjacent property
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 53094	Authority to render zoning ordinances inapplicable
Gov. Code 65402	Acquisition or disposition of property
Gov. Code 65995-65997	Developer fees
Gov. Code 66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition
H&S Code 44360	Risk assessment
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970

Management Resources	**Description**
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 130 (1999)
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education, School Facilities
Website	Department of Toxic Substances Control (https://dtsc.ca.gov/)
Website	Governor's Office of Planning and Research (https://opr.ca.gov/ceqa/)

Cross References

Code	**Description**
1113	District and School Web Sites (BP/AR/E(1))
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees

1330.1	Joint Use Agreements
3311.2	Lease-Leaseback Contracts
3510	Green School Operations
3514	Environmental Safety
3514	Environmental Safety
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9323.2-E PDF(2)	Actions By The Board

Bylaw 9100: Organization **Status:** ADOPTED

Original Adopted Date: 09/01/1992 | **Last Revised Date:** ~~07~~09/01/~~2015~~2022 | **Last Reviewed Date:** ~~07~~09/01/~~2015~~2022

CSBA NOTE: Pursuant to Education Code 35143, as amended by AB 486 (Ch. 666, Statutes of 2021), the Governing Board is required to set and hold an annual organizational meeting, in the manner described below, prior to the end of each calendar year. If the Board fails to select a day and time for the meeting, the County Superintendent of Schools must designate and notify all Board members and members-elect of the day and time of the meeting. A city board of education whose members are elected in accordance with a city charter may, by a rule of its board, establish a different timeline for setting the annual meeting and revise the following paragraph accordingly.

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within ~~a~~ 15~~-day period beginning from~~ days following the ~~date upon which a Board member elected at that~~second Friday in December after the regular election ~~takes office.~~. During ~~non-election~~all other years, the meeting ~~shall~~may be held ~~within the same 15-day period~~ on ~~the calendar.~~ any date in December, but no later than December 20th. (Education Code 35143)

CSBA NOTE: Unless otherwise provided by rule of the Board, the following paragraph is required pursuant to Education Code 35143~~.~~, as amended by AB 486.

~~The day and time of the annual meeting shall be selected by~~During any year in which a regular election is conducted, the Board, at ~~its~~the regular meeting held immediately prior to the ~~first~~second Friday in December, shall select the day and time of the organizational meeting. For any other year, the day and time of the ~~15-day period~~organizational meeting shall be selected at the last regular meeting held immediately before the annual meeting. On behalf of the Board, the Superintendent shall notify the County Superintendent of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the ~~clerk of the Board, with the assistance of the~~ Superintendent~~,~~ shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

CSBA NOTE: The following items should be modified to reflect district practice. Education Code 35022 requires all boards with five or more members to elect a president. Education Code 35143 requires the election of a clerk and a president for high school, union high school, and joint union high school districts. City boards of education are required to elect only a president or a president and vice president, and all other types of districts are required to elect a clerk. For more information about election of officers, see the section "Election of Officers" below.

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent as secretary to the Board
3. Authorize signatures

CSBA NOTE: Item #4 below promotes the adoption of a Board calendar to ensure the scheduling of important governance matters such as evaluation of the Superintendent, Board self-evaluation, budget meetings, goal setting, and policy and program reviews.

4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters

5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates

CSBA NOTE: Item #6 below is recommended by CSBA through its governance trainings, including the Masters in Governance program.

6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

Election of Officers

CSBA NOTE: Option 1 below is for districts that rotate offices so that each Board member has the opportunity to become president, while Option 2 is for districts that each year elect their entire slate of officers. The following options should be revised to reflect the sequence of offices used in the district.

OPTION 1: The Board shall each year elect one of its members to be (clerk)/(vice president). This member shall be one who previously has not served in office, unless all the Board's members have previously served in office. After serving one year as (clerk)/(vice president), the elected member shall serve one year as president of the Board.

OPTION 1 ENDS HERE

OPTION 2: The Board shall each year elect its entire slate of officers.

OPTION 2 ENDS HERE

CSBA NOTE: The following optional sentence may be used with Option 2.

No Board member shall serve more than _____ consecutive year(s) in the same office.

CSBA NOTE: The following sentence may be used by all districts regardless of the option selected above. The California Attorney General has disapproved secret ballot voting in open meetings, as well as the casting of mail ballots (68 Ops.Cal.Atty.Gen. 65, 1985). As long as they do not use secret ballots, boards may elect their officers in any way they choose.

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

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State	Description
Ed. Code 35143	Annual organizational meetings; date and notice
Ed. Code 35145	Public meetings
Ed. Code 5017	Term of office

Gov. Code 54953	Meetings to be open and public; attendance

Management Resources	**Description**
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 619~~,~~ ~~621-622~~ (1976)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 65 (1985)

Cross References

Code	**Description**
9000	Role Of The Board
9005	Governance Standards
9121	President
9123	Clerk
9140	Board Representatives
9223	Filling Vacancies
9224	Oath Or Affirmation
9230	Orientation
9240	Board Training
9320	Meetings And Notices
9323	Meeting Conduct

Policy 4154: Health And Welfare Benefits

Status: ADOPTED

Original Adopted Date: 07/01/2009 | **Last Revised Date:** 08/11/2022 | **Last Reviewed Date:** 08/11/2022 see more

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

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

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

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

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

Continuation of Coverage

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

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

Confidentiality

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

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
Civ. Code 56.10-56.16	Disclosure of information by medical providers (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1.&chapter=2.&part=2.6.&lawCode=CIV)
Civ. Code 56.20-56.245	Use and disclosure of medical information by employers (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=1.&title=&part=2.6.&chapter=3.&article=)
Ed. Code 17566	Self-insurance fund ()
Ed. Code 35208	Liability insurance ()
Ed. Code 35214	Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company) ()
Ed. Code 44041-44042	Payroll deductions for collection of premiums ()
Ed. Code 44986	Leave of absence; state disability benefits ()
Ed. Code 45136	Benefits for classified employees ()
Ed. Code 7000-7008	Health and welfare benefits; retired certificated employees ()
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners ()

Fam. Code 300	Definition of marriage ()
Gov. Code 12940	Unlawful discriminatory employment practices ()
Gov. Code 22750-22944	Public Employees' Medical and Hospital Care Act ()
Gov. Code 53200-53210	Group insurance ()
H&S Code 1366.20-1366.29	Cal-COBRA program; health insurance ()
H&S Code 1367.08	Disclosure of fees and commissions paid related to health care service plan ()
H&S Code 1373	Health services plan; coverage for dependent children ()
H&S Code 1373.621	Continuation coverage; age 60 or older after five years with district ()
H&S Code 1374.58	Coverage for registered domestic partners; health service plans and health insurers ()
Ins. Code 10116.5	Continuation coverage; age 60 or older after five years with district ()
Ins. Code 10128.50-10128.59	Cal-COBRA program; disability insurance ()
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children ()
Ins. Code 10604.5	Annual disclosure of fees and commissions paid ()
Ins. Code 12670-12692.5	Conversion coverage ()
Lab. Code 2800.2	Notification of availability of continuation health coverage ()
Lab. Code 4856	Health benefits for spouse of peace officer killed in performance of duties ()
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits ()

Federal	**Description**
1 USC 7	Definition of marriage and spouse (https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title1-section7&num=0&edition=prelim)
26 CFR 1.105-11	Self-insured medical reimbursement plan ()
26 CFR 54.4980B-1-54.4980B-10	COBRA continuation coverage ()
26 CFR 54.4980H-1-54.4980H-6	Patient Protection and Affordable Care Act ()
26 USC 105	Self-insured medical reimbursement plan; definition of highly compensated individual ()
26 USC 4980B	COBRA continuation coverage ()
26 USC 4980H	Penalty for noncompliance with employer-provided health care requirements ()
26 USC 5000A	Minimum essential coverage ()
26 USC 6056	Report of health coverage provided to employees ()
29 USC 1161-1168	COBRA continuation coverage ()
42 USC 1395-1395g	Medicare benefits ()
42 USC 300gg-16	Group health plan; nondiscrimination in favor of highly compensated individuals ()
42 USC 300gg-300gg95	Patient Protection and Affordable Care Act ()
45 CFR 164.500-164.534	Privacy of individually identifiable health information ()

Management Resources	**Description**
CSBA Publication	Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013 ()
Internal Revenue Service Notification	2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans ()
U.S. Department of Treasury Publication	Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015 ()
Website	CSBA District and County Office of Education Legal Services (https://legalservices.csba.org/)
Website	U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (http://www.cms.gov)
Website	California Employment Development Department (http://www.edd.ca.gov)
Website	Internal Revenue Service (http://www.irs.gov)

Website	U.S. Department of Labor (http://www.dol.gov)
Website	CSBA (http://www.csba.org)

Cross References

Code	Description
1340	Access To District Records (/Policy/ViewPolicy.aspx?S=36031110&revid=KJ0Vn3QvWYMPunUT1xMcEg==)
1340	Access To District Records (/Policy/ViewPolicy.aspx?S=36031110&revid=y8dWtdmw42c7D7NpPzZ1Mg==)
3100	Budget (/Policy/ViewPolicy.aspx?S=36031110&revid=PNZSlNrqVslsh4lrg47SLTn4A==)
3100	Budget (/Policy/ViewPolicy.aspx?S=36031110&revid=V73FnaiJWNhjSWZIkVW4og==)
3460	Financial Reports And Accountability (/Policy/ViewPolicy.aspx?S=36031110&revid=e2x4T61mD3eWGbbQQeFCYA==)
3460	Financial Reports And Accountability (/Policy/ViewPolicy.aspx?S=36031110&revid=gQxa8a0pZd7YVuHbgeji7Q==)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36031110&revid=sFqyfolTmmD4zplusjx5ZBHRg==)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36031110&revid=rIha6jMICYXahGBdtEuDGw==)
4030	Nondiscrimination In Employment (/Policy/ViewPolicy.aspx?S=36031110&revid=qiqQ2Bx7GNWvu4kSplusNvgslshA==)
4030	Nondiscrimination In Employment (/Policy/ViewPolicy.aspx?S=36031110&revid=8wslshyTiVObMlyxKK8IslshQI7A==)
4112.6	Personnel Files (/Policy/ViewPolicy.aspx?S=36031110&revid=DX7rWdZbRmslsh2biQKMSJu8Q==)
4112.9	Employee Notifications (/Policy/ViewPolicy.aspx?S=36031110&revid=6h4ToHarHjVAIpCcCxzEqQ==)
4118	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=H575ZAibQjnzYbv2HUqAgg==)
4118	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=0t5AloxKgdyMSrUxdI8n4w==)
4121	Temporary/Substitute Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=51SMHZzZLfbHvnslshJplusZq6Xg==)
4121	Temporary/Substitute Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=plusIS90uBLrGFH2nR87Epq5Q==)
4140	Bargaining Units (/Policy/ViewPolicy.aspx?S=36031110&revid=035DsBYmslshWCxAMuK8E41AQ==)
4141	Collective Bargaining Agreement (/Policy/ViewPolicy.aspx?S=36031110&revid=0Jk7slshC2BNYslshEKRBVOpluswslshIg==)
4141.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=plusknI2Xh5GCylslshUCtG83SCw==)
4141.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=00jNHsnM29g6tEfrZXtfplusQ==)
4157.1	Work-Related Injuries (/Policy/ViewPolicy.aspx?S=36031110&revid=SEq2Kb9A57HnlMlMZHG9KA==)
4161	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=ZxGSbI0eYrSag9plusyUslsh69Mg==)
4161	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=UzDECfslshb2HtuKEJ4voOF3g==)
4161.1	Personal Illness/Injury Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=oz6T6JCD61RzP485ocpQpQ==)
4161.8	Family Care And Medical Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=Hj4sDiupT1cJ833Z2rAlrQ==)
4212.6	Personnel Files (/Policy/ViewPolicy.aspx?S=36031110&revid=9RTdYlZK8eZBplus1dVI90sag==)
4212.9	Employee Notifications (/Policy/ViewPolicy.aspx?S=36031110&revid=wNtymyslshsRctNTNX2kAMDZw==)
4218	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=plus4R2DYM62850rrmLzRCoyw==)
4218	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=DUXSJmLffG5Cb0EcsPxkow==)
4240	Bargaining Units (/Policy/ViewPolicy.aspx?S=36031110&revid=msakgBQahvLXB9li3tZf3w==)
4241	Collective Bargaining Agreement (/Policy/ViewPolicy.aspx?S=36031110&revid=Shx2dwM2hfmSslshdBpkCYaqg==)
4241.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=KlqgeTplussXVbCNXtSlmWtAA==)

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4257.1	Work-Related Injuries (/Policy/ViewPolicy.aspx?S=36031110&revid=WuB0l14QvkKZW7LOZdfrIw==)
4261	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=FQZ61gKk12w5fsHslshxAplusOhg==)
4261	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=Vw6NJtSDuwEgJeplusggkWAxQ==)
4261.1	Personal Illness/Injury Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=0U2H8RYbD29NxAp6Z5hvTg==)
4261.8	Family Care And Medical Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=yE1LRXfg2HKlx3VgzwslshCyA==)
4300	Administrative And Supervisory Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=mL6yNiiA5plusTgHBslshCXi9A8w==)
4300	Administrative And Supervisory Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=w2y5eFCZf5E9l500maUXSQ==)
4312.6	Personnel Files (/Policy/ViewPolicy.aspx?S=36031110&revid=62K7yyjvpluSw2sZFVqH66mBA==)
4312.9	Employee Notifications (/Policy/ViewPolicy.aspx?S=36031110&revid=6bslshfFbOKUKWUqcvQ18d9Cg==)
4340	Bargaining Units (/Policy/ViewPolicy.aspx?S=36031110&revid=G0pk8Weju5a1ffIgqjad4A==)
4357.1	Work-Related Injuries (/Policy/ViewPolicy.aspx?S=36031110&revid=R18BLp0WjJfhslshl6rEERZDA==)
4361	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=wIz55VcmxlHFgptT3Q413A==)
4361	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=KOdOEFKnJhooPtcAsSkjZQ==)
4361.1	Personal Illness/Injury Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=VC20tv6aBV9c1vf5FLq4Bg==)
4361.8	Family Care And Medical Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=s9x99yxSFWvZXDtMBwT3Eg==)
9250-E PDF(1)	Remuneration, Reimbursement And Other Benefits (/Policy/ViewPolicy.aspx?S=36031110&revid=ix6xkVBwqxKA2LWfL8tKoQ==)
9250	Remuneration, Reimbursement And Other Benefits (/Policy/ViewPolicy.aspx?S=36031110&revid=hsm3oi5TyTLU86xN8cuAyQ==)

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Version: 22.1.0.04

Policy 4254: Health And Welfare Benefits

Status: ADOPTED

Original Adopted Date: 07/01/2009 | **Last Revised Date:** 08/11/2022 | **Last Reviewed Date:** 08/11/2022 see more

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

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

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

The district shall offer full-time employees who work an average of 35 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

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

Continuation of Coverage

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

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

Confidentiality

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

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
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Civ. Code 56.20-56.245	Use and disclosure of medical information by employers (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=1.&title=&part=2.6.&chapter=3.&article=)
Ed. Code 17566	Self-insurance fund ()
Ed. Code 35208	Liability insurance ()
Ed. Code 35214	Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company) ()
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Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners ()

Fam. Code 300	Definition of marriage ()
Gov. Code 12940	Unlawful discriminatory employment practices ()
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Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits ()

Federal	**Description**
1 USC 7	Definition of marriage and spouse (https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title1-section7&num=0&edition=prelim)
26 CFR 1.105-11	Self-insured medical reimbursement plan ()
26 CFR 54.4980B-1-54.4980B-10	COBRA continuation coverage ()
26 CFR 54.4980H-1-54.4980H-6	Patient Protection and Affordable Care Act ()
26 USC 105	Self-insured medical reimbursement plan; definition of highly compensated individual ()
26 USC 4980B	COBRA continuation coverage ()
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26 USC 5000A	Minimum essential coverage ()
26 USC 6056	Report of health coverage provided to employees ()
29 USC 1161-1168	COBRA continuation coverage ()
42 USC 1395-1395g	Medicare benefits ()
42 USC 300gg-16	Group health plan; nondiscrimination in favor of highly compensated individuals ()
42 USC 300gg-300gg95	Patient Protection and Affordable Care Act ()
45 CFR 164.500-164.534	Privacy of individually identifiable health information ()

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U.S. Department of Treasury Publication	Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015 ()
Website	CSBA District and County Office of Education Legal Services (https://legalservices.csba.org/)
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Website	California Employment Development Department (http://www.edd.ca.gov)
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Website	U.S. Department of Labor (http://www.dol.gov)
Website	CSBA (http://www.csba.org)

Cross References

Code	Description
1340	Access To District Records (/Policy/ViewPolicy.aspx?S=36031110&revid=KJ0Vn3QvWYMPunUT1xMcEg==)
1340	Access To District Records (/Policy/ViewPolicy.aspx?S=36031110&revid=y8dWtdmw42c7D7NpPzZ1Mg==)
2121	Superintendent's Contract (/Policy/ViewPolicy.aspx?S=36031110&revid=oE4t03t7kfplusY2OmYGYz75g==)
3100	Budget (/Policy/ViewPolicy.aspx?S=36031110&revid=PNZSlNrqVslsh4lrg47SLTn4A==)
3100	Budget (/Policy/ViewPolicy.aspx?S=36031110&revid=V73FnaiJWNhjSWZIkVW4og==)
3460	Financial Reports And Accountability (/Policy/ViewPolicy.aspx?S=36031110&revid=e2x4T61mD3eWGbbQQeFCYA==)
3460	Financial Reports And Accountability (/Policy/ViewPolicy.aspx?S=36031110&revid=gQxa8a0pZd7YVuHbgeji7Q==)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36031110&revid=sFqyfolTmmD4zplusjx5ZBHRg==)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36031110&revid=rIha6jMlCYXahGBdtEuDGw==)
4030	Nondiscrimination In Employment (/Policy/ViewPolicy.aspx?S=36031110&revid=qiqQ2Bx7GNWvu4kSplusNvgslshA==)
4030	Nondiscrimination In Employment (/Policy/ViewPolicy.aspx?S=36031110&revid=8wslshyTiVObMlyxKK8IslshQI7A==)
4112.6	Personnel Files (/Policy/ViewPolicy.aspx?S=36031110&revid=DX7rWdZbRmslsh2biQKMSJu8Q==)
4112.9	Employee Notifications (/Policy/ViewPolicy.aspx?S=36031110&revid=6h4ToHarHjVAlpCcCxzEqQ==)
4118	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=H575ZAibQjnzYbv2HUqAgg==)
4118	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=0t5AloxKgdyMSrUxdI8n4w==)
4121	Temporary/Substitute Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=51SMHZzZLfbHvnslshJplusZq6Xg==)
4121	Temporary/Substitute Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=plusIS90uBLrGFH2nR87Epq5Q==)
4140	Bargaining Units (/Policy/ViewPolicy.aspx?S=36031110&revid=035DsBYmslshWCxAMuK8E41AQ==)
4141	Collective Bargaining Agreement (/Policy/ViewPolicy.aspx?S=36031110&revid=0Jk7slshC2BNYslshEKRBVOpluswslshIg==)
4141.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=plusknI2Xh5GCylslshUCtG83SCw==)
4141.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=00jNHsnM29g6tEfrZXtfplusQ==)
4157.1	Work-Related Injuries (/Policy/ViewPolicy.aspx?S=36031110&revid=SEq2Kb9A57HnlMlMZHG9KA==)
4161	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=ZxGSbI0eYrSag9plusyUslsh69Mg==)
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4241	Collective Bargaining Agreement (/Policy/ViewPolicy.aspx?S=36031110&revid=Shx2dwM2hfmSslshdBpkCYaqg==)

4241.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=KlqgeTplussXVbCNXtSlmWtAA==)
4241.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=9CmwGslshZUjMwv3ZveegBvgg==)
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4361	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=wIz55VcmxlHFgptT3Q413A==)
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4361.8	Family Care And Medical Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=s9x99yxSFWvZXDtMBwT3Eg==)
9250-E PDF(1)	Remuneration, Reimbursement And Other Benefits (/Policy/ViewPolicy.aspx?S=36031110&revid=ix6xkVBwqxKA2LWfL8tKoQ==)
9250	Remuneration, Reimbursement And Other Benefits (/Policy/ViewPolicy.aspx?S=36031110&revid=hsm3oi5TyTLU86xN8cuAyQ==)

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Version: 22.1.0.04

Policy 4354: Health And Welfare Benefits

Status: ADOPTED

Original Adopted Date: 08/11/2022 | **Last Reviewed Date:** 08/11/2022

see more

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

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

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

The district shall offer full-time employees who work an average of 35 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

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

Continuation of Coverage

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

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

Confidentiality

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

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
Civ. Code 56.10-56.16	Disclosure of information by medical providers (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1.&chapter=2.&part=2.6.&lawCode=CIV)
Civ. Code 56.20-56.245	Use and disclosure of medical information by employers (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=1.&title=&part=2.6.&chapter=3.&article=)
Ed. Code 17566	Self-insurance fund ()
Ed. Code 35208	Liability insurance ()
Ed. Code 35214	Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company) ()
Ed. Code 44041-44042	Payroll deductions for collection of premiums ()
Ed. Code 44986	Leave of absence; state disability benefits ()
Ed. Code 45136	Benefits for classified employees ()
Ed. Code 7000-7008	Health and welfare benefits; retired certificated employees ()
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners ()

Fam. Code 300	Definition of marriage ()
Gov. Code 12940	Unlawful discriminatory employment practices ()
Gov. Code 22750-22944	Public Employees' Medical and Hospital Care Act ()
Gov. Code 53200-53210	Group insurance ()
H&S Code 1366.20-1366.29	Cal-COBRA program; health insurance ()
H&S Code 1367.08	Disclosure of fees and commissions paid related to health care service plan ()
H&S Code 1373	Health services plan; coverage for dependent children ()
H&S Code 1373.621	Continuation coverage; age 60 or older after five years with district ()
H&S Code 1374.58	Coverage for registered domestic partners; health service plans and health insurers ()
Ins. Code 10116.5	Continuation coverage; age 60 or older after five years with district ()
Ins. Code 10128.50-10128.59	Cal-COBRA program; disability insurance ()
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children ()
Ins. Code 10604.5	Annual disclosure of fees and commissions paid ()
Ins. Code 12670-12692.5	Conversion coverage ()
Lab. Code 2800.2	Notification of availability of continuation health coverage ()
Lab. Code 4856	Health benefits for spouse of peace officer killed in performance of duties ()
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits ()

Federal	**Description**
1 USC 7	Definition of marriage and spouse (https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title1-section7&num=0&edition=prelim)
26 CFR 1.105-11	Self-insured medical reimbursement plan ()
26 CFR 54.4980B-1-54.4980B-10	COBRA continuation coverage ()
26 CFR 54.4980H-1-54.4980H-6	Patient Protection and Affordable Care Act ()
26 USC 105	Self-insured medical reimbursement plan; definition of highly compensated individual ()
26 USC 4980B	COBRA continuation coverage ()
26 USC 4980H	Penalty for noncompliance with employer-provided health care requirements ()
26 USC 5000A	Minimum essential coverage ()
26 USC 6056	Report of health coverage provided to employees ()
29 USC 1161-1168	COBRA continuation coverage ()
42 USC 1395-1395g	Medicare benefits ()
42 USC 300gg-16	Group health plan; nondiscrimination in favor of highly compensated individuals ()
42 USC 300gg-300gg95	Patient Protection and Affordable Care Act ()
45 CFR 164.500-164.534	Privacy of individually identifiable health information ()

Management Resources	**Description**
CSBA Publication	Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013 ()
Internal Revenue Service Notification	2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans ()
U.S. Department of Treasury Publication	Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015 ()
Website	CSBA District and County Office of Education Legal Services (https://legalservices.csba.org/)
Website	U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (http://www.cms.gov)
Website	California Employment Development Department (http://www.edd.ca.gov)
Website	Internal Revenue Service (http://www.irs.gov)

Website	U.S. Department of Labor (http://www.dol.gov)
Website	CSBA (http://www.csba.org)

Cross References

Code	Description
1340	Access To District Records (/Policy/ViewPolicy.aspx?S=36031110&revid=KJ0Vn3QvWYMPunUT1xMcEg==)
1340	Access To District Records (/Policy/ViewPolicy.aspx?S=36031110&revid=y8dWtdmw42c7D7NpPzZ1Mg==)
2121	Superintendent's Contract (/Policy/ViewPolicy.aspx?S=36031110&revid=oE4t03t7kfplusY2OmYGYz75g==)
3100	Budget (/Policy/ViewPolicy.aspx?S=36031110&revid=PNZSlNrqVslsh4lrg47SLTn4A==)
3100	Budget (/Policy/ViewPolicy.aspx?S=36031110&revid=V73FnaiJWNhjSWZIkVW4og==)
3460	Financial Reports And Accountability (/Policy/ViewPolicy.aspx?S=36031110&revid=e2x4T61mD3eWGbbQQeFCYA==)
3460	Financial Reports And Accountability (/Policy/ViewPolicy.aspx?S=36031110&revid=gQxa8a0pZd7YVuHbgeji7Q==)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36031110&revid=sFqyfolTmmD4zplusjx5ZBHRg==)
3530	Risk Management/Insurance (/Policy/ViewPolicy.aspx?S=36031110&revid=rlha6jMlCYXahGBdtEuDGw==)
4030	Nondiscrimination In Employment (/Policy/ViewPolicy.aspx?S=36031110&revid=qiqQ2Bx7GNWvu4kSplusNvgslshA==)
4030	Nondiscrimination In Employment (/Policy/ViewPolicy.aspx?S=36031110&revid=8wslshyTiVObMlyxKK8lslshQI7A==)
4112.6	Personnel Files (/Policy/ViewPolicy.aspx?S=36031110&revid=DX7rWdZbRmslsh2biQKMSJu8Q==)
4112.9	Employee Notifications (/Policy/ViewPolicy.aspx?S=36031110&revid=6h4ToHarHjVAIpCcCxzEqQ==)
4118	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=H575ZAibQjnzYbv2HUqAgg==)
4118	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=0t5AloxKgdyMSrUxdl8n4w==)
4121	Temporary/Substitute Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=51SMHZzZLfbHvnslshJplusZq6Xg==)
4121	Temporary/Substitute Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=pluslS90uBLrGFH2nR87Epq5Q==)
4140	Bargaining Units (/Policy/ViewPolicy.aspx?S=36031110&revid=035DsBYmslshWCxAMuK8E41AQ==)
4141	Collective Bargaining Agreement (/Policy/ViewPolicy.aspx?S=36031110&revid=0Jk7slshC2BNYslshEKRBVOpluswslshlg==)
4141.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=plusknl2Xh5GCylslshUCtG83SCw==)
4141.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=00jNHsnM29g6tEfrZXtfplusQ==)
4157.1	Work-Related Injuries (/Policy/ViewPolicy.aspx?S=36031110&revid=SEq2Kb9A57HnlMlMZHG9KA==)
4161	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=ZxGSbl0eYrSag9plusyUslsh69Mg==)
4161	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=UzDECfslshb2HtuKEJ4voOF3g==)
4161.1	Personal Illness/Injury Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=oz6T6JCD61RzP485ocpQpQ==)
4161.8	Family Care And Medical Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=Hj4sDiupT1cJ833Z2rAlrQ==)
4212.6	Personnel Files (/Policy/ViewPolicy.aspx?S=36031110&revid=9RTdYlZK8eZBplus1dVl90sag==)
4212.9	Employee Notifications (/Policy/ViewPolicy.aspx?S=36031110&revid=wNtymyslshsRctNTNX2kAMDZw==)
4218	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=plus4R2DYM62850rrmLzRCoyw==)
4218	Dismissal/Suspension/Disciplinary Action (/Policy/ViewPolicy.aspx?S=36031110&revid=DUXSJmLffG5Cb0EcsPxkow==)
4240	Bargaining Units (/Policy/ViewPolicy.aspx?S=36031110&revid=msakgBQahvLXB9li3tZf3w==)
4241	Collective Bargaining Agreement (/Policy/ViewPolicy.aspx?S=36031110&revid=Shx2dwM2hfmSslshdBpkCYaqg==)

4241.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=KIqgeTplussXVbCNXtSlmWtAA==)
4241.6	Concerted Action/Work Stoppage (/Policy/ViewPolicy.aspx?S=36031110&revid=9CmwGslshZUjMwv3ZveegBvgg==)
4257.1	Work-Related Injuries (/Policy/ViewPolicy.aspx?S=36031110&revid=WuB0l14QvkKZW7LOZdfrIw==)
4261	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=FQZ61gKk12w5fsHslshxAplusOhg==)
4261	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=Vw6NJtSDuwEgJeplusggkWAxQ==)
4261.1	Personal Illness/Injury Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=0U2H8RYbD29NxAp6Z5hvTg==)
4261.8	Family Care And Medical Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=vE1LRXfg2HKlx3VgzwslshCyA==)
4300	Administrative And Supervisory Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=mL6yNiiASplusTgHBslshCXi9A8w==)
4300	Administrative And Supervisory Personnel (/Policy/ViewPolicy.aspx?S=36031110&revid=w2y5eFCZf5E9l500maUXSQ==)
4312.6	Personnel Files (/Policy/ViewPolicy.aspx?S=36031110&revid=62K7yyjvplusw2sZFVqH66mBA==)
4312.9	Employee Notifications (/Policy/ViewPolicy.aspx?S=36031110&revid=6bslshfFbOKUKWUqcvQ18d9Cg==)
4340	Bargaining Units (/Policy/ViewPolicy.aspx?S=36031110&revid=G0pk8Weju5a1ffIgqjad4A==)
4357.1	Work-Related Injuries (/Policy/ViewPolicy.aspx?S=36031110&revid=R18BLp0WjJfhslshl6rEERZDA==)
4361	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=wIz55VcmxlHFgptT3Q413A==)
4361	Leaves (/Policy/ViewPolicy.aspx?S=36031110&revid=KOdOEFKnJhooPtcAsSkjZQ==)
4361.1	Personal Illness/Injury Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=VC20tv6aBV9c1vf5FLq4Bg==)
4361.8	Family Care And Medical Leave (/Policy/ViewPolicy.aspx?S=36031110&revid=s9x99yxSFWvZXDtMBwT3Eg==)
9250-E PDF(1)	Remuneration, Reimbursement And Other Benefits (/Policy/ViewPolicy.aspx?S=36031110&revid=ix6xkVBwqxKA2LWfL8tKoQ==)
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Version: 22.1.0.04

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Memorandum of Understanding

Regarding

The Student Behavioral Health Incentive Program ("SBHIP")

The Santa Barbara San Luis Obispo Regional Health Authority, dba, CenCal Health ("CenCal Health") and New Cuyama Unified School District ("Participant"), enter into this Memorandum of Understanding ("MOU") on January 1, 2022 (the "Effective Date") with reference to the following facts:

WHEREAS, CenCal Health, a local public entity and political subdivision of the State of California, was created for the purpose of assisting Medi-Cal members, who reside in Santa Barbara and San Luis Obispo counties, manage their healthcare needs;

WHEREAS, CenCal Health is contracted with the State of California, Department of Health Care Services ("DHCS") to ensure the provision of healthcare to Medi-Cal members;

WHEREAS, the DHCS has implemented an incentive program referred to as the Student Behavioral Health Incentive Program ("SBHIP") to enable managed health care plans, local school districts and County Offices of Education ("CoE") to coordinate and potentially implement DHCS identified "interventions" that provide behavioral health services within schools or CoEs; and

WHEREAS, CenCal Health and Participant are cooperatively working together to explore ways to improve the health of students enrolled in Medi-Cal and wish to define responsibilities and understandings in managing the SBHIP as it relates to Year 1 (defined below) as further described in this MOU.

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter contained, the parties hereby agree as follows:

1. **Objectives of the SBHIP**

   CenCal Health and Participant recognize the objectives of the SBHIP to assist students with living healthier and happier lives by:

   a. Breaking down silos and improving coordination of child and adolescent student behavioral health services through increased communication with schools, school affiliated programs, managed care providers, counties, and mental health providers.

   b. Increasing the number of TK-12 students enrolled in Medi-Cal receiving behavioral health services through schools, school-affiliated providers, county behavioral health departments, and county offices of education.

c. Increasing non-specialty services on or near school campuses.

d. Addressing health equity gaps, inequalities, and disparities in access to behavioral health services.

2. Additional Background Information

The SBHIP is, at the time of this MOU, proposed by DHCS to cover three years.

a. Year One (Calendar Year 2022): an assessment phase for CenCal Health and the participating districts or CoEs is funded at an amount of $660,000 ($225,000 San Luis Obispo County; $435,000 Santa Barbara County) of which approximately $571,560 is available for funding individual district or CoE costs associated with conducting assessments and approved support activities.

b. Year Two (Calendar Year 2023) and Year Three (Calendar Year 2024): are to provide reimbursement to those districts or CoEs that implement approved interventions by DHCS. Amount of funding will be determined by DHCS based on Year One assessments and proposals of DHCS-approved interventions. The parties understand and agree that this MOU does not cover or address Year Two or Year Three.

3. Rights and Obligations of Participant

a. Participant shall identify all Direct Costs (as defined below) associated with Year One and submit invoices to CenCal Health's project consultant, identified below, for a request for reimbursement.

   i. The maximum amount of funding for Participant for Year One, identified at the time of execution, is approximately $7500.

   ii. This amount may be revised to ensure that costs are balanced to revenues from DHCS.

   iii. All invoices shall be submitted by email to CenCal Health's project consultant for Year One (Calendar Year 2022), at the email address below. The consultant will confirm receipt.

Flux Consulting

c/o Frann Wageneck

Frann Wageneck, Ed.D

589 Los Feliz Dr. | Santa Barbara, CA 93110 |

(805) 450-8866

frann@fluxcoachconsult.com

www.fluxcoachconsult.com

b. "Direct Costs" for Year One are considered:

   i. Hourly staff costs not including benefits; and

   ii. Actual costs for support services such as translation, preapproved incentives (such as gift cards not to exceed $25 per individual) light meals, and minimal refreshments.

c. Support services or any other costs, other than hourly staff costs, require written pre-approval from CenCal Health's Representative, identified below.

d. Participant shall not submit invoices for indirect costs, which shall not be reimbursable by CenCal Health. Such indirect costs include, without limitation:

   i. Administrative overhead or indirect costs;

   ii. Utilities or facility costs belonging to Participant; or

   iii. Mileage reimbursement.

e. Participant shall submit an invoice for 2022 calendar year costs by January 31, 2023, to seek reimbursement.

f. Participant shall maintain all records, files, and documentation that support the invoice(s) submitted for a period of not less than ten (10) years from the close of the calendar year in which this MOU was in effect. Participant shall cooperate and provide access to any and all such records, files and documentation upon demand of CenCal Health or DHCS.

4. **Rights and Obligations of CenCal Health**

a. CenCal Health shall be responsible for reimbursing Participant for Year One Direct Costs that have been properly submitted for reimbursement.

b. Upon receipt of a properly submitted invoice, CenCal Health shall reimburse Participant in a timely manner, approximately within thirty (30) days of receipt of the invoice. Approval of invoices is at the sole discretion of CenCal Health and is not appealable. CenCal Health further reserves the right to ask for additional supporting information.

c. CenCal Health, DHCS, or designees of either party, shall have the right to audit Participant's use of funds reimbursed under this MOU. Audit results showing use of funds that do not constitute Direct Costs, are unverifiable, or otherwise do not meet the requirements of DHCS for reimbursement, shall be subject to recoupment by CenCal Health or DHCS. Upon written notice to Participant, Participant agrees to refund such monies to CenCal Health within thirty (30) days of request.

d. It is mutually agreed and understood that the obligation of CenCal Health is limited by and contingent upon the availability of funds from DHCS. In the event such funds are not forthcoming for any reason, this MOU shall be rendered null and void and CenCal Health shall immediately notify Participant in writing. This MOU shall be deemed terminated and of no further force and effect immediately upon CenCal Health's notification to Participant or such timeframe as otherwise stated in the notification.

5. **Rights and Obligations of Both Parties**

a. Participant understands that the SBHIP is a state program under DHCS. Any change in requirement, discontinuation, or demand for repayment by DHCS shall be the responsibility of Participant.

b. Participation in the Year One assessment does not obligate either party to subsequent years of implementation of DHCS interventions or participation in Year Two or Year Three.

c. Each party agrees to continuously maintain insurance coverages, at its sole cost and expense, as required for their normal course of business, including general liability and professional liability coverages, and any other coverage that each party deems prudent and customary in the exercise of business operations. Such insurance policies shall be in amounts as may be necessary to provide adequate coverage in the discharge of its responsibilities and obligations under this MOU. Upon request, Participant shall furnish CenCal Health with evidence of such insurance coverage.

d. Each party shall designate a primary liaison between Participant and CenCal Health (the "Representative") to serve as the lead contact for each party.

i. CenCal Health's Representative for Year One (Calendar Year 2022) shall be:

CenCal Health

c/o Michael D. Harris

Government Affairs & Administrative Officer

4050 Calle Real

Santa Barbara, California 93110

(805) 685-9525

Mharris@CenCalHealth.org

www.CenCalHealth.org

ii. Participant's Representative for Year One (Calendar Year 2022) shall be:

Cuyama Joint Unified School District

Joanne Dumbrigue (K-12 Counselor

23300 Highway 166

New Cuyama, CA 93254

661-766-2293

JDumbrigue@cuyamaunified.org

cuyamaunified.org

e. The parties shall comply with all applicable local, state, and federal laws, regulations and guidelines, which pertain to their respective rights, responsibilities, and actions under this MOU, now in effect or hereafter enacted.

f. Each Party shall indemnify, defend, and hold harmless the other party from any and all liability, loss, settlement, claim, demand, and expense, arising from third party claims relating to the indemnifying party's performance or omission of any act under this MOU.

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6. **General Provisions**

a. The term of this MOU shall commence on the Effective Date and continue in effect until December 31, 2022, 11:59 PM, local time. All invoices for calendar year will be made in accordance with Section 3.e. above.

b. The parties hereto and their respective employees or agents shall have no interest, and shall not acquire any interest, direct or indirect, which will conflict in any manner or degree with the performance of services required under this MOU.

c. Participant and CenCal Health shall not discriminate in performance of this MOU, or related services thereunder, on the basis of age, race, ethnic group identification, ancestry, color, creed, religion, gender, sex, sexual orientation, marital status, national origin, health status, genetic information or characteristics, physical and/or mental disability, medical condition, income level, source of payment, or identification with any other persons or groups defined in Penal Code Section 422.56 in the performance of this MOU, and, to the extent they shall be found to be applicable hereto, shall comply with the provisions of the Fair Employment and Housing Act (commencing with Section 12900 *et seq.* of the Government Code), and Federal Civil Rights Act of 1964 (P.L. 88-352).

d. Unless expressly provided otherwise, all notices will be deemed to have been fully given when written and personally delivered or deposited in the United States mail, certified and postage prepaid and addressed to the other party's Representative as identified in Section 5.d with a copy to:

CenCal Health

c/o Karen Kim, JD, MPH

Chief Legal & Compliance Officer

4050 Calle Real

Santa Barbara, California 93110

(805) 685-9525

KKim@CenCalHealth.org

www.CenCalHealth.org

e. The parties are independent contractors. Neither party has the power or authority to act on behalf of the other party as its agent. Nothing in this MOU shall be construed to make the parties hereto partners, joint

venturers, or agents of or with each other, nor shall either party so represent itself.

f. This MOU constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and supersedes any and all other agreements, promises, negotiations or representations, either oral or written, between the parties with respect to the subject matter and period governed by this MOU.

g. Any modifications to the terms of this MOU must be in writing and signed by the parties herein. The unenforceability or invalidity of any Section or provision of this MOU shall not affect the enforceability and validity of the balance of this MOU.

h. This MOU and the rights, interests, and benefits hereunder shall not be assigned, transferred, pledged, or hypothecated in any way by Participant or CenCal Health, and shall not be subject to execution, attachment or similar process, without the written consent of the other party.

i. Any and all disputes arising in relation to this MOU shall be governed by the laws of the State of California, without regard to its conflicts of law provisions. The provisions of the Government Claims Act (California Government Code Section 900, *et seq.*) must be followed first for any disputes under this MOU. All actions and proceedings arising in connection with this MOU shall be tried and litigated exclusively in the applicable courts located in the counties of San Luis Obispo or Santa Barbara, State of California.

j. Unless otherwise provided herein, the rights and obligations of any party which by their nature extend beyond the expiration or termination of this MOU, shall continue in full force and effect, notwithstanding the expiration or termination of this MOU.

k. It is understood and acknowledged by Participant that CenCal Health is a public entity and subject to all applicable open meeting and record laws, including but not limited to the California Public Records Act and the Ralph M. Brown Act.

l. The failure of either party, at any time, to enforce any right or remedy available to it under this MOU or otherwise with respect to any breach or failure by the other p arty does not constitute a waiver of such right or remedy with respect to any other breach or failure by the other party.

m. This MOU may be executed in separate counterparts, each of which shall be deemed an original, and all of which shall be deemed one and the same

instrument. The parties' faxed signatures, and/or signatures scanned into PDF format, shall be effective to bind the parties to this MOU.

IN WITNESS WHEREOF, the parties have executed this MOU to be effective on the Effective Date:

New Cuyama Unified School District	**CENCAL HEALTH**
	Marina G. Owen
_____	_____
By:	By:
Title:	Chief Executive Officer
_____	_____
Date	Date

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

December 13, 2022

Personnel Activity Report

Hires: None

Classified	Name:	Pay Scale
1. Maintenance II/Bus Driver 8-hours a day, 12 months a year Starting December 16, 2022	Cesar Elias Uribe	Classified schedule

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Top Merchants

Walmart

OLD NAVY

shop Disney

KOHL'S

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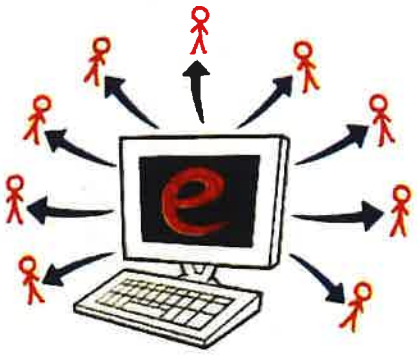
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Staples

Now Is The Time To Register

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



Spread The Word

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

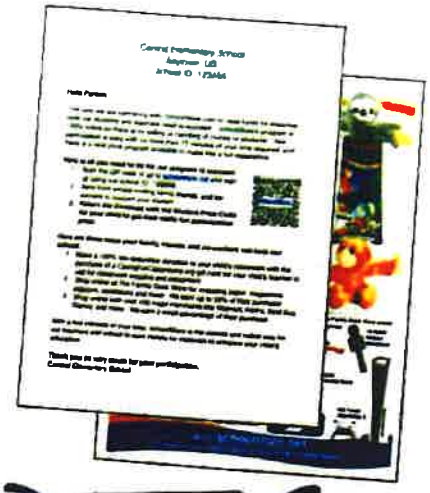
Find Out More: Visit www.schoolstore.com/info or call (877) 643-6799

SSC 1/6

SchoolStore.com

How SchoolStore.com Works

1. Sign up by calling (877) 643-6799 or visit **www.schoolstore.com/info**

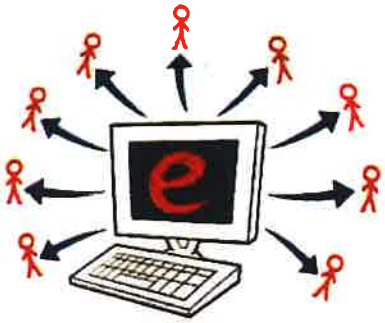


2. We will prepare Parent Letters for you to send home with each student.

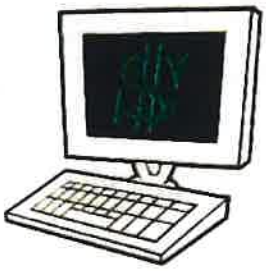
3. Parents and students go online and send email invitations to family and friends they think might help.



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



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



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

SSC 2/6

Student Take-Home Sample

Central Elementary School
Anytown, US
School ID: 123456

Hello Parents,

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

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

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

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

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

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

Thank you so very much for your participation.
Central Elementary School

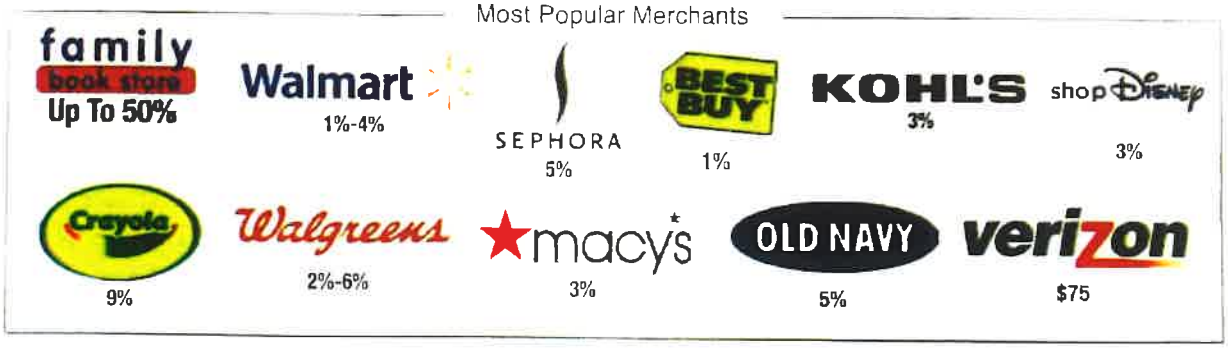
SSC 3/6

Student Take-Home Sample



SSC 4/6

Most Popular Merchants



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

SSC 5/6

Affiliate percentage rates and participation may change without notice.

Updated:3/28/22

37

SchoolStore.com

https://www.schoolstore.com/reports

Central Elementary School (0000288200)
Anytown, TN

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

Send Check Now

Caring For Classrooms Gift Card Donations	
Number of Gift Cards Donated:	109
Value of Gift Cards Donated:	$4065.00

2022-23 School Activity Summary	
Participating Students:	97
Email invitations Sent:	992
Total Products Purchased:	$3604.04
Total Profits Earned:	$1570.35
Total Gift Cards Donated:	$4065.00
Total School Rewards:	$5635.35
School Rewards Per Student:	$58.10

2022-23 School Activity Detail

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

SSC 6/8

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

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

Assembly Bill No. 361

CHAPTER 165

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

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

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE OF AMENDMENT OF JOINT POWERS AGREEMENT

Notice is hereby given that the Schools Legal Service Joint Powers Agreement was revised by the Schools Legal Service Board of Directors on November 10, 2022. In addition to general language cleanup, the changes permit the Board of Directors greater flexibility in determining the structure for rates to allocate program costs among member districts. The student enrollment categories corresponding to board seats were modified to better balance those categories in light of enrollment changes over the years.

A copy of the revised Joint Powers Agreement is attached to this Notice.

Dated: November 29, 2022

SCHOOLS LEGAL SERVICE

By:_____

GRANT HERNDON

******

ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF AMENDMENT OF JOINT POWERS AGREEMENT

The undersigned Superintendent acknowledges receipt of this Notice of Amendment of Joint Powers Agreement dated November 29, 2022 and confirms that a copy of the Notice and the Joint Powers Agreement, including the revisions, was provided to the Cuyama Joint Unified School District's Board of Trustees.

Dated: December 13, 2022

_____

Printed Name

District:_____

SCHOOLS LEGAL SERVICE

JOINT POWERS AGREEMENT FOR LEGAL ~~AND LABOR RELATIONS~~ SERVICES

REVISED EFFECTIVE NOVEMBER 10, 2022

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[in progress]

SCHOOLS LEGAL SERVICE

JOINT POWERS AGREEMENT FOR LEGAL ~~AND LABOR RELATIONS~~ SERVICES

REVISED

This Revised Joint Powers Agreement for Legal ~~and Labor Relations~~ Services ("Agreement") is entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (sections 6500~~, et seq.~~and following) of the California Government Code effective~~, July 1, 2004~~November 10, 2022. This Agreement is between the various public agency educational entities named on the attached Schedule 1 incorporated by reference into this Agreement ("Participants") and the County Superintendent of Schools of the County of Kern, State of California (the "Administrative Agency").

RECITALS

This Agreement is based on the following facts and understandings of the parties.

A. The Participants consist of public school and community college districts under the jurisdiction of district governing boards, county boards of education, county superintendents of schools, regional occupational programs, county committees on school district organization, and other public agency educational entities.

B. California Education Code section 35041.5 permits the governing boards of school and community college districts, county boards of education, and county superintendents of schools to appoint and compensate legal counsel. ~~Current law permits such entities to retain and compensate bargaining specialists.~~

C. The Participants ~~have~~ need ~~of~~ legal counsel to advise them in the preparation and conduct of litigation and administrative proceedings, and to advise them in other matters related to the conduct of their business such as ~~. The Participants have need of~~ labor relations services to assist them in the preparation and conduct of collective bargaining and related matters pursuant to Government Code section 3540 and following.

D. Chapter 5, Division 7, Title 1 (beginning with section 6500), of the California Government Code permits two or more public agencies to jointly exercise any power common to them.

E. Some or all of the parties to this Agreement entered into a Joint Powers Agreement establishing Schools Legal Service to provide legal counsel to public agency educational entities beginning in 1976, and labor relations services upon merging with

Schools Employer-Employee Relations Service in 1979. The Joint Powers Agreement has from time to time been modified, most recently in 2010.

F. The Participants reaffirm their previous finding that they have similar requirements, problems and issues that can best be served and/or resolved by legal counsel ~~and bargaining specialists~~ acting in concert for them, and, where the structure and operations of the educational entity require it, acting to provide specialized attention. The parties find that this results in efficiency of school administration within desired and practical time lines. Accordingly, the ~~parties to this Agreement~~ Participants have determined and reaffirm that it is in their best interest and in the public interest that they join together for the purpose of providing legal services ~~and labor relations services~~ to the Participants, along with related support services.

G. Since the establishment of Schools Legal Service and since the last revision to the Joint Powers Agreement, there have been changes in the composition of the Board of Directors and other changes requiring modifications to the Joint Powers Agreement. The purpose of this Agreement is to ~~carry out~~address those changes, ~~modify and reorganize the prior joint powers agreement,~~ replacing the 2010 version in its~~it~~ entirely with this Agreement.

H. In the several decades since its formation, Schools Legal Service has developed special expertise and unique work product developed specifically for the representation of educational agency clients. To ensure the availability of Schools Legal Service attorneys and other personnel to serve its educational agency clients, Schools Legal Service shall continue to provide legal and collective bargaining services only to educational agencies and related entities.

I. This Agreement, together with any notices concerning the fees for services approved by the Board of Directors and distributed to Participants, shall constitute the written agreement required by California Business and Professions Code section 6148.

TERMS

Based on the Recitals and the mutual promises of the parties, the parties agree as follows:

1. **Continuation of Services**. This Agreement is intended to continue the existing Schools Legal Service program~~, including its legal and labor relations components~~. The terms of all prior joint powers agreements shall be superseded by the terms of this Agreement as of its effective date.

2. **Term of This Agreement**. The Joint Powers Agreement continues in effect, with the revisions outlined in~~term of~~ this Agreement, ~~begins on~~effective November 10, 2022~~July 1, 2004~~, and continues from year to year ~~after that~~ unless terminated by agreement of the parties.

3. **Administrative Agency**. The Kern County Superintendent of Schools shall act as the Administrative Agency for Schools Legal Service~~s~~, and shall exercise the powers authorized by this Agreement.

4. **Governing Board.**

A. **Composition of Governing Board**. Schools Legal Service shall be governed by a Board of Directors consisting of 19 ~~20~~ members, 17 ~~18 of which~~of whom shall be elected by the Board of Directors as described in subparagraph (1), and ~~2~~two of ~~which~~whom shall be designated as described in subparagraph (2).

(1) **Elected Directors**.

a. **Nomination Categories**. The superintendent or chief administrative officer of each Participant may nominate a superintendent (or equivalent) employed by Participant for membership on the Board of Directors. Nominees shall be categorized and grouped for election according to student enrollment or attendance (calculated as determined by the Board of Directors).

Unless changed by amendment of this Agreement, the following categories shall be used:

This category currently contains only one district.

i. ~~Three~~ Two members to be selected from nominees from Participants with student enrollment in excess of 10,000 as reported in official ~~Kern County Superintendent~~ reports for the immediately preceding fiscal year.

This category includes 18 districts

ii. Four members to be selected from nominees from Participants with student enrollment between ~~1,800~~2,500 and ~~9,999~~ 10,000 as reported in official ~~Kern County Superintendent~~ reports for the immediately preceding fiscal year.

iii. Four members to be selected from nominees from Participants with student enrollment between 401 ~~901~~ and ~~1,799~~ 2,499 as reported in official ~~Kern County Superintendent~~ reports for the immediately preceding fiscal year.

This category currently has only four districts but four board seats.

This category currently has 19 districts; moving the thresholds in Categories 2 and 4 as indicated will better balance Category 3.

iv. Four members to be selected from nominees from Participants with student enrollment less than 401~~901~~ as reported in official ~~Kern County Superintendent~~ reports for the immediately preceding fiscal year.

v. Three members to be selected without regard to student enrollment, one to be selected from nominees employed by Participants in each of the following areas: (1) San Luis Obispo and Santa Barbara Counties, (2) Mono and Inyo Counties, and (3) Eastern Kern County (i.e., the territory comprised of Sierra Sands, Mojave, Muroc, Southern Kern and Tehachapi Unified School Districts).

b. **Term**. The term of office for each elected Board member shall be three years. A Board member may serve multiple terms if duly elected as provided in this subparagraph. Any directors in office prior to the effective date of this Agreement shall serve out their terms.

c. **Successors and Designees**. If a superintendent elected to the Board of Directors is succeeded by a new or acting superintendent, the new or acting superintendent automatically assumes the former superintendent's seat on the Board of Directors for the remainder of the term. A superintendent elected as a Board member may designate, in writing, an assistant superintendent from the same educational entity (or equivalent) to serve in the superintendent's place on the Board of Directors for the remainder of the term unless revoked by the superintendent, in writing.

d. **Nomination and Election Procedure**. The Administrative Agency shall inform the Participants eligible to nominate Board members of any vacancy on the Board of Directors for seats filled by election, and those Participants eligible to nominate a board member for the vacant seat shall have 30 days from the date of notification by the Administrative Agency to submit nominations. The Administrative Agency shall distribute a ballot for election of the board seats with nominees appropriately grouped and categorized. Each Participant located in Kern or San Luis Obispo County shall be

eligible to vote for Board member nominees in the Participant's student attendance category for those Board seats described in ~~Section~~Paragraph 4.~~(A)~~(1)(a)(~~i~~-iv). For those Board seats described in ~~Section~~Paragraph 4.~~(A)~~(1)(a)(v), each Participant in the geographical area described shall be eligible to vote for Board member nominees in the Participant's area. The election shall be held as soon as reasonably possible after the Administrative Agency receives valid nominations.

The nominee receiving the highest number of votes in each category shall be deemed elected. In the event of multiple vacancies in a category, the nominee receiving the second highest number of votes shall be deemed elected to the second vacancy, and so on.

(2) **Designated Directors**. Two members of the Board of Directors shall be designated by the Kern County Superintendent of Schools. These designated directors shall serve at the pleasure of the appointing authority.

B. **Meetings**. The Board of Directors shall hold regular meetings on a least a quarterly basis, with notice and quorum requirements as provided in the Rules of Procedure of the Board of Directors of Schools Legal Service.

C. **Scope of Powers**. The Board of Directors shall be wholly separate and apart from the governing boards of the parties to this Agreement and Schools Legal Service shall be wholly separate and apart from those parties. The Board of Directors shall have the power and authority to require the Administrative Agency to exercise any power or duty common to the parties to this Agreement for the purpose of implementing and maintaining Schools Legal Service, provided that the power or duty is consistent with this Agreement and in furtherance of the stated objectives of this Agreement. The Board of Directors shall adopt appropriate further Rules of Procedure not inconsistent with the terms of this Agreement for the orderly transaction of its business and for ~~the~~ furtherance of the objectives of this Agreement. The powers and authority of the Board of Directors shall continue until termination of this Agreement.

The Board of Directors shall act in coordinating the legal ~~and labor relations~~ services provided ~~for~~ under this Agreement between the Participants and the Administrative Agency. The Board of Directors shall also hear appeals and/or complaints from the Participants relative to the services available or provided under this Agreement. The Board of Directors shall also present recommendations to the Administrative Agency concerning employment of personnel for appropriate consideration and implementation.

Pursuant to Government Code Section 6509, the exercise of the powers of the Board of Directors shall be in accordance with the manner of exercising such

powers by the Kern County Superintendent of Schools ~~of Kern County~~, except as otherwise provided in this Agreement.

5. **Scope of ~~Legal~~ Services**. Schools Legal Service shall provide such ~~educational~~ legal services needed and requested by the Participants (the basic scope of which are set from time to time by the Board of Directors), including the services set forth in subparagraph A and excluding those in subparagraph C~~B~~.

A. **Included Legal Services**.

(1) Advice and consultation on educational entity matters by telephone, office visits, ~~and~~ correspondence, and electronic communication.

The changes to this section consolidate the description of legal and labor relations services in one area, since there will no longer be a separate financial structure for labor relations.

(2) Preparation of formal legal opinions.

(3) Providing a general informational service to the Participants on legal matters of interest to educational entities.

(4) Informing the Participants of, and assisting them in complying with, new requirements of the law.

(5) Conducting workshops for the information of administrators and board members on personnel and student matters, as well as other topics.

(6) Representing individual Participants at appropriate administrative hearings ~~involving such Participants~~, such as hearings on employee dismissals or reductions in staff, student expulsion appeals, due process hearings in special education cases, and other similar matters.

(7) Representing Participants in the defense of appropriate litigation, except litigation brought by a Participant against another public educational entity unless approved by the Board of Directors.

(8) Advising and representing Participants in labor relations matters with their employees and/or employee organizations, and related matters such as employee grievances and, matters before the Public Employment Relations Board, including ~~such as~~ unfair labor practice and unit determination cases.

(~~8~~9) Representing Participants before other governmental agencies and the Legislature.

(~~9~~10) Preparation and review of contracts.

(~~10~~11) Performing other related services.

B. **Excluded Services**. Notwithstanding subparagraph A, the following legal services shall not be provided:

(1) Advice and representation in proceedings for which legal representation or legal fees are available under an insurance or self-insurance plan, unless authorized in specific cases.

(2) Advice and representation in worker's compensation matters, bankruptcy matters, franchise and distribution law, legal malpractice law, and taxation law.

~~(3) Advice and representation in bankruptcy matters.~~

(4) Advice and representation concerning bond issues (other than initial review of documents created by bond counsel).

Schools Legal Service shall also have the right to decline to provide advice and representation of Participants in matters the scope or complexity of which is in the opinion of Schools Legal Service beyond its resources or its subject matter competency, including matters designated as legal specializations by the State Bar of California, as well as advice and representation in ~~District~~Participant-initiated litigation.

~~Representation of Participants in matters arising out of the Education Employment Relations Act (Government Code section 3540 and following) or arising out of a collective bargaining agreement shall be treated as labor relations services as described in paragraph 6 below.~~

C. **Attorney-Client Relationship**. Nothing in this Agreement shall be construed to intervene in, or otherwise violate, the attorney-client relationship which recognizes the privileged nature of information, the elements of confidentiality and the attorney's independent professional legal judgment in matters affecting an individual Participant or Participants. It is agreed that the individual relationship between the Administrative Agency and Schools Legal Service is also an attorney-client relationship subject to the duty of confidentiality (attorney-client privilege). All Participants recognize that the Administrative Agency, in coordinating this service, and the attorneys ~~and bargaining specialists~~ in rendering legal services, shall not interfere with the policy-making functions of individual educational entities unless expressly requested to do so.

Schools Legal Service agrees to keep each Participant informed of all developments related to its representation of such Participant. Each Participant agrees to be truthful with the attorneys ~~and negotiators~~ assigned by Schools Legal Service to handle their matters, and to keep them informed of all developments related to Schools Legal Service's representation of such Participant.

~~6. Scope of Labor Relations Services. For those Participants which execute a negotiations addendum, Schools Legal Service shall provide labor relations services needed and requested by the Participants (the basic scope of which are set from time to time by the Board of Directors), including the following:~~

This section was removed; the content was consolidated into new Paragraph 5.A.8 above.

~~A. Negotiating on behalf of public school employers with their employees and/or employee organization representatives including such matters as:~~

~~• reviewing and recommending public school employer policies, rules, and regulations related to the collective bargaining process;~~

~~• assisting in the development of negotiations procedures and bargaining positions;~~

~~• training managers and supervisors in the implementation of negotiated labor agreements; and,~~

~~• assisting in establishing programs to communicate with public school employers' constituencies.~~

~~B. Representing public school employers in the resolution of mediation, fact-finding, or other impasse proceedings.~~

~~C. Providing advice and assistance in the event that employees withhold services or engage in other concerted activities.~~

~~D. Providing assistance in processing grievances that arise out of a collective bargaining agreement including such matters as:~~

~~• suggesting appropriate first and second level grievance responses;~~

~~• assisting with intermediate grievance dispute resolution processes; and,~~

~~• representing the public school employer in arbitration hearings.~~

~~E. Representing public school employers before the Public Employment Relations Board including such matters as:~~

~~• representation and unit determination cases;~~

~~• unfair labor practice cases; and,~~

~~• public notice matters.~~

~~F. Providing a bargaining information program for public school employers.~~

~~G. Providing workshops and programs for managers and supervisors of public school employers regarding labor relations and the administration of collective bargaining agreements.~~

~~H. Performing other related services.~~

~~6~~7. Payments by Participants. In pooling their resources to exercise their joint power to retain legal counsel, the Participants' goal is to obtain highly qualified counsel focused on education law and other legal and regulatory issues common to public educational agencies which may not be affordable to all Participants on a singular basis. The Participants desire to maintain the high quality of counsel they have come to expect and concurrently realize that appropriate funding is necessary to provide for staffing and other resources as explained and described in this Agreement. Each Participant shall pay to the Administrative Agency on behalf of Schools Legal Service in one or more ~~two equal~~ installments ~~due on or before September 1 and February 1 of~~ each fiscal year an amount computed in accordance with subparagraphs A.1~~, B.1~~ and A ~~B~~.2 below. Participants ~~may be invoiced for additional legal and labor relations fees and costs incurred under this Agreement and not reflected in subparagraphs A.1, B.1 and C.2, and~~ will pay the amounts stated in such invoices to the Administrative Agency within 35 days of receipt of the invoice.

This reflects miscellaneous cleanup.

A. ~~Legal Services~~ Fees and Costs.

(1) ~~Annual~~ Fees for Legal Services. For the legal services described in Paragraph 5, each Participant shall pay such fees and costs as may be required to provide those services authorized under this Agreement ~~an annual fee based on categories of student enrollment (or such other basis determined by the Board)~~ as shown on the Schools Legal Service rate schedule approved from time to time by the Board of Directors. ~~.~~ Fees may include a fixed fee for the provision of described services and may be based on categories of student enrollment or such other basis determined by the Board of Directors. The rate schedule approved by the Board of Directors may also provide for payment by Participants for described legal services at an hourly rate as determined by the Board of Directors. ~~The annual fee shall be a "true retainer" which is fully earned upon receipt~~. ~~It is designed to compensate Schools Legal Service for refusing other engagements and remaining committed to being available to handle the needs of the Participants. In addition to the availability of Schools Legal Service personnel, payment of the annual fee entitles Participants to receive access to specific legal services up to a pre-determined number of hours at no additional charge. Participants understand and agree that the true retainer is fully earned upon receipt and is not compensation for specific legal services. At the discretion of the Board of Directors~~

This is the principal change to the JPA – it deletes the specific reference to retainers to create flexibility for the Board in creating a fee structure.

~~after reviewing the projected income and expenditure needs for the ensuing year, the fees and rates for legal services may be adjusted.~~

(2) Additional Fees and Costs for Legal Services. In addition to any fees assessed under Subparagraph A.1 above, ~~the annual fee,~~ Participants ~~exceeding the predetermined hours of legal service~~ shall pay ~~for further legal services at an hourly rate as determined by the Board of Directors. Each Participant shall also pay~~ directly or reimburse Schools Legal Service for any costs advanced on behalf of the Participant, such as fees for court reporters ~~fees~~, investigators ~~fees~~, experts, arbitrations ~~fees~~, ~~expert fees,~~ transcripts ~~fees~~, and necessary travel and lodging. Following consultation with a Participant, SLS shall have the authority to select and hire investigators, consultants, and experts pursuant to the facts of a particular case or matter, at Participant's expense.

~~B. Labor Relations Fees and Costs.~~

~~(1) Annual Fee for Full Complement of Services. For the full complement of labor relations services described in Paragraph 6, each Participant shall pay an annual fee based on the size of the educational entity and the applicable number of bargaining units (or such other basis determined by the Board) as shown on the Schools Legal Service rate schedule approved from time to time by the Board of Directors. The annual feel shall be a "true retainer" which is fully earned upon receipt. It is designed to compensate Schools Legal Service for refusing other engagements and remaining committed to being available to handle the needs of the Participants. In addition to the availability of Schools Legal Service personnel, payment of the annual fee entitles Participants to receive access to labor relations services up to a predetermined number of hours at no additional charge. Participants understand and agree that the true retainer is fully earned upon receipt and is not compensation for specific legal services. At the discretion of the Board of Directors after reviewing the projected income and expenditure needs for the ensuing year, the fees and rates for labor relations services may be adjusted. Participants which execute a multi-year collective bargaining agreement shall be required to pay the applicable annual fee each year a multi-year agreement is in effect.~~

This section was deleted because there will no longer be a separate retainer or fixed fee for labor relations services.

~~(2) Annual Fee for Advice Only. As an alternative to the full complement of labor relations services, a Participant may elect to receive a limited portion of those services on the same basis as for the full complement of services, excluding at-the-table negotiations and all direct representation functions, referred to as "Advice Only" services. Payment for Advice Only labor relations services shall be based on an annual fee as shown on the Schools Legal Service rate schedule approved from time to time by the Board of Directors, for which electing Participants shall receive access to labor relation services up to a predetermined number of hours.~~

~~(3) Additional Fees and Costs for Labor Relations Services. In addition to the applicable annual fee, Participants exceeding the predetermined hours of labor relations services shall pay for additional labor relations services at an hourly rate as determined by the Board of Directors. Each Participant shall also pay directly or reimburse Schools Legal Service for any costs advanced on behalf of the Participant, such as court reporter fees, investigator fees, arbitration fees, expert fees, transcript fees, and necessary travel and lodging.~~

B. Transfer of Funds for Kern County Participants. Each Participant located in Kern County authorizes the Administrative Agency to transfer amounts owing under this Agreement from the General Fund of the Participant for payment to the ~~trust fund~~ restricted account established by this Agreement.

C~~E~~. Limitation on Fee Increases. Absent the specific written consent of a Participant, Schools Legal Service must notify Participants of any increase in fees and rates for the ensuing fiscal year exceeding 12 percent of current year fees by December 1 to take effect the following July 1, to allow Participants the opportunity to exercise their right to withdraw from the Agreement for the following year if they do not wish to accept the increase. Notice of withdrawal must be timely received as provided in ~~the~~this Agreement.

7~~8~~. Services to Non-Participants. Schools Legal Service may provide the legal services set forth in ~~p~~Paragraph 5.A ~~or the labor relations services set forth in section 6~~ to public agency educational entities not parties to this Agreement under contract ~~for~~ on such terms as the Board of Directors shall from time to time approve.

8~~9~~. Ministerial Duties of the Administrative Agency. In addition to coordinating the activity, services, and personnel as set forth in this Agreement, Administrative Agency shall perform the following:

A. Designate one of the two members of the Board of Directors which it appoints to act as Chairperson of the Board of Directors and perform related administrative services.

B. Employ all personnel under this Agreement and thereby create an employer-employee relationship between Administrative Agency and the applicable personnel.

C. Provide offices, furniture, equipment, books, supplies and capital equipment necessary for the proper functioning of the applicable personnel. Any such equipment and furnishings purchased by Administrative Agency shall remain the property of Administrative Agency.

D. Make satisfactory budgetary provisions and pay all applicable salaries, wages, benefits, operating costs, travel expenses, workers' compensation and public and professional liability insurance, and capital outlay for the operation of Schools

Legal Services and employment of its personnel consistent with the stated purposes of this Agreement.

910. Addition of Parties to Agreement. Additional educational entities may be added as Participants after executing an addendum agreeing to be bound by its terms. The addition of new Participants shall not affect the term of thethis Agreement. The inclusion of additional parties to this Agreement or the withdrawal of some but not all of the parties to this Agreement shall not be deemed a dissolution of Schools Legal Service, nor a termination of this Agreement. In the event of a reorganization of one or more Participants, the successor in interest or successors in interest to the obligations of any such reorganized Participant shall be substituted as a party or as parties to this Agreement.

The amount paid by such entities shall be negotiated by the Board of Directors or its designee with each such entity and the amount due for the initial term shall be determined pro rata on a calendar month basis. A Participant shall at any time be entitled to expand the services it is entitled to receive pursuant to the terms of this Agreement by payment of the additional fee required.

101. Withdrawal. Any Participant may withdraw from its status as a party to this Agreement (or from only the labor relations service) atas of June 30 of any given year provided that at least six months' prior written notice has been given to the Board of Directors (in other wordsi.e., by December 31 of the previous year) and provided that at such time the Participant has either discharged, or has arranged to the satisfaction of the other parties for the discharge of, all pending obligations the withdrawing Participant has assumed under this Agreement. The seat of any member of the Board of Directors whose educational agency withdraws from this Agreement shall be deemed vacant as of the effective date of the withdrawal.

121. TerminationRemoval of Participant. Any Participant may be removed and its status as a party to this Agreement may be terminated by two-thirds vote of the Board of Directors for failure to honor its obligations or abide by the provisions of this Agreement or any individual agreement between the Participant and Schools Legal Service, provided that the attorneys employed by Schools Legal Service shall observe any ethical rules concerning the withdrawal of counsel in any matter in which they represent a terminated Participant.

123. Restricted Fiscal Account. The Administrative Agency shall establish a restricted fiscal account in the County School Service Fund of Kern County in which shall be placed all monies received pursuant to this Agreement. Only bona fide and appropriate costs in performing the purposes and services under this Agreement shall be charged to and expended against such restricted fiscal account. The Administrative Agency further agrees to make an annual accounting to the Board of Directors of the activity in and status of this restricted fiscal account.

This language reflects requirements in the professional rules for attorneys relating to fixed fees.

Any fee for services authorized by the Board of Directors will not be collected until earned. Participants shall be entitled to a refund of any portion of a flat fee that has not been earned in the event representation of the Participant is terminated or the services for which the fee was paid are not completed.

134. Disposition of Property and Funds. In the event of the dissolution of Schools Legal Service, the complete rescission, or other final termination of this Agreement by all Participants, any property interest remaining in Schools Legal Service following a discharge of all obligations shall be disposed of as the Board of Directors shall then determine with the objective of returning to each Participant a proportionate return of the contributions made to such properties by the Participants.

145. Amendments. This Agreement may be amended by a majority vote of the Board of Directors. Notice of any amendment shall be provided to each Participant.

156. Severability. Should any portion, term, condition or provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or be otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions and provisions shall not be affected by that determination.

~~167. Counterparts. This Agreement may be signed in multiple counterparts which shall, in the aggregate, be signed by all parties. Each counterpart shall be deemed an original instrument as against any party who has signed it.~~

168. Conflict Between Participants. In the event that two or more parties ~~to this Agreement and/or entities to which services are provided,~~hereto are unable to resolve a legal issue between or among them without legal proceedings, the party(ies) or entity(ies) ~~asserting a legal position contrary to or in opposition to the written determination or opinion of Schools Legal Service on the matter at issue~~ in contra-position to that of legal counsel employed as set forth herein on the legal issue shall secure its/their separate legal counsel at its/their own expense and apart from the costs, fees or liabilities for payments as set forth ~~in this Agreement~~herein. ~~Schools Legal Service may then continue to represent the party or parties not in opposition to the written determination or opinion of Schools Legal Service~~. (See *Elliott v. McFarland*, 165 Cal.App.3d 562.)

Pursuant to Paragraph 14, this revised Agreement was approved by majority vote of the Board of Directors at its regular meeting on November 10, 2022.

By: _____
Mary C. Barlow, Ed.D., Chair
Schools Legal Service

CUYAMA JOINT UNIFIED SCHOOL DISTRICT
BOARD MEETING MINUTES
Thursday, November 10, 2022, 6:00 P.M.
BOARD ROOM, CUYAMA ELEMENTARY SCHOOL
2300 Hwy 166, New Cuyama CA 93254

Join Zoom Meeting
https://us06web.zoom.us/j/83136699506?pwd=Q2wvN2I3NEltVFBYczlWMjk4ZEg1UT09

Meeting ID: 831 3669 9506
Passcode: yryC95

I. The meeting will be called to order by Board President, Whitney Goller at **6:10** P.M.

ROLL CALL:

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

Michael Funkhouser P

Alfonso Gamino **Ab** Superintendent

FLAG SALUTE: Led by **Lily De Los Santos**

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

III. SUPERINTENDENT'S REPORT:

School District Activities Update -

1. LCAP 2023-2024 process: Update
2. Western Association of Schools and Colleges (WASC) update:
   Mr. Kevin Lebsack provided the board information regarding the WASC update. He informed the board that the teachers are working in Chapter #3 of the WASC report. The district will have a site visit in March of 2022. The

district can receive a maximum of a six-year accreditation with a three year checkup.

3. Other

Superintendent was not at the board meeting. No Superintendent report.

IV. Fall sports season and upcoming winter/spring sports – Athletic Director Charlie Bosma

Athletic Director Charlie Bosma provided a summary of the fall sports season, the upcoming winter sports season, and spring sports program. In addition, he requested that the board take a look at the extra-curricular stipend salary schedule. He mentioned that the district should strive to match the Maricopa athletic stipends to remain competitive with our neighbor district. Athletic stipends are negotiated with CUE/CTA. Maricopa athletic stipends pay two times Cuyama's current stipends and they pay their assistant coaches as well. It is difficult to find coaches with current stipend schedule. In addition, Mr. Bosma suggested that the district also create an assistant athletic director to fill roles that the athletic director needs assistance with. Remember that CB recommends an assistant athletic director to attend at least four league meets.

Fall season finished with 22 kids playing football, 12 girls playing volleyball.

CBEDS numbers provided to CIF shows a participation of 60% which is really good. These students are very dedicated.

It has been a challenge to find a new head coach for basketball.
Football playoffs: The proceeds are split in the following manner:
40% for each school, and 20% to CIF.

Winter athletic program:
Boys Basketball: 18 athletes
Girls basketball: 9 athletes

Boys program has enough students for a Varsity and a JV team.
50% of student population playing winter sports.

Dynamics for transportation to away games: Will have challenges with 4 vehicles needed for every away game and/or one bus. With at least 27 students plus several coaches, the district will need to provide bus transportation to away games. This will mean the district will provide families a one bus route schedule for transportation to and from school on those dates. The district will communicate this to the families.

Kids are engaged but are hindered by transportation needs. District should check with recreation district and their driver.

Spring sports: Lack of interest in baseball and softball. Students interested in Boys volleyball and girls beach volleyball. Athletic Director looking into it to see if we can give it a shot.

V. Cuyama Elementary School ASB report – Nicole Furstenfeld – **Not at meeting to Report; therefore no report today.**

VI. Cuyama Valley High School ASB report – Jennifer Stancliff

ASB report presented by ASB President Randy Ortega and ASB Treasurer Vanessa Ortega:
Vanessa Ortega - Treasurer Report: ASB continued to sale CVHS shirts and hoodies at the football games and through word of mouth. New CVHS Bears images are in the process. It is the hope to have for purchase by winter break. Bears and Lady Bears Basketball shirts and hoodies will be available for the basketball season.

ASB has continued to look for suggestions that will enhance the school's environment and student morale.

Past Activities:
Randy Ortega: ASB has hosted pep rallies to introduce the girls' volleyball team, football team, and playoffs. Classes participate in a range of activities including volleyball games, tug of war, cornhole, capture the flag, musical, and other activities to promote teamwork and healthy competition.

ASB hosts weekly class challenges including Friday riddles and trivia, and class spirit challenge.

ASB hosted spirit week the week of October 14-17. Classes participated in dressing up and held lunch time activities.

Current/Future events:
ASB is currently in the process to propose and produce a holiday production that would include all of the classes and provide opportunities for students to explore the performing arts including music and drama.

ASB is currently looking into various opportunities for fundraising events for the second semester.

VII. High School FFA Report – Kevin Lebsack

FFA Board Report: 11 members participated in the Reedley College New Members Field Day October 21, 2022. The team placed second overall out of 16 teams. Our top 10 placing members out of 184 participants were:

1. **Kendal Price – 2nd overall, 3rd Far Power, 4th place for small engines, 6th place for Livestock ID, and 7th for BIG**

2. **Samantha Ortiz - 7th Farm Power**

3. **Felipe Garcia – 7th Livestock ID**

The students made wonderful memories that day.

The FFA officers are preparing for the upcoming FFA and CTE advisory meeting that is Monday, November 14, 2022, at 7 p.m. in the shop.

The Farm: The pumpkins are harvested. The chickens and bunny are doing well.

A large number of members are preparing for the upcoming competitions: Speaking contests, Welding, Farm Power, Livestock Judging, Parliamentary Procedure and Meat Judging.

VIII. Board Reports

Board Member Recognition for their years of service

1. Jan Smith – 2 years

2. Emily Johnson – 2 years

Board President Mrs. Whitney Goller thanked board members Jan Smith and Emily Johnson for their service to the district over the last two years. Jan Smith and Emily Johnson were given a plaque for their service. The plaque has the board member name and states "Presented for Outstanding Leadership During Her 2 Year Tenure to the Cuyama Joint Unified School District as a Board Member 2021 & 2022". The district wishes them the best in their future endeavors. This is their last meeting as official board members.

It has been a pleasure of having friendships and their dedication to the community is truly appreciated. Everyone brings their own character and personalities to each board meeting.

IX. CONSENT AGENDA:

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

1. Minutes of the September October 18, 2022, Regular Board Meeting (Adjourned from October 13, 2022). Members present: Heather Lomax, Whitney Goller, Emily Johnson, Michael Funkhouser, and Jan Smith. Whitney Goller, Heather Lomax, and Jan Smith joined via Zoom. Mrs. Lomax joined via Zoom to vote on provisional board candidates and had to leave the board meeting. Mrs. Goller joined the board meeting after the provisional board members were approved for appointment. **Pg. 1-12**
2. Checks Board Report and Warrants October 1-31, 2022. **Pg. 13-32**
3. SchoolStore.com fundraiser for Cuyama Elementary and Cuyama Valley High School. Schools earn money from things people are already buying when they designate their school while shopping at SchoolStore.com. **Pg. 33-38**

Moved By: **Whitney Goller** 2nd By:**Michael Funkhouser**

Roll Call Vote:

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

Michael Funkhouser **Y**

Consent Item #3: SchoolStore.com fundraiser pulled from consent agenda and may be brought back at future board meeting.

Consent Items #1-2 approved 4-0

VII. Action Items:

a. It is recommended that the board approve and set the annual governing board organizational meeting for Tuesday, December 13, 2022.

Moved By: **Whitney Goller** 2nd By: **Michael Funkhouser**

Roll Call Vote:

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

Michael Funkhouser **Y**

Approved 4-0

b. It is recommended that the board discuss and approve the November 10, 2022, personnel activity report **Pg. 39-42**

Moved By: **Emily Johnson** 2nd By: **Michael Funkhouser**

Roll Call Vote:

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

Michael Funkhouser **Y**

Approved 4-0

c. It is recommended that the board approve the Extension of teleconference flexibility During the proclaimed State of Emergency (Government Code section 54953 (b)(3). It is recommended that the Board consider the current state of emergency and make a finding that state and local officials continue to recommend some measures to promote social distancing. This motion it to extend this flexibility until December 15, 2022, the time period for teleconferencing without complying with the usual requirements of Government Code section 54953(b)(3) based on the finding that state or local officials continue to impose or recommend measures to promote social distancing. In addition, Assembly Bill 361 extends this flexibility through January 1, 2024. **Pg. 43-58**

Moved By: **Emily Johnson** 2nd By: **Jan Smith**

Roll Call Vote:

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

Michael Funkhouser **Y**

Approved 4-0

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

1. CSBA Policy Guide **Pg. 59-62**
2. BP and Adm. Regulation 3515.3 - District Policy/Security Dept. **Pg. 63-80**
3. BP and Adm. Regulation 4118 – Dismissal/Suspension/Disciplinary Action **Pg. 81-104**
4. BP 4119.1/4219.1/4319.2 - Civil Rights **Pg. 105-110/165-170/197-202**
5. BP 4140/4240/4340 - Bargaining Units **Pg. 111-118/171-178/203-210**
6. Adm. Regulation 4161.2/4261.2/4361.2 – Personal Leaves **Pg. 119-130/179-190/211-222**
7. Adm. Regulation 4161.5/4261.5/4361.5 – Military Leave **Pg. 131-136/191-196/223-228**
8. BP 4216 – Probationary/Permanent Status **Pg. 137-138**
9. BP and Adm. Regulation 4218 – Dismissal/Suspension/Disciplinary Action **Pg.139-**

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10. BP 4218.1 – Dismissal/Suspension/Disciplinary Action (Merit System) – Cuyama is is not a Merit District – Do not adopt. **Pg. 159-164**
11. BP 6146.1 – High School Graduation **Pg. 229-238**
12. **DELETE** - Adm. Regulation 6146.1 – High School Graduation Requirements
13. BP and Adm. Regulation 6158 – Independent Study **Pg. 239-260**
14. BP 6146.2 – Guidance/Counseling Services **Pg. 261-270**
15. BP and Adm. Regulation 6178 – Career Technical Education **Pg. 271-290**
16. BP and Adm. Regulation 6200 – Adult Education **Pg.291-302**
17. BP 7110 – Facilities Master Plan **Pg. 303-310**
18. BP and Adm. Regulation 7150 – Site Selection and Development **Pg. 311-318**
19. Board Bylaw 9100 – Organizational **Pg. 319-322**
20. BP 4030 – Nondiscrimination in Employment **- No need to update current policy**
21. BP 4154/4254/4354 – Health and Welfare Benefits **Pg. 323-334**

Moved By: **Whitney Goller** 2nd By: **Emily Johnson**

Roll Call Vote:

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

Michael Funkhouser **Y**

Approved 4-0 – First Reading of the September 2022, board policies were approved.

The board requested that they receive the current board policies with TRACK changes so that the board can see what language that is being added, revised, and/or deleted to each of the board policies. The track changes are reviewed by the California School Boards Association (CSBA) who basically represents school boards throughout the state.

On Wednesday, November 16, 2022, Mr. Gamino will send, via email, all board members the September 2020, board policies with track changes for all board members to review. In addition, Mr. Gamino will be available to meet with all board members (individually) if there are questions regarding the track changes to the September 2022, board policies. Mr. Gamino will work with the board President, Mrs. Whitney Goller to determine if a board workshop is necessary. If a board workshop is necessary, the Board President and Mr. Gamino, Superintendent will determine the date and time of the meeting.

e. It is recommended that the board discuss and approve AB 1200 district Public Disclosure regarding the July 1, 2021 – June 30, 2023, financial impact of the California School Employees Association (CSEA) and its Cuyama Chapter #288 Collective Bargaining Agreement report. **Starting on 349**

Moved By: _____ 2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith_____

Michael Funkhouser_____

Tabled: This agenda item was tabled and will be brought back at a future board meeting.

f. It is recommended that the board discuss and approve the Tentative Agreement between the Cuyama Joint Unified School District and the California School Employees Association (CSEA) and its Cuyama Chapter #288 for the period of July 1, 2020 – June 30, 2023. This tentative agreement is dated October 7, 2022, for purposes of reference only. **Pg. 335-342**

Moved By: _____ 2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith_____

Michael Funkhouser_____

Tabled: This agenda item was tabled and will be brought back at a future board meeting.

g. It is recommended that the board discuss and approve the Classified Confidential/Management, the K-12 Counselor salary schedule, and the Community Schools Coordinator salary schedule effective July 1, 2022. This increase aligns with the salary increases negotiated with certificated and classified staff. **Pg. 343-348**

Moved By: _____ 2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith_____

Michael Funkhouser_____

Tabled: This agenda item was tabled and will be brought back at a future board meeting.

VIII. ITEM(S) PULLED FROM CONSENT AGENDA:

1. **Consent agenda item #3: SchoolStore.com fundraiser was tabled and will be brought back at a future board meeting.**

Moved By: _____ 2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith_____

Michael Funkhouser_____

2._____

_____

Moved By: _____ 2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith_____

Michael Funkhouser_____

3._____

_____

Moved By: _____ 2nd By: _____

Roll Call Vote:

Heather Lomax _____ Whitney Goller _____ Emily Johnson _____ Jan Smith_____

Michael Funkhouser_____

IX. CLOSED SESSION:

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

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

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

The Board will adjourn into closed session at **9:01** p.m.

The Board returned to open session at: **9:47** p.m.

Report out from closed session

There was discussion regarding closed session item A. and Item B. and no action taken.

X. ADJOURNMENT:

Moved By: **Whitney Goller** 2nd By: **Michael Funkhouser**

Roll Call Vote:

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

Michael Funkhouser **Y**

Meeting adjourned at 9:48 p.m.

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

The next regularly scheduled School Board Meeting will be on
Tuesday, December 13, 2022; 6:00 p.m., Elementary School Board Room
Materials related to an item on this Order of Business distributed to the Board of Education are available for public inspection at the district office and at: https://cuyamaunified.org/board-materials-2022-2023/ using the "Click Here" links next to the date: 12/13/2022.

USE OF RELAXED TELECONFERENCE PROCEDURES PER GOVERNOR'S COVID-19 EXECUTIVE ORDER: Notice of Teleconferencing Pursuant to Executive Order N-25-20 and Government Code section 54953: In order to mitigate possible impacts relating to the Coronavirus (COVID-19), the Board will conduct this meeting via teleconference or videoconference, with one or more board members participating from remote locations. Members of the public wishing to observe the meeting or make public comments as authorized under Government Code section 54954.3 may do so at the following location: 2300 Hwy 166,

New Cuyama, CA 93254, or via electronic participation by accessing the link provided as the beginning of the agenda. Voting at this meeting shall be by roll call.

Checks Dated 11/01/2022 through 11/30/2022

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
01-716162	11/04/2022	Brown & Reich Petroleum, Inc.	01-4381	1,771.24	
			01-4382	947.61	
			01-4384	553.13	3,271.98
01-716163	11/04/2022	Darwin Ellis	01-5200		1,500.00
01-716164	11/04/2022	James Herrera	01-5100		400.00
01-716165	11/04/2022	Jordano's Food Service	13-4710		2,009.05
01-716166	11/04/2022	Kern County Supt. Of Schools	01-4380		199.82
01-716167	11/04/2022	Pacific Gas & Electric	01-5520		200.29
01-716168	11/04/2022	Southern California Gas Co.	01-5510		286.28
01-716169	11/04/2022	US BUS CHARTER & LIMO	01-5800		4,644.63
01-716170	11/04/2022	Dumbrigue, Joanne L	01-5200		115.25
01-717114	11/10/2022	Dumbrigue, Joanne L	01-4300		12.84
01-717115	11/10/2022	Lebsack, Kevin D	01-4300		170.50
01-717116	11/10/2022	Amazon Capital Services	01-4300		503.04
01-717117	11/10/2022	Applied Technology Group, Inc.	01-5900		503.75
01-717118	11/10/2022	BENCHMARK AIR CONDITIONING	01-5640		811.25
01-717119	11/10/2022	COMPREHENSIVE DRUG TESTING,INC	01-5800		66.00
01-717120	11/10/2022	Cuyama Community Services Dist	01-5530		535.28
01-717121	11/10/2022	Friends of Pioneer Valley	01-5800		200.00
01-717122	11/10/2022	Infinity Communications	01-5865		625.00
01-717123	11/10/2022	McGraw-Hill School Education	01-4100		2,749.77
01-717124	11/10/2022	Purchase Power	01-5900		358.44
01-717125	11/10/2022	RingCentral Inc.	01-5910		760.79
01-718238	11/18/2022	BENCHMARK AIR CONDITIONING	01-5640		1,047.38
01-718239	11/18/2022	Brown & Reich Petroleum, Inc.	01-4381	2,039.69	
			01-4384	292.59	2,332.28
01-718240	11/18/2022	California Association Ffa	01-5200		600.00
01-718241	11/18/2022	CANON FINANCIAL SERVICES, INC.	01-5600		1,428.32
01-718242	11/18/2022	Cdw Government, Inc.	01-4400		3,341.11
01-718243	11/18/2022	Department Of Justice	01-5800		49.00
01-718244	11/18/2022	Home Depot Credit Services	01-4300		170.14
01-718245	11/18/2022	Houghton Mifflin Company	01-4200		5,407.98
01-718246	11/18/2022	Jordano's Food Service	13-4710		4,565.72
01-718247	11/18/2022	Kern Machinery	01-4300		66.53
01-718248	11/18/2022	Marborg Disposal	01-5570		741.60
01-718249	11/18/2022	Old Cuyama Do It Best	01-4300		301.32
01-718250	11/18/2022	Pacific Gas & Electric	01-5520		2.44
01-718251	11/18/2022	Procare Janitorial Supply	01-4300		5,800.01
01-718252	11/18/2022	Quill Corporation	01-4300		32.31
01-718253	11/18/2022	Santa Barbara County Fire Dept	01-5800		198.00
01-718254	11/18/2022	School Services Of California	01-5800		1,317.50
		Total Number of Checks	**38**		**47,325.60**

Fund Recap

Fund	Description	Check Count	Expensed Amount

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

Checks Dated 11/01/2022 through 11/30/2022

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

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	General Fund	36	40,750.83
13	Cafeteria Spec Rev Fund	2	6,574.77
	Total Number of Checks	38	47,325.60
	Less Unpaid Tax Liability		.00
	Net (Check Amount)		**47,325.60**

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Batch AP11042022 — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor		Brown & Reich Petroleum, Inc. (002798/1) 215 South 6th Street PO BOX 1076 Taft, CA 93268								
2022/23	10/28/22	R23-00012	Diesel and Fuel	32353	11/01/22	Paid	Cleared	2,324.37		2,324.37
	2023	01- 0000- 0- 0000- 3600- 4381- 000- 0000- 7230				1,771.24				
	2023	01- 0000- 0- 0000- 8100- 4300- 030- 0000- WELL								
	2023	01- 0000- 0- 0000- 8100- 4384- 000- 0000- 0000				553.13				
Check #	01-716162					Check Date 11/04/22		PO# PO23-00009	Register # 000294	
2022/23	10/31/22	R23-00012	55 gallon Motor oil	32384	11/01/22	Paid	Cleared	947.61		947.61
	2023	01- 0000- 0- 0000- 3600- 4382- 000- 0000- 7230				947.61				
	2023	01- 0000- 0- 0000- 8100- 4300- 030- 0000- WELL								
	2023	01- 0000- 0- 0000- 8100- 4384- 000- 0000- 0000								
Check #	01-716162					Check Date 11/04/22		PO# PO23-00009	Register # 000294	
						Total Invoice Amount		**3,271.98**		
Direct Vendor		Darwin Ellis (002443/1) 808 Merced Maricopa, CA 93252								
2022/23	10/31/22		40 hrs of DMV test training (20 hrs per students) 2 students	221031	11/02/22	Paid	Cleared	1,500.00		1,500.00
	2023	01- 0000- 0- 0000- 3600- 5200- 000- 0000- 7230								
Check #	01-716163					Check Date 11/04/22		PO#	Register # 000294	
						Total Invoice Amount		**1,500.00**		
AP Vendor		James Herrera (002887/1) PO BOX 251 New Cuyama, CA 93254								
2022/23	10/31/22	R23-00053	SPED StudentTransportation Daily Rate Oct. 2022	221031JH	11/02/22	Paid	Cleared	400.00		400.00
	2023	01- 0000- 0- 0000- 3600- 5100- 070- 0000- SPED								
Check #	01-716164					Check Date 11/04/22		PO# PO23-00051	Register # 000294	
						Total Invoice Amount		**400.00**		
AP Vendor		Jordano's Food Service (001095/1) 550 South Patterson Ave. Santa Barbara, CA 93111								

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11042022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor		Jordano's Food Service (001095/1)	(continued)							
2022/23	08/22/22	R23-00087	ASES Snack	6674599	11/02/22	Paid	Cleared	81.47		81.47
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- ASES								
Check #	01-716165					Check Date 11/04/22		PO# PO23-00085	Register # 000294	
2022/23	10/24/22	R23-00064	HS Lunch	6710100	11/01/22	Paid	Cleared	1,438.90		1,438.90
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000								
Check #	01-716165					Check Date 11/04/22		PO# PO23-00061	Register # 000294	
2022/23	10/24/22	R23-00064	HS Breakfast	6710101	11/01/22	Paid	Cleared	356.56		356.56
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000								
Check #	01-716165					Check Date 11/04/22		PO# PO23-00061	Register # 000294	
2022/23	10/24/22	R23-00087	ASES Snack	6710102	11/01/22	Paid	Cleared	132.12		132.12
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- ASES								
Check #	01-716165					Check Date 11/04/22		PO# PO23-00085	Register # 000294	
						Total Invoice Amount		**2,009.05**		
AP Vendor		Kern County Supt. Of Schools (001195/1) 1300 17th Street Bakersfield, CA 93301								
2022/23	10/24/22	R23-00090	Driver seat belt Bus 4	301000	11/02/22	Paid	Cleared	199.82		199.82
	2023	01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230				199.82				
	2023	01- 0000- 0- 0000- 3600- 5640- 000- BUS1- 7230								
	2023	01- 0000- 0- 0000- 3600- 5640- 000- BUS3- 7230								
	2023	01- 0000- 0- 0000- 3600- 5640- 000- BUS4- 7230								
	2023	01- 0000- 0- 0000- 3600- 5640- 000- BUS5- 7230								
Check #	01-716166					Check Date 11/04/22		PO# PO23-00089	Register # 000294	
						Total Invoice Amount		**199.82**		
AP Vendor		Pacific Gas & Electric (000074/1) Box 997300 Sacramento, CA 95899-7300								
2022/23	10/24/22	R23-00077	High School Electric CCCEE 09/19/2022-10/17/2022	221024-CCCEE	11/02/22	Paid	Cleared	55.44		55.44
	2023	01- 0000- 0- 0000- 8100- 5520- 070- 0000- 0000								
Check #	01-716167					Check Date 11/04/22		PO# PO23-00086	Register # 000294	

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

Generated for ALFONSO GAMINO (43GAMINOA), Dec 3 2022 11:50AM

Batch AP11042022 (continued) — **Bank Account COUNTY - County-AP**

	Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor	Pacific Gas & Electric (000074/1) (continued)										(continued)
	2022/23	10/24/22	R23-00077	High School Electric 09/06/2022-10/04/2022	221024-M10102600288	11/02/22	Paid	Cleared	23.82		23.82
	2023 01-0000-0-0000-8100-5520-070-0000-0000										
Check #	01-716167						Check Date 11/04/22		PO# PO23-00086	Register # 000294	
	2022/23	10/24/22	R23-00077	High School Electric 09/19/2022-10/17/2022	221024-M1010428403	11/02/22	Paid	Cleared	121.03		121.03
	2023 01-0000-0-0000-8100-5520-070-0000-0000										
Check #	01-716167						Check Date 11/04/22		PO# PO23-00086	Register # 000294	
							Total Invoice Amount		**200.29**		
AP Vendor	Southern California Gas Co. (000091/1) PO BOX C Monterey Park, CA 91756-5111										
	2022/23	10/25/22	R23-00040	ES 09/22/2022-10/21/2022	221025-M12760450	11/02/22	Paid	Cleared	154.85		154.85
	2023 01-0000-0-0000-8100-5510-030-0000-0000										
Check #	01-716168						Check Date 11/04/22		PO# PO23-00038	Register # 000294	
	2022/23	10/25/22	R23-00039	HS 09/22/2022-10/21/2022	221025-M12775093	11/02/22	Paid	Cleared	131.43		131.43
	2023 01-0000-0-0000-8100-5510-070-0000-0000										
Check #	01-716168						Check Date 11/04/22		PO# PO23-00037	Register # 000294	
							Total Invoice Amount		**286.28**		
AP Vendor	US BUS CHARTER & LIMO (000225/1) 100 ST MARYS AVE STATEN ISLAND, NY 10305										
F	2022/23	11/08/22	R23-00088	Charter bus for HS field trip to Cal Poly	00278745	11/02/22	Paid	Cleared	4,644.63		4,644.63
	2023 01-6388-0-3800-1000-5800-070-POST-00R2										
Check #	01-716169						Check Date 11/04/22		PO# PO23-00087	Register # 000294	
							Total Invoice Amount		**4,644.63**		

Batch AP11042022A **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Direct Employee		Dumbrigue, Joanne L (000141) 6308 Euclid Ave Bakersfield, CA 93308								
2022/23	10/21/22		Mileage 166 mi.RT/11.50 parking for Counsleor Preview Conf	221021	11/02/22	Paid	Cleared	115.25		115.25

2023 01-3213-0-0000-3110-5200-070-0000-0000

Check # 01-716170 Check Date 11/04/22 PO# Register # 000295

Total Invoice Amount **115.25**

Batch AP11102022 — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Direct Employee	Dumbrigue, Joanne L (000141) 6308 Euclid Ave Bakersfield, CA 93308									
2022/23	10/11/22		Feminine Hygiene Products	221011	11/09/22	Paid	Printed	12.84		12.84
	2023 01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
Check #	01-717114					Check Date 11/10/22	PO#		Register # 000296	
						Total Invoice Amount		**12.84**		
Direct Employee	Lebsack, Kevin D (000033) 1070 Paso Robles Ave Los Osos, CA 93402									
2022/23	11/04/22		Metal	13110	11/09/22	Paid	Cleared	170.50		170.50
	2023 01- 6387- 0- 3800- 1000- 4300- 070- 0000- 00R6									
Check #	01-717115					Check Date 11/10/22	PO#		Register # 000296	
						Total Invoice Amount		**170.50**		
Direct Vendor	Amazon Capital Services (000201/1) PO Box 035184 Seattle, WA 98124-5184									
2022/23	10/19/22		Chargers for HS	136L-3XYQ-DJFT	11/09/22	Paid	Cleared	348.87		348.87
	2023 01- 0000- 0- 1110- 1000- 4300- 070- 0000- 0000									
Check #	01-717116					Check Date 11/10/22	PO#		Register # 000296	
2022/23	10/19/22		USB cable for District office	17NK-Q41J-FDNT	11/09/22	Paid	Cleared	11.83		11.83
	2023 01- 0000- 0- 0000- 7200- 4300- 000- 0000- 0000									
Check #	01-717116					Check Date 11/10/22	PO#		Register # 000296	
2022/23	11/02/22		FFA Supplies	1XFP-KV3T-KFJQ	11/09/22	Paid	Cleared	142.34		142.34
	2023 01- 6388- 0- 3800- 1000- 4300- 070- POST- 00R2									
Check #	01-717116					Check Date 11/10/22	PO#		Register # 000296	
						Total Invoice Amount		**503.04**		
AP Vendor	Applied Technology Group, Inc. (000419/1) 4440 Easton Drive Bakersfield, CA 93309									
2022/23	10/01/22	R23-00010	UHF RADIO SERVICE Oct. 2022	REC0000083678	11/09/22	Paid	Cleared	253.75		253.75
	2023 01- 0000- 0- 0000- 3600- 5900- 000- 0000- 7230									
Check #	01-717117					Check Date 11/10/22	PO# PO23-00010		Register # 000296	

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11102022 (continued) **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor	Applied Technology Group, Inc. (000419/1) (continued)									(continued)
2022/23	11/01/22	R23-00010	UHF RADIO SERVICE Nov. 2022	REC0000084518	11/09/22	Paid	Cleared	250.00		250.00
	2023 01-0000-0-0000-3600-5900-000-0000-7230									
Check #	01-717117					Check Date 11/10/22		PO# PO23-00010	Register # 000296	
						Total Invoice Amount		**503.75**		
Direct Vendor	BENCHMARK AIR CONDITIONING (000029/1) 1920 Mineral Court Bakersfield, CA 93308									
2022/23	10/27/22		Heater repir for ES room 6	23142945	11/02/22	Paid	Cleared	811.25		811.25
	2023 01-0000-0-0000-8100-5640-030-0000-0000									
Check #	01-717118					Check Date 11/10/22		PO#	Register # 000296	
						Total Invoice Amount		**811.25**		
AP Vendor	COMPREHENSIVE DRUG TESTING,INC (000172/1) 230 COMMERCE, SUITE 100 IRVINE, CA 92602									
2022/23	10/31/22	R23-00007	Employee DOT drug testing	51832	11/09/22	Paid	Cleared	66.00		66.00
	2023 01-0000-0-0000-3600-5800-000-0000-7230									
Check #	01-717119					Check Date 11/10/22		PO# PO23-00007	Register # 000296	
						Total Invoice Amount		**66.00**		
AP Vendor	Cuyama Community Services Dist (000206/1) PO BOX 368 New Cuyama, CA 93254									
2022/23	10/31/22	R23-00046	HS water 09/20/2022-10/20/2022	221031-100213A	11/09/22	Paid	Cleared	217.70		217.70
	2023 01-0000-0-0000-8100-5530-070-0000-0000									
Check #	01-717120					Check Date 11/10/22		PO# PO23-00045	Register # 000296	
2022/23	10/31/22	R23-00046	HS water 09/20/2022-10/10/2022	221031-102213B	11/09/22	Paid	Cleared	317.58		317.58
	2023 01-0000-0-0000-8100-5530-070-0000-0000									
Check #	01-717120					Check Date 11/10/22		PO# PO23-00045	Register # 000296	
						Total Invoice Amount		**535.28**		

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11102022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Direct Vendor	Friends of Pioneer Valley (000228/1) 675 Panther Dr. Santa Maria, CA 93454									
2022/23	08/19/22		FFA Chapter Dues	220819	11/09/22	Paid	Printed	200.00		200.00
	2023 01-6388-0-3800-1000-5800-070-0000-00R2									
Check # 01-717121						Check Date 11/10/22	PO#	Register # 000296		
						Total Invoice Amount		**200.00**		
AP Vendor	Infinity Communications (000128/1) PO Box 999 Bakersfield, CA 93302-0999									
2022/23	07/06/22	R23-00006	E-rate consulting services Fee payment 1 out of 4	14067	11/02/22	Paid	Cleared	625.00		625.00
	2023 01-0000-0-0000-7200-5865-000-0000-0000									
Check # 01-717122						Check Date 11/10/22	PO# PO23-00006	Register # 000296		
						Total Invoice Amount		**625.00**		
AP Vendor	McGraw-Hill School Education (002844/1) Lockbox 71545 Chicago, IL 60694-1545									
2022/23	10/28/22	R23-00001	Science text book adoption Grade 4	125738678001	11/09/22	Paid	Cleared	2,749.77		2,749.77
	2023 01-0000-0-1110-1000-4100-030-0000-0000									
	2023 01-1100-0-1110-1000-4100-030-0000-0000									
	2023 01-6266-0-1110-1000-5800-030-0000-0000									
	2023 01-6266-0-1110-1000-5800-070-0000-0000									
	2023 01-6300-0-1110-1000-4100-030-0000-0000					2,749.77				
	2023 01-6387-0-3800-1000-4100-070-0000-00R6									
Check # 01-717123						Check Date 11/10/22	PO# PO23-00001	Register # 000296		
						Total Invoice Amount		**2,749.77**		
AP Vendor	Purchase Power (000178/1) PO Box 981026 Boston, MA 02298-1026									
2022/23	11/06/22	R23-00029	Postage Oct.2022	220611	11/08/22	Paid	Printed	358.44		358.44
	2023 01-0000-0-0000-2700-4300-000-0000-0000									
	2023 01-0000-0-0000-2700-5900-030-0000-0000					119.48				
	2023 01-0000-0-0000-2700-5900-070-0000-0000					119.48				
	2023 01-0000-0-0000-7200-5900-000-0000-0000					119.48				

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Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11102022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor		Purchase Power (000178/1) (continued)								
Check #	01-717124					Check Date 11/10/22		PO# PO23-00029	Register # 000296	
						Total Invoice Amount		**358.44**		
AP Vendor		RingCentral Inc. (000194/1) P.O. Box 734232 Dallas, TX 75373-4232								
2022/23	10/10/22	R23-00014	Phine service 10/08/2022-1107/2022	CD000473742	11/07/22	Paid	Cleared	760.79		760.79
	2023	01- 0000- 0- 0000- 2700- 5910- 030- 0000- 0000				456.47				
	2023	01- 0000- 0- 0000- 2700- 5910- 070- 0000- 0000				228.24				
	2023	01- 0000- 0- 0000- 7200- 5910- 000- 0000- 0000				76.08				
Check #	01-717125					Check Date 11/10/22		PO# PO23-00013	Register # 000296	
						Total Invoice Amount		**760.79**		

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Batch AP11182022 — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Direct Vendor	BENCHMARK AIR CONDITIONING (000029/1) 1920 Mineral Court Bakersfield, CA 93308									
2022/23	11/10/22		Repairs for ES Rooms: 3, Kinder, and Science room	23542817	11/15/22	Paid	Cleared	1,047.38		1,047.38
	2023 01- 0000- 0- 0000- 8100- 5640- 030- 0000- 0000									
Check # 01-718238						Check Date 11/18/22	PO#	Register # 000297		
						Total Invoice Amount		**1,047.38**		
AP Vendor	Brown & Reich Petroleum, Inc. (002798/1) 215 South 6th Street PO BOX 1076 Taft, CA 93268									
2022/23	11/11/22	R23-00012	Diesel and Fuel Order# 14942	32697	11/15/22	Paid	Cleared	2,332.28		2,332.28
	2023 01- 0000- 0- 0000- 3600- 4381- 000- 0000- 7230					2,039.69				
	2023 01- 0000- 0- 0000- 3600- 4382- 000- 0000- 7230									
	2023 01- 0000- 0- 0000- 8100- 4300- 030- 0000- WELL									
	2023 01- 0000- 0- 0000- 8100- 4384- 000- 0000- 0000					292.59				
Check # 01-718239						Check Date 11/18/22	PO# PO23-00009	Register # 000297		
						Total Invoice Amount		**2,332.28**		
Direct Vendor	California Association Ffa (002378/1) PO BOX 460 Galt, CA 95632									
2022/23	11/03/22		FFA MFE & Leadership Academy	221103	11/16/22	Paid	Printed	600.00		600.00
	2023 01- 6388- 0- 3800- 1000- 5200- 070- POST- 00R2									
Check # 01-718240						Check Date 11/18/22	PO#	Register # 000297		
						Total Invoice Amount		**600.00**		
AP Vendor	CANON FINANCIAL SERVICES, INC. (000155/1) 14904 Collections Center Drive Chicago, IL 60693-0149									
2022/23	11/12/22	R23-00026	COPIER LEASE 11/01/2022-11/30/2022	29494967	11/15/22	Paid	Printed	1,428.32		1,428.32
	2023 01- 0000- 0- 0000- 2700- 5600- 030- 0000- 0000					450.57				
	2023 01- 0000- 0- 0000- 2700- 5600- 070- 0000- 0000					317.01				

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11182022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor	CANON FINANCIAL SERVICES, INC. (000155/1) (continued)									
2022/23	11/12/22	R23-00026	COPIER LEASE 11/01/2022-11/30/2022	29494967 (continued)	11/15/22	Paid	Printed	(continued)		
	2023	01-0000-0-0000-2700-5800-000-0000-0000								
	2023	01-0000-0-0000-7200-5600-000-0000-0000				660.74				
	2023	01-0000-0-1110-1000-5600-030-0000-0000								
	2023	01-0000-0-1110-1000-5600-070-0000-0000								
Check #	01-718241					Check Date 11/18/22		PO# PO23-00026	Register # 000297	
						Total Invoice Amount		**1,428.32**		
AP Vendor	Cdw Government, Inc. (001962/1) 75 Remittance Dr. Ste1515 Chicago, IL 60675									
2022/23	11/04/22	R23-00100	Computers for career center	DW82273	11/15/22	Paid	Printed	3,341.11		3,341.11
	2023	01-6388-0-3800-1000-4400-030-0000-00R2								
Check #	01-718242					Check Date 11/18/22		PO# PO23-00097	Register # 000297	
						Total Invoice Amount		**3,341.11**		
AP Vendor	Department Of Justice (001311/1) PO BOX 944255 Sacramento, CA 94244-2550									
2022/23	11/03/22	R23-00018	Employee live scan	615057	11/16/22	Paid	Cleared	49.00		49.00
	2023	01-0000-0-0000-7200-5800-000-0000-0000								
Check #	01-718243					Check Date 11/18/22		PO# PO23-00018	Register # 000297	
						Total Invoice Amount		**49.00**		
Direct Vendor	Home Depot Credit Services (002329/1) Dept 32-2502046356 PO BOX 78047 Phoenix, AZ 85062-8047									
2022/23	10/24/22		Space heaters for HS	W898284689	11/16/22	Paid	Cleared	170.14		170.14
	2023	01-0000-0-0000-8100-4300-070-0000-0000								
Check #	01-718244					Check Date 11/18/22		PO#	Register # 000297	
						Total Invoice Amount		**170.14**		
AP Vendor	Houghton Mifflin Company (000054/1) 14046 Collections Center Dr Chicago, IL 60693									

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Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11182022 (continued) — **Bank Account COUNTY - County-AP**

	Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor			Houghton Mifflin Company (000054/1)		(continued)						
F	2022/23	08/01/22	R23-00008	Benchmark and unit test for grades k-3 and 5	955635339	11/15/22	Paid	Printed	927.62		927.62
	2023	01- 0000- 0- 1110- 1000- 4200- 030- 0000- 0000									
Check #	01-718245						Check Date 11/18/22		PO# PO23-00017	Register # 000297	
	2022/23	08/01/22	R23-00030	2nd grade & middle school books	955635340	11/15/22	Paid	Printed	3,697.77		3,697.77
	2023	01- 0000- 0- 1110- 1000- 4200- 030- 0000- 0000									
Check #	01-718245						Check Date 11/18/22		PO# PO23-00030	Register # 000297	
	2022/23	08/05/22	R23-00030	2nd grade & middle school books	955643056	11/15/22	Paid	Printed	47.49		47.49
	2023	01- 0000- 0- 1110- 1000- 4200- 030- 0000- 0000									
Check #	01-718245						Check Date 11/18/22		PO# PO23-00030	Register # 000297	
F	2022/23	10/06/22	R23-00030	Special collections grade 8	955722906	11/15/22	Paid	Printed	735.10		735.10
	2023	01- 0000- 0- 1110- 1000- 4200- 030- 0000- 0000									
Check #	01-718245						Check Date 11/18/22		PO# PO23-00030	Register # 000297	
							Total Invoice Amount		**5,407.98**		
AP Vendor			Jordano's Food Service (001095/1) 550 South Patterson Ave. Santa Barbara, CA 93111								
	2022/23	11/14/22	R23-00064	ES Lunch	6722149	11/16/22	Paid	Cleared	2,161.53		2,161.53
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000									
Check #	01-718246						Check Date 11/18/22		PO# PO23-00061	Register # 000297	
	2022/23	11/14/22	R23-00064	ES Breakfast	6722151	11/16/22	Paid	Cleared	637.71		637.71
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000									
Check #	01-718246						Check Date 11/18/22		PO# PO23-00061	Register # 000297	
	2022/23	11/14/22	R23-00087	ASES Snack	6722152	11/16/22	Paid	Cleared	41.36		41.36
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- ASES									
Check #	01-718246						Check Date 11/18/22		PO# PO23-00085	Register # 000297	
	2022/23	11/14/22	R23-00065	HS Lunch	6722153	11/16/22	Paid	Cleared	1,308.35		1,308.35
	2023	13- 5310- 0- 0000- 3700- 4710- 070- 0000- 0000									
Check #	01-718246						Check Date 11/18/22		PO# PO23-00062	Register # 000297	
	2022/23	11/14/22	R23-00065	HS Breakfast	6722154	11/16/22	Paid	Cleared	416.77		416.77
	2023	13- 5310- 0- 0000- 3700- 4710- 070- 0000- 0000									

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Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11182022 (continued) **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor	Jordano's Food Service (001095/1)		(continued)							(continued)
Check #	01-718246					Check Date 11/18/22		PO# PO23-00062	Register # 000297	
						Total Invoice Amount		**4,565.72**		
Direct Vendor	Kern Machinery (001297/1) PO BOX 80007 Bakersfield, CA 93380									
2022/23	10/12/22		HS Riding mower cable	101-998413	11/16/22	Paid	Cleared	66.53		66.53
	2023 01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
Check #	01-718247					Check Date 11/18/22		PO#	Register # 000297	
						Total Invoice Amount		**66.53**		
AP Vendor	Marborg Disposal (000715/1) PO BOX 4127 Santa Barbara, CA 93140									
2022/23	10/31/22	R23-00048	HS Trash Services for Oct. 2022	5663424	11/15/22	Paid	Cleared	247.20		247.20
	2023 01- 0000- 0- 0000- 8100- 5570- 000- 0000- 0000									
Check #	01-718248					Check Date 11/18/22		PO# PO23-00047	Register # 000297	
2022/23	10/31/22	R23-00048	ES Trash Services for Oct. 2022	5663425	11/15/22	Paid	Cleared	494.40		494.40
	2023 01- 0000- 0- 0000- 8100- 5570- 000- 0000- 0000									
Check #	01-718248					Check Date 11/18/22		PO# PO23-00047	Register # 000297	
						Total Invoice Amount		**741.60**		
AP Vendor	Old Cuyama Do It Best (000217/1) 3045 Hwy 166 Cuyama, CA 93254									
2022/23	10/14/22	R23-00085	Water for ES and HS	B301471	11/16/22	Paid	Printed	102.00		102.00
	2023 01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000					102.00				
	2023 01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230									
	2023 01- 0000- 0- 0000- 8100- 4300- 000- 0000- 0000									
	2023 01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
	2023 01- 0000- 0- 1137- 4200- 4300- 070- 0000- FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	10/14/22	R23-00085	Water bottle deposit	B301477	11/16/22	Paid	Printed	24.00-		24.00-
	2023 01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000					24.00-				
	2023 01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230									

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11182022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor	Old Cuyama Do It Best (000217/1) (continued)									(continued)
2022/23	10/14/22	R23-00085	Water bottle deposit	B301477 (continued)	11/16/22	Paid	Printed	(continued)		
	2023 01-0000-0-0000-8100-4300-000-0000-0000									
	2023 01-0000-0-0000-8100-4300-070-0000-0000									
	2023 01-0000-0-1137-4200-4300-070-0000-FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	10/19/22	R23-00085	Supplies for shop	B301754	11/16/22	Paid	Printed	23.70		23.70
	2023 01-0000-0-0000-2700-4300-030-0000-0000									
	2023 01-0000-0-0000-3600-4380-000-BUS4-7230									
	2023 01-0000-0-0000-8100-4300-000-0000-0000					23.70				
	2023 01-0000-0-0000-8100-4300-070-0000-0000									
	2023 01-0000-0-1137-4200-4300-070-0000-FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	10/31/22	R23-00085	Supplies for 4814 Morales (rental)	B302273	11/16/22	Paid	Printed	18.85		18.85
	2023 01-0000-0-0000-2700-4300-030-0000-0000									
	2023 01-0000-0-0000-3600-4380-000-BUS4-7230									
	2023 01-0000-0-0000-8100-4300-000-0000-0000									
	2023 01-0000-0-0000-8100-4300-070-0000-0000									
	2023 01-0000-0-1137-4200-4300-070-0000-FTBL									
	2023 01-0035-0-0000-8100-4300-000-RENT-0000					18.85				
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	10/31/22	R23-00085	Supplies for 4814 Morales (rental)	B302275	11/16/22	Paid	Printed	41.79		41.79
	2023 01-0000-0-0000-2700-4300-030-0000-0000									
	2023 01-0000-0-0000-3600-4380-000-BUS4-7230									
	2023 01-0000-0-0000-8100-4300-000-0000-0000									
	2023 01-0000-0-0000-8100-4300-070-0000-0000									
	2023 01-0000-0-1137-4200-4300-070-0000-FTBL									
	2023 01-0035-0-0000-8100-4300-000-RENT-0000					41.79				
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	11/01/22	R23-00085	Supplies for ES Shop	B302327	11/16/22	Paid	Printed	17.24		17.24
	2023 01-0000-0-0000-2700-4300-030-0000-0000									
	2023 01-0000-0-0000-3600-4380-000-BUS4-7230									
	2023 01-0000-0-0000-8100-4300-000-0000-0000					17.24				
	2023 01-0000-0-0000-8100-4300-070-0000-0000									
	2023 01-0000-0-1137-4200-4300-070-0000-FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	11/01/22	R23-00085	Supplies for ES Shop	B302329	11/16/22	Paid	Printed	17.24		17.24

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Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11182022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor	Old Cuyama Do It Best (000217/1) (continued)									(continued)
2022/23	11/01/22	R23-00085	Supplies for ES Shop	B302329 (continued)	11/16/22	Paid	Printed	(continued)		
2023	01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000									
2023	01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230									
2023	01- 0000- 0- 0000- 8100- 4300- 000- 0000- 0000					17.24				
2023	01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
2023	01- 0000- 0- 1137- 4200- 4300- 070- 0000- FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	11/02/22	R23-00085	RO ES	B302414	11/16/22	Paid	Printed	15.08		15.08
2023	01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000									
2023	01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230									
2023	01- 0000- 0- 0000- 8100- 4300- 030- 0000- 0000					15.08				
2023	01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
2023	01- 0000- 0- 1137- 4200- 4300- 070- 0000- FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	11/03/22	R23-00085	ES Library heater	B302475	11/16/22	Paid	Printed	7.54		7.54
2023	01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000									
2023	01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230									
2023	01- 0000- 0- 0000- 8100- 4300- 030- 0000- 0000					7.54				
2023	01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
2023	01- 0000- 0- 1137- 4200- 4300- 070- 0000- FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	11/15/22	R23-00085	ES Maint. Supplies	B302972	11/16/22	Paid	Printed	78.65		78.65
2023	01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000									
2023	01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230									
2023	01- 0000- 0- 0000- 8100- 4300- 030- 0000- 0000					78.65				
2023	01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
2023	01- 0000- 0- 1137- 4200- 4300- 070- 0000- FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	11/15/22	R23-00085	Supplies for roof leak at ES	B302973	11/16/22	Paid	Printed	10.77		10.77
2023	01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000									
2023	01- 0000- 0- 0000- 3600- 4380- 000- BUS4- 7230									
2023	01- 0000- 0- 0000- 8100- 4300- 030- 0000- 0000					10.77				
2023	01- 0000- 0- 0000- 8100- 4300- 070- 0000- 0000									
2023	01- 0000- 0- 1137- 4200- 4300- 070- 0000- FTBL									
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
2022/23	11/03/22	R23-00085	Refund for a return	C16584	11/16/22	Paid	Printed	7.54-		7.54-
2023	01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000									

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Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP11182022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor		Old Cuyama Do It Best (000217/1) (continued)								(continued)
2022/23	11/03/22	R23-00085	Refund for a return	C16584 (continued)	11/16/22	Paid	Printed	(continued)		
	2023	01-0000-0-0000-3600-4380-000-BUS4-7230								
	2023	01-0000-0-0000-8100-4300-000-0000-0000						7.54-		
	2023	01-0000-0-0000-8100-4300-070-0000-0000								
	2023	01-0000-0-1137-4200-4300-070-0000-FTBL								
Check #	01-718249					Check Date 11/18/22		PO# PO23-00083	Register # 000297	
						Total Invoice Amount		**301.32**		
Direct Vendor		Pacific Gas & Electric (000074/1) Box 997300 Sacramento, CA 95899-7300								
2022/23	11/03/22		Vacant Rental 4825 Cebrian	221103-M1005116792	11/15/22	Paid	Cleared	2.44		2.44
	2023	01-0035-0-0000-8100-5520-000-RENT-0000								
Check #	01-718250					Check Date 11/18/22		PO#	Register # 000297	
						Total Invoice Amount		**2.44**		
AP Vendor		Procare Janitorial Supply (001849/1) PO BOX 211 Pismo Beach, CA 93448								
2022/23	04/12/22	R23-00060	ES Janitorial Supplies	150887	11/16/22	Paid	Cleared	102.86		102.86
	2023	01-0000-0-0000-8100-4300-030-0000-0000								
Check #	01-718251					Check Date 11/18/22		PO# PO23-00071	Register # 000297	
2022/23	06/13/22	R23-00060	ES Janitorial Supplies	150889-1	11/16/22	Paid	Cleared	362.12		362.12
	2023	01-0000-0-0000-8100-4300-030-0000-0000								
Check #	01-718251					Check Date 11/18/22		PO# PO23-00071	Register # 000297	
2022/23	08/22/22	R23-00060	ES Janitorial Supplies	154495	11/16/22	Paid	Cleared	5,230.35		5,230.35
	2023	01-0000-0-0000-8100-4300-030-0000-0000								
Check #	01-718251					Check Date 11/18/22		PO# PO23-00071	Register # 000297	
F 2022/23	08/29/22	R23-00060	ES Janitorial Supplies	154495-1	11/16/22	Paid	Cleared	104.68		104.68
	2023	01-0000-0-0000-8100-4300-030-0000-0000								
Check #	01-718251					Check Date 11/18/22		PO# PO23-00071	Register # 000297	
						Total Invoice Amount		**5,800.01**		

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Batch AP11182022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Direct Vendor	Quill Corporation (000734/1) PO BOX 37600 Philadelphia, PA 19101-0600									
2022/23	11/01/22		Webcam for Counselor	28731819	11/15/22	Paid	Printed	32.31		32.31
	2023 01-3213-0-0000-3110-4300-070-0000-0000									
Check #	01-718252					Check Date 11/18/22	PO#		Register # 000297	
						Total Invoice Amount		**32.31**		
Direct Vendor	Santa Barbara County Fire Dept (001069/1) 4401 Cathedral Oaks Road Santa Barbara, CA 93110									
2022/23	10/07/22		HS Fire Inspection	P23-00057	11/16/22	Paid	Cleared	198.00		198.00
	2023 01-0000-0-0000-8100-5800-070-0000-0000									
Check #	01-718253					Check Date 11/18/22	PO#		Register # 000297	
						Total Invoice Amount		**198.00**		
Direct Vendor	School Services Of California (001587/1) P.O.Box 516613 Los Angeles, CA 90051									
2022/23	09/30/22		Factfinding Services	0135374-IN	11/16/22	Paid	Cleared	1,317.50		1,317.50
	2023 01-0000-0-0000-7100-5800-000-0000-0000									
Check #	01-718254					Check Date 11/18/22	PO#		Register # 000297	
						Total Invoice Amount		**1,317.50**		

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Batch AP12022022 Bank Account COUNTY - County-AP

	Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Direct Employee	De Los Santos, Maria O (000018) PO BOX 27 4500 Russell Ranch New Cuyama, CA 93254										
	2022/23	10/07/22		Manager food safety course	4369179	11/30/22	Paid	Printed	109.00		109.00
	2023 13- 5310- 0- 0000- 3700- 5200- 000- 0000- 0000										
Check #	01-719418						Check Date 12/02/22	PO#		Register # 000298	
							Total Invoice Amount		**109.00**		
Direct Employee	Lebsack, Kevin D (000033) 1070 Paso Robles Ave Los Osos, CA 93402										
	2022/23	11/17/22		Physics Supplies	T-3661	11/30/22	Paid	Printed	72.00		72.00
	2023 01- 6387- 0- 3800- 1000- 4300- 070- 0000- 00R6										
Check #	01-719419						Check Date 12/02/22	PO#		Register # 000298	
							Total Invoice Amount		**72.00**		
Direct Vendor	Amazon Capital Services (000201/1) PO Box 035184 Seattle, WA 98124-5184										
	2022/23	10/05/22		ES and HS Supplies	1FMW-GWQL-YWK4	11/28/22	Paid	Printed	781.23		781.23
	2023 01- 0000- 0- 0000- 2700- 4300- 000- 0000- 0000						294.05				
	2023 01- 0000- 0- 0000- 2700- 4300- 030- 0000- 0000						94.98				
	2023 01- 0000- 0- 0000- 2700- 4300- 070- 0000- 0000						392.20				
Check #	01-719420						Check Date 12/02/22	PO#		Register # 000298	
	2022/23	10/05/22		Teacher clock for ES teacher	1NKY-XGXJ-WJR1	11/28/22	Paid	Printed	22.62		22.62
	2023 01- 0000- 0- 1110- 1000- 4300- 030- 0000- 0000										
Check #	01-719420						Check Date 12/02/22	PO#		Register # 000298	
	2022/23	10/05/22		Replacement projector lamp for ES	1NKY-XGXJ-XNKC	11/28/22	Paid	Printed	97.50		97.50
	2023 01- 0000- 0- 0000- 8100- 4300- 030- 0000- 0000										
Check #	01-719420						Check Date 12/02/22	PO#		Register # 000298	
F	2022/23	11/16/22	R23-00102	Comp & printer for library & for business office	1QYF-CHGM-DJYR	11/28/22	Paid	Printed	1,487.63		1,487.63
	2023 01- 0000- 0- 0000- 7200- 4300- 000- 0000- 0000						68.55				
	2023 01- 0000- 0- 0000- 7200- 4400- 000- 0000- 0000						166.57				
	2023 01- 3213- 0- 1110- 1000- 4300- 030- 0000- 0000						68.55				

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Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP12022022 (continued) **Bank Account COUNTY - County-AP**

	Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor			Amazon Capital Services (000201/1) (continued)								(continued)
F	2022/23	11/16/22	R23-00102	Comp & printer for library & for business office (continued)	1QYF-CHGM-DJYR	11/28/22	Paid	Printed	(continued)		
		2023	01-3213-0-1110-1000-4400-030-0000-0000						1,183.96		
Check #	01-719420						Check Date 12/02/22		PO# PO23-00098	Register # 000298	
	2022/23	11/02/22		Jump ropes for ES	1TQH-MWTF-J69V	11/28/22	Paid	Printed	63.60		63.60
		2023	01-0000-0-1110-1000-4300-030-0000-0000								
Check #	01-719420						Check Date 12/02/22		PO#	Register # 000298	
							Total Invoice Amount		**2,452.58**		
Direct Vendor			CA Dept of Ed / Acct Office (000102/1) PO Box 515006 Sacramento, CA 95851-5006								
	2022/23	11/01/22		20/21 Refund due to COVID Grant I.D 42-23939-7501-FR	C-068765	11/30/22	Paid	Printed	4,137.04		4,137.04
		2023	01-6010-0- - -9501- - -								
Check #	01-719421						Check Date 12/02/22		PO#	Register # 000298	
							Total Invoice Amount		**4,137.04**		
AP Vendor			Cdw Government, Inc. (001962/1) 75 Remittance Dr. Ste1515 Chicago, IL 60675								
F	2022/23	11/17/22	R23-00100	Virtual Reality kit for career center	FD79754	11/30/22	Paid	Printed	892.51		892.51
		2023	01-6388-0-3800-1000-4400-030-0000-00R2						892.51		
		2023	01-6388-0-3800-1000-4400-030-POST-00R3								
Check #	01-719422						Check Date 12/02/22		PO# PO23-00097	Register # 000298	
							Total Invoice Amount		**892.51**		
Direct Vendor			Document Tracking Services (002686/1) 10225 Barnes Canyon Road, Ste A200 San Diego, CA 92121								
	2022/23	11/22/22		Site addition for Sierra Madre HS	7501015	11/29/22	Paid	Printed	255.00		255.00
		2023	01-0000-0-0000-7100-5800-000-0000-0000								
Check #	01-719423						Check Date 12/02/22		PO#	Register # 000298	

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

Generated for ALFONSO GAMINO (43GAMINOA), Dec 3 2022 11:50AM

Batch AP12022022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
						Total Invoice Amount		**255.00**		
AP Vendor	Eide Bailly LLP (000197/1) 10681 Foothill BLVD., Ste. 300 Rancho Cucamonga, CA 91730-3831									
2022/23	11/20/22	R23-00041	Audit Fees for 2021-2022 FY	EI01415225	11/29/22	Paid	Printed	5,000.00		5,000.00
	2023	01- 0000- 0- 0000- 7100- 5810- 000- 0000- 0000								
Check #	01-719424					Check Date 12/02/22		PO# PO23-00039	Register # 000298	
2022/23	11/20/22	R23-00041	Audit Fees for General Obligation Bonds 2021-2022 FY	EI01415226	11/29/22	Paid	Printed	2,500.00		2,500.00
	2023	21- 0000- 0- 0000- 8500- 5810- 000- 0000- 0000								
Check #	01-719424					Check Date 12/02/22		PO# PO23-00039	Register # 000298	
						Total Invoice Amount		**7,500.00**		
AP Vendor	Fred C. Gilbert Co. (000196/1) P.O. Box 5534 Bakersfield, CA 93308									
2022/23	10/11/22	R23-00092	Chlorinating pump for RO	309010	11/30/22	Paid	Printed	1,783.54		1,783.54
	2023	01- 0000- 0- 0000- 8100- 4400- 030- 0000- WELL								
Check #	01-719425					Check Date 12/02/22		PO# PO23-00091	Register # 000298	
						Total Invoice Amount		**1,783.54**		
AP Vendor	Interquest Detection Canines (000212/1) P.O. Box 407 Kerman, CA 93630									
2022/23	10/13/22	R23-00104	Canine inspection services 09/26/2022	892	11/16/22	Paid	Printed	350.00		350.00
	2023	01- 0000- 0- 0000- 2700- 5800- 000- 0000- 0000								
Check #	01-719426					Check Date 12/02/22		PO# PO23-00100	Register # 000298	
						Total Invoice Amount		**350.00**		
AP Vendor	Jordano's Food Service (001095/1) 550 South Patterson Ave. Santa Barbara, CA 93111									
2022/23	11/28/22	R23-00064	ES Lunch	6729393	11/29/22	Paid	Printed	1,451.00		1,451.00
	2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000								
Check #	01-719427					Check Date 12/02/22		PO# PO23-00061	Register # 000298	

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

Batch AP12022022 (continued) **Bank Account COUNTY - County-AP**

	Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor	Jordano's Food Service (001095/1) (continued)										(continued)
	2022/23	11/28/22	R23-00064	ES Breakfast	6729394	11/29/22	Paid	Printed	317.50		317.50
		2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000								
	Check #	01-719427					Check Date 12/02/22		PO# PO23-00061	Register # 000298	
	2022/23	11/28/22	R23-00087	ASES Snack	6729395	11/29/22	Paid	Printed	23.82		23.82
		2023	13- 5310- 0- 0000- 3700- 4710- 030- 0000- ASES								
	Check #	01-719427					Check Date 12/02/22		PO# PO23-00085	Register # 000298	
	2022/23	11/28/22	R23-00065	HS Lunch	6729396	11/29/22	Paid	Printed	1,166.93		1,166.93
		2023	13- 5310- 0- 0000- 3700- 4710- 070- 0000- 0000								
	Check #	01-719427					Check Date 12/02/22		PO# PO23-00062	Register # 000298	
	2022/23	11/28/22	R23-00065	HS Breakfast	6729397	11/29/22	Paid	Printed	346.14		346.14
		2023	13- 5310- 0- 0000- 3700- 4710- 070- 0000- 0000								
	Check #	01-719427					Check Date 12/02/22		PO# PO23-00062	Register # 000298	
							Total Invoice Amount		**3,305.39**		
AP Vendor	LimottaIT (002779/1) 320 Alisal Road Suite 101 Solvang, CA 93463										
F	2022/23	11/15/22	R23-00108	SonicWall 2 year Subscription	775847	11/30/22	Paid	Printed	9,488.47		9,488.47
		2023	01- 0000- 0- 1110- 2700- 5835- 000- 0000- 0000								
	Check #	01-719428					Check Date 12/02/22		PO# PO23-00106	Register # 000298	
							Total Invoice Amount		**9,488.47**		
Direct Vendor	Midwest Volleyball Warehouse (000047/1) 14050 Judicial Road Burnsville, MN 55337										
	2022/23	11/29/22		Basketball uniforms for HS	22250829	11/29/22	Paid	Printed	1,960.42		1,960.42
		2023	01- 0000- 0- 1137- 4200- 4300- 070- 0000- BBBL								
	Check #	01-719429					Check Date 12/02/22		PO#	Register # 000298	
							Total Invoice Amount		**1,960.42**		
Direct Vendor	Read Naturally (000230/1) 1284 Corporate Center Dr, Ste 600 Saint Paul, MN 55121-1279										

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Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

Generated for ALFONSO GAMINO (43GAMINOA), Dec 3 2022 11:50AM

Batch AP12022022 (continued) — **Bank Account COUNTY - County-AP**

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Direct Vendor	Read Naturally (000230/1) (continued)									
2022/23	11/11/22		Materials for HS RTI program	258489	11/30/22	Paid	Printed	297.00		297.00
2023 01- 2600- 0- 1110- 1000- 4200- 070- 0000- 0000										
Check # 01-719430						Check Date 12/02/22	PO#		Register # 000298	
						Total Invoice Amount		**297.00**		
Direct Vendor	Schools Legal Service (000215/1) PO BOX 2445 Bakersfield, CA 93303									
2022/23	08/04/22		Sexual Harassment workshop A.Gamino	300206	11/30/22	Paid	Printed	50.00		50.00
2023 01- 0000- 0- 0000- 2700- 5200- 030- 0000- 0000										
Check # 01-719431						Check Date 12/02/22	PO#		Register # 000298	
						Total Invoice Amount		**50.00**		
Direct Vendor	State Of Calif-CDE (001183/1) PO BOX 515006 Cashier's Office Sacramento, CA 95851-5006									
2022/23	11/18/22		Receivable ID# SF-4185000 AR Debit Receivable	221118	11/30/22	Paid	Printed	120.90		120.90
2023 01- 0000- 0- 0000- 7200- 5800- 000- 0000- 0000										
Check # 01-719432						Check Date 12/02/22	PO#		Register # 000298	
						Total Invoice Amount		**120.90**		

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EXPENSES BY FUND - Bank Account COUNTY

Fund	Expense	Cash Balance	Difference
01	67,610.29	1,106,638.67	1,039,028.38
13	9,989.16	15,541.47-	25,530.63-
21	2,500.00	1,237,973.87	1,235,473.87
Total	**80,099.45**		

Number of Payments	95	
Number of Checks	**53**	**$72,733.87**
Number of ACH Advice	**0**	
Number of vCard Advice	**0**	
Total Check/Advice Amount	**$80,099.45**	
Total Unpaid Sales Tax	$.00	
Total Expense Amount	$80,099.45	

CHECK/ADVICE AMOUNT DISTRIBUTION COUNTS

$0 - $99	8
$100 - $499	16
$500 - $999	9
$1,000 - $4,999	16
$5,000 - $9,999	4
$10,000 - $14,999	
$15,000 - $99,999	
$100,000 - $199,999	
$200,000 - $499,999	
$500,000 - $999,999	
$1,000,000 -	

***** ITEMS OF INTEREST *****

* Number of payments to a different vendor
! Number of Prepaid payments
@ Number of Liability payments
& Number of Employee Also Vendors
? denotes check name different than payment name
F denotes Final Payment

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Report Totals - Payment Count **95** Check Count **53** ACH Count **0** vCard Count **0** Total Check/Advice Amount **80,099.45**
$80,099.45

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 11/1/2022, Ending Create Date = 11/30/2022, Page Break by Check/Advice? = N, Zero? = Y)

OF SWPR4
PER Kevin

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetteman TODAY'S DATE: 11-4-2022

PURPOSE: FFA Competition - Livestock judging Meat judging

FIELD TRIP LOCATION/DESTINATION: Reedley College

DEPARTURE DATE: 01/20/23 DEPARTURE TIME: After school or After basketball game if necessary

RETURN DATE: 01/21/23 RETURN TIME: 5:00 pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 8-12 NUMBER OF ADULTS/CHAPERONES: 2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: AG Truck & AG Van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No X NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes X No _____ WHERE? Visalia Area

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: $1,000

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11/4/2022

PURPOSE: FFA Competition - Speaking Comp.

FIELD TRIP LOCATION/DESTINATION: Arroyo Grande H.S

DEPARTURE DATE: 2/8/23 DEPARTURE TIME: 4:00 pm

RETURN DATE: 2/8/23 RETURN TIME: 9:00 pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 6-12 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: Ag Truck &/or Ag Van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes Y No _____ NUMBER OF DAYS SUB NEEDED: 1.5 hrs.

LODGING NEEDED? Yes _____ No X WHERE? _____

MEALS NEEDED? Yes _____ No Y TOTAL ESTIMATE OF EXPENSES: 0

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-2022

PURPOSE: ~~AG~~ World Ag Expo –

FIELD TRIP LOCATION/DESTINATION: Tulare, CA

DEPARTURE DATE: 02/14/23 DEPARTURE TIME: 6:00am ish

RETURN DATE: 02/14/23 RETURN TIME: 8:00pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 12-13 NUMBER OF ADULTS/CHAPERONES: 2-3

WILL SACK LUNCHES BE NEEDED? Yes _____ No P If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: AG Van & AG Truck

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes P No _____ NUMBER OF DAYS SUB NEEDED: 1

LODGING NEEDED? Yes _____ No X WHERE? _____

MEALS NEEDED? Yes X No _____ TOTAL ESTIMATE OF EXPENSES: Ø

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11/4/2022

PURPOSE: FFA Leadership Conference - Soph/Juniors MEE ALA See attached.

FIELD TRIP LOCATION/DESTINATION: Visalia Wynham Hotel

DEPARTURE DATE: 02/19/2023 DEPARTURE TIME: 8:00am

RETURN DATE: 02/20/2023 RETURN TIME: 4:00 pm

GRADE LEVEL: 10-11 SITE LOCATION: CUHS

NUMBER OF STUDENTS: 6 NUMBER OF ADULTS/CHAPERONES: 2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: Ag van & AG Truck

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No X NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes X No _____ WHERE? Wynham Hotel

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: $1028.00

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-2022

PURPOSE: FFA Competition - Farm Power

FIELD TRIP LOCATION/DESTINATION: Carpinteria High School Farm

DEPARTURE DATE: 02/25/23 DEPARTURE TIME: 6:00 am

RETURN DATE: 02/25/23 RETURN TIME: 8:00 pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 12 NUMBER OF ADULTS/CHAPERONES: 2

WILL SACK LUNCHES BE NEEDED? Yes _____ No ✓ If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: AG Truck & AG Van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No 0 NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes _____ No 0 WHERE? _____

MEALS NEEDED? Yes _____ No 0 TOTAL ESTIMATE OF EXPENSES: $150 +-

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

FFA membe
& an advisor.

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

If a Student(s) make it to the final round they will be attending)

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

TODAY'S DATE: 11-4-2022

REQUESTED BY: Kendy Fetterman

PURPOSE: King City CATA mtg / Finals

FIELD TRIP LOCATION/DESTINATION: King City

DEPARTURE DATE: 03/09/23 DEPARTURE TIME: 3:15 pm

RETURN DATE: 03/10/23 RETURN TIME: 5:00 pm

GRADE LEVEL: 9-12 SITE LOCATION: CAHS

NUMBER OF STUDENTS: ? TBD if they make it to the finals 2 Students for mtg plus advisor NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: Ag Trucks and/or Van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes X possibly No _____ NUMBER OF DAYS SUB NEEDED: 1

LODGING NEEDED? Yes X possibly No _____ WHERE? Paso Robles

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: 0 - $450

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-2022

PURPOSE: FFA State Conference

FIELD TRIP LOCATION/DESTINATION: Ontario, CA

DEPARTURE DATE: 3/15/23 DEPARTURE TIME: noon

RETURN DATE: 3/19/23 RETURN TIME: 8:00 pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 7-12 NUMBER OF ADULTS/CHAPERONES: 2-3

WILL SACK LUNCHES BE NEEDED? Yes _____ No ✓ If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: AG Van & AG Truck

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes ✓ No _____ NUMBER OF DAYS SUB NEEDED: 3

LODGING NEEDED? Yes ✓ No _____ WHERE? Ontario

MEALS NEEDED? Yes _____ No ✓ TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

Same time as Modesto Comp.

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-22

PURPOSE: FFA Competition - Welding

FIELD TRIP LOCATION/DESTINATION: Sanger H.S

DEPARTURE DATE: 3/24/23 DEPARTURE TIME: 3:00pm

RETURN DATE: 3/25/23 RETURN TIME: 8:00pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 4-8 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No 0 If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: Ag truck or van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No 0 NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes 0 No _____ WHERE? Sanger or Fresno

MEALS NEEDED? Yes _____ No 0 TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-22

PURPOSE: FFA Competition - Livestock judging/meat judging

FIELD TRIP LOCATION/DESTINATION: Modesto Jr. College

DEPARTURE DATE: 03/24/23 DEPARTURE TIME: After School

RETURN DATE: 03/25/23 RETURN TIME: 9:00 pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 4-8 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: AG Truck &/or AG Van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc...)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No X NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes X No _____ WHERE? Modesto

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-22.

PURPOSE: FFA Competition - Welding

FIELD TRIP LOCATION/DESTINATION: Sanger H.S

DEPARTURE DATE: 3/31/23 DEPARTURE TIME: 3:00pm

RETURN DATE: 4/1/23 RETURN TIME: 8:00pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 4-8 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: No Van No Truck

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No X NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes 0 No _____ WHERE? Sanger area.

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-2022

PURPOSE: FFA Competition - Livestock judging / Meat Judging

FIELD TRIP LOCATION/DESTINATION: Fresno State

DEPARTURE DATE: 04/21/23 DEPARTURE TIME: 3:00pm

RETURN DATE: 04/22/23 RETURN TIME: 8:00pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 4-8 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: Ag Van and/or Truck

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No X NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes X No _____ WHERE? Fresno

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: $500 - $800

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

If we make it in a competition to the final Round.

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-22

PURPOSE: FFA Competition - Livestock/meat Finals

FIELD TRIP LOCATION/DESTINATION: CAL Poly SLO

DEPARTURE DATE: 05/5/23 DEPARTURE TIME: 3:00pm

RETURN DATE: 05/06/23 RETURN TIME: 8:00 pm

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 4-8 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: Ag Truck an/or ~~FFA~~ Ag Van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No X NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes X No _____ WHERE? SLO

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: 400-600

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-22

PURPOSE: FFA Competition - Parli Pro Officer Team

FIELD TRIP LOCATION/DESTINATION: Arroyo Grande H.S

DEPARTURE DATE: TBA DEPARTURE TIME: _____

RETURN DATE: _____ RETURN TIME: _____

GRADE LEVEL: 10-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 6 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: 12 Van & Truck

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No _____ NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes _____ No X WHERE? _____

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintedent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 11-4-2022

PURPOSE: FFA Competition - Welding

FIELD TRIP LOCATION/DESTINATION: Allan Hancock College

DEPARTURE DATE: TBA DEPARTURE TIME: _____

RETURN DATE: _____ RETURN TIME: _____

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 4-8 NUMBER OF ADULTS/CHAPERONES: 1-2

WILL SACK LUNCHES BE NEEDED? Yes _____ No _____ If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: AG Truck and/or van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No X NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes _____ No X WHERE? _____

MEALS NEEDED? Yes _____ No X TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

REQUESTED BY: Kendy Fetterman TODAY'S DATE: 12/4/22

PURPOSE: FFA - AG Night CSUB basketball

FIELD TRIP LOCATION/DESTINATION: CSUB

DEPARTURE DATE: Feb or March DEPARTURE TIME: _____

RETURN DATE: TBA RETURN TIME: _____

GRADE LEVEL: 9-12 SITE LOCATION: CVHS

NUMBER OF STUDENTS: 12 +- NUMBER OF ADULTS/CHAPERONES: _____

WILL SACK LUNCHES BE NEEDED? Yes _____ No Y If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: AG Truck AG Van

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No N NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes _____ No N WHERE? _____

MEALS NEEDED? Yes _____ No N TOTAL ESTIMATE OF EXPENSES: 0

SOURCE OF FUNDING FOR THIS FIELD TRIP: _____

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

Student Field Trip Request

All applications for student field trips must be submitted to the District Office for Superintendent and Board approval at least three (3) weeks in advance of the field trip requested. Please include any supporting documentation with this request.

TODAY'S DATE: 11-30-22

REQUESTED BY: Russ Barnes

PURPOSE: Meet & listen to CHP Pilot at airport

FIELD TRIP LOCATION/DESTINATION: Cuyama airport

DEPARTURE DATE: January 19 DEPARTURE TIME: 9:15 am

RETURN DATE: Jan. 19 RETURN TIME: 10:15

GRADE LEVEL: 4-8 SITE LOCATION: Elem

NUMBER OF STUDENTS: 60 NUMBER OF ADULTS/CHAPERONES: 4

WILL SACK LUNCHES BE NEEDED? Yes _____ No X If yes, please notify cafeteria staff once request has been approved.

METHOD OF TRANSPORTATION: Bus

(Bus, District Car/Van, Own Car, Parent/Guardian, etc..)

ESTIMATE OF EXPENDITURES:

SUBSTITUTE NEEDED? Yes _____ No _____ NUMBER OF DAYS SUB NEEDED: _____

LODGING NEEDED? Yes _____ No _____ WHERE? _____

MEALS NEEDED? Yes _____ No _____ TOTAL ESTIMATE OF EXPENSES: _____

SOURCE OF FUNDING FOR THIS FIELD TRIP:

DO NOT WRITE BELOW THIS LINE- FOR DISTRICT OFFICE USE ONLY

ADMINISTRATION APPROVAL

SITE ADMINISTRATOR SIGNATURE: _____ DATE: _____

SUPERINTENDENT SIGNATURE: _____

DATE: _____ REQUEST APPROVED? Yes _____ No _____

BOARD APPROVAL

APPROVED BY BOARD? Yes _____ No _____ DATE OF APPROVAL: _____

APPLICANT NOTIFIED? Yes _____ No _____

FINANCE NOTIFIED? Yes _____ No _____

VEHICLE REQUEST FORM

Read this first:

- **Buses need to be reserved two weeks in advance; cars and vans need to be reserved one week in advance**
- **This document must be fully completed and returned before any reservation is confirmed**
- **All drivers must have a copy of their driver's license and insurance on file in the district office**

Date submitted: ~~Week~~ 11-30-22 Person submitting: Barnes

Type of vehicle requested: Bus (please indicate number) X (1)

Chevy van (8 passenger) _____

Dodge van (7 passenger) _____

Ford Taurus _____

Toyota Camry (stick shift only) _____

Vehicle pick-up Date: _____ Time: _____

Vehicle return Date: _____ Time: _____

Destination: Cuyama airport

Purpose of trip: Meet & see CHP patrol plane

Name(s) and cell number(s) of drivers: 1. _____

2. _____

3. _____

Office use only

Expenses charged to: _____

Approval: _____