

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
REGULAR MEETING: THURSDAY, NOVEMBER 16, 2023**

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Mission Statement

*Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe and stimulating environment. The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.*

**DATE:** November 16, 2023

**TIME:** 4:00 Forest Grove Elementary School Measure D Site Visit  
5:45 p.m. Closed Session  
6:30 p.m. Open Session

Trustees  
*Carolyn Swanson, President*  
*Jennifer McNary, Clerk*  
*Dr. Elliott Hazen*  
*Laura Ottmar*  
*Brian Swanson*  
*Dayci Dishny/Dario Dimaggio, Student Representatives*

**LOCATION: IN PERSON**

Forest Grove Elementary School (4:00- 5:00 p.m.)  
1065 Congress Avenue  
Pacific Grove, CA 93950

Pacific Grove Unified School District Office (5:30 p.m. – duration of meeting)  
435 Hillcrest Avenue  
Pacific Grove, CA 93950

**VIRTUAL ZOOM MEETING**

<https://pgusd.zoom.us/j/82186831794?pwd=RzI3WkRpeEtRc3RNMU1hZkZyM3Q5QT09>

Meeting ID: 821 8683 1794

Passcode: 047925

One tap mobile +13017158592,,87820869443#,,,,\*585985# US (Washington DC)

+13092053325,,87820869443#,,,,\*585985# US

Find your local number: <https://pgusd.zoom.us/u/kboYomZZvV>

The Board of Education welcomes you to its meetings, which are regularly scheduled for the first and third Thursdays of the month. Regular Board Meetings shall be adjourned by 10:00 pm, unless extended to a specific time determined by a majority of the Board. This meeting may be extended no more than once and may be adjourned to a later date. Individuals who require special accommodation, including but not limited to an American Sign Language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent at least two days before the meeting date.

Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 435 Hillcrest Avenue, Pacific Grove during normal business hours.

**AGENDA AND ORDER OF BUSINESS**

**I. OPENING BUSINESS**

A. Call to Order

B. Land Acknowledgement

Good evening. As we begin this meeting, it's important to pay respect to and acknowledge that we are on the traditional land of the **Ohlone, Costanoan & Esselen** people and additionally pay respect to elders both past and present.

C. Roll Call

D. Adoption of Agenda

• Public Comment:

• Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

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**II. CLOSED SESSION**

A. Identify Closed Session Topics

The Board of Education will meet in Closed Session to consider matters appropriate for Closed Session in accordance with Education and Government Code.

1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Joshua Jorn for the purpose of giving direction and updates.
2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Joshua Jorn for the purpose of giving direction and updates.
3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]

B. Public comment on Closed Session Topics

C. Adjourn to Closed Session

**III. RECONVENE IN OPEN SESSION**

A. Report action taken in Closed Session:

1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Joshua Jorn for the purpose of giving direction and updates.
2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Joshua Jorn for the purpose of giving direction and updates.
3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]

B. Pledge of Allegiance

**IV. COMMUNICATIONS**

A. Written Communication

B. Board Member Comments

C. Superintendent Report

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**V. INDIVIDUALS DESIRING TO ADDRESS THE BOARD**

*Public comment on any item of interest to the public that is within the Board's jurisdiction will be heard. The Board will also take public comment on each specific action item prior to Board action on each item. **Any individual wishing to comment on a specific item on the current agenda are kindly asked to wait till that item is being discussed.** The Board will allow a reasonable amount of time for public comment on each agenda item not to exceed 3 minutes per speaker and no more than 20 minutes per agenda item, pursuant to Board Policy 9323. Speakers will be called sequentially until there is no speaker coming forward on the agenda item or the amount of time allocated for the agenda item has elapsed, whichever comes first. This meeting of the Board of Education is a business meeting of the Board, conducted in public. Please note that the Brown Act limits the Board's ability to respond to public comment. The Board may choose to direct items to the Administration for action or place an item on a future agenda.*

A. PGUSD Staff Comments (Non-Agenda Items)

B. Community Members (Non-Agenda Items)

**VI. CONSENT AGENDA**

*Items listed under the Consent Agenda are considered to be routine and/or may have been discussed at a previous Board meeting. **There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Agenda.** Each item on the Consent Agenda approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.*

- A. Minutes of October 26, 2023 Board Meeting 7  
Recommendation: (Linda Adamson, Superintendent) The District Administration recommends that the Board review and approve the minutes as presented.
- B. Minutes of November 2, 2023 Board Meeting 15  
Recommendation: (Linda Adamson, Superintendent) The District Administration recommends that the Board review and approve the minutes as presented.
- C. Cash Receipts #8 21  
Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board review and approve the Cash Receipts #8.
- D. Acceptance of Donations 23  
Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board review and accept the donations.
- E. Warrant Schedule 661 24  
Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board review and approve the Warrant schedule 661.
- F. Out of County or Overnight Activities 26  
Recommendation: (Joshua Jorn, Assistant Superintendent) The District Administration recommends that the Board review and approve the Out of County or Overnight requests.
- G. Personnel Report 31  
Recommendation: (Claudia Arellano, Director II of Human Resources) The District Administration recommends that the Board review and approve the Personnel Report.
- H. Contract for Services Education To Go 34  
Recommendation: (Barbara Martinez, Pacific Grove Adult Education) The Administration recommends approval of the contract for services with Education To Go for supplemental CTE online courses that lead to an industry-recognized certification.

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- I. Pacific Grove High School Course Catalog for the 2024-25 School Year 37  
Recommendation: (Lito M. García, Pacific Grove High School Principal) The District Administration recommends the Board review and approve the 2024-25 course catalog for Pacific Grove High School.
- J. Independent Consultant Agreement for Plimoth Patuxet virtual presentations with Forest Grove and Robert H. Down Elementary 2<sup>nd</sup> graders 93  
Recommendation: (Sean Keller, Robert Down Elementary School Principal) The District Administration recommends the Board review and approve the contract for Plimoth Patuxet.
- Public Comment:
  - Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**VII. ACTION/DISCUSSION**

- A. Equine Healing Collaborative– Partnership With Pacific Grove Unified School District To Provide Equine Mental Health Activities To All Students At Our 6 School Sites 99  
Recommendation: (Yolanda Cork-Anthony, Director of Student Services) The District Administration recommends that the Board review and provide direction to Administration regarding the contract with Equine Healing Collaborative.
- Public Comment:
  - Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_
- B. Contract for Services with the National Coalition Building Institute – Monterey Chapter 121  
Recommendation: (Buck Roggeman, Director of Curriculum and Special Projects) The District Administration recommends the Board review and approve the contract for services with the National Coalition Building Institute to provide multiple cultural proficiency professional development sessions.
- Public Comment:
  - Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_
- C. Forest Grove Elementary School Mural Proposal 129  
Recommendation: (Jon Anderson, Director of Maintenance, Operations and Transportation) The District Administration recommends that the Board review, discuss and approve the proposed mural at Forest Grove Elementary School.
- Public Comment:
  - Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_
- D. Pacific Grove Middle School Mural Proposal 131  
Recommendation: (Jon Anderson, Director of Maintenance, Operations and Transportation) The District Administration recommends that the Board review, discuss and approve the proposed murals for the Pacific Grove Middle School Gymnasium.
- Public Comment:
  - Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

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- E. Monterey County School Boards Association (MCSBA) Seeking Potential New Organizations To Be Added For Consideration For The 2024 Excellence In Education Award 133  
Recommendation: (Linda Adamson, Superintendent) The Board will discuss potential new organizations to add to the attached list of nominees to consider for the 2024 Award.

- Public Comment:
- Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

- F. Agreement for Consultant Services with Leadership Associates 141  
Recommendation: (Linda Adamson, Superintendent) The District Administration recommends the Board review and approve the agreement for consultant services with Leadership Associates to provide executive advisement to the Superintendent.

- Public Comment:
- Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

- G. Board Calendar/Future Meetings 143  
Recommendation: (Linda Adamson, Superintendent) The Administration recommends that the Board review and possibly modify meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

- Public Comment:
- Move: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**VIII. INFORMATION/DISCUSSION**

- A. Board Policy Updates 148  
Recommendation: (Linda Adamson, Superintendent) The District Administration recommends the Board review the Board Policy, Administrative Regulation, and Board Bylaw updates recently reviewed by the Board Policy Committee on November 6, 2023.

- Public Comment:
- Direction: \_\_\_\_\_

- B. Board Bylaw 9121: President 625  
Recommendation: (Linda Adamson, Superintendent) It has been requested that the Board review Board Bylaw 9121 President.

- Public Comment:
- Direction: \_\_\_\_\_

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C. Future Agenda Items

628

Recommendation: (Linda Adamson, Superintendent) The Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

- Added April 26, 2023: Sub Committee with the City of Pacific Grove (December 14, 2023)
- Added June 1, 2023: Review of the business contracts fingerprinting section (January 2024)
- Added August 3, 2023: Human Resources Organizational Review Plan (January 2023)
- Added September 7, 2023: Board Cultural Proficiency Training
- Added September 21, 2023: Board self-evaluation
- Added September 21, 2023: Common school year calendar with surrounding Districts
- Added September 21, 2023: Comprehensive School Safety Plan- LGBTQ+ Student Safety Component (January 2024)
- Added September 21, 2023: Staff support for combating incidents of racism (Ongoing)
- Added September 25, 2023: Cultural Proficiency 2023-2024 Implementation Plan (November 2023)
- Added September 28, 2023: Board Governance
- Added October 5, 2023: Racism zero tolerance policy
- Added November 2, 2023: Equity between elementary schools (January 2024)
- Added November 2, 2023: Elementary Spanish offerings TK-2 (January 2024)
  
- Public Comment:
- Direction: \_\_\_\_\_

**IX. ADJOURNMENT**

Next regular Board meeting will be held on Thursday, December 7, 2023

PACIFIC GROVE UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION  
Minutes of Regular Meeting of October 26, 2023 – District Office

**I. OPENED BUSINESS**

A. Called to Order 5:30 p.m.

B. Land Acknowledgement  
Good evening. As we begin this meeting, it’s important to pay respect to and acknowledge that we are on the traditional land of the Ohlone, Costanoan & Esselen people and additionally pay respect to elders both past and present.

C. Roll Call  
Trustee(s) Present: President Carolyn Swanson (CS)  
Clerk Jennifer McNary (JM)  
Dr. Elliott Hazen (EH)  
Trustee Laura Ottmar (LO)  
Trustee Brian Swanson (BS)  
Trustee(s) Virtual At Alternate Location: N/A  
Trustee(s) Absent: N/A  
Administration Present: Interim Superintendent Jorn  
Board Recorder: Mandi Ackerman  
Student Representative: Dayci Dishny

D. Adopted Agenda

Changes to the agenda include corrections to Action/Discussion Item A- Resolution 1116- Issuance/Sale Series B Bonds

- Board Packet page 112 slight correction to Board members title, and a correction to Assistant Supt being referenced
- Revised Bond Purchase Agreement nor the Preliminary Official Statement (POS) need to be signed this evening, and will have an updated POS in the packet and posted to the website

**Public Comment:**  
None

**MOTION JM/BS** to adopt agenda as amended  
Motion CARRIED by vote 5 – 0

**II. CLOSED SESSION**

A. Identified Closed Session Topics

1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Joshua Jorn for the purpose of giving direction and updates.

2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Joshua Jorn for the purpose of giving direction and updates.
3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]
4. Conference With Legal Counsel – Existing Litigation (Gov. Code § 54956.9(d)(1))  
*In re: Juul Labs Inc., Marketing, Sales Practices, and Products Liability Litigation*, U.S.D.C., Northern District Cal., Case No. 3:19-md-02913 and *JUUL Labs Product Cases*, Judicial Counsel Coordination Proceeding No. 5052, Superior Court of California, County of Los Angeles
5. Conference With Labor Negotiators  
Agency Negotiators: Board President, Board Clerk, and Legal Counsel  
Unrepresented Person: Superintendent Finalist  
Government Code section 54954.5 Subdivision (e)

B. Public comment on Closed Session Topics

None

C. Adjourned to Closed Session 5:36 p.m.

III. RECONVENED IN OPEN SESSION 6:31 p.m.

A. Reported action taken in Closed Session:

1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Joshua Jorn for the purpose of giving direction and updates.

The Board received information.

2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Joshua Jorn for the purpose of giving direction and updates.

The Board received information.

3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]

No information was received.



4. Conference With Legal Counsel – Existing Litigation (Gov. Code § 54956.9(d)(1))  
*In re: Juul Labs Inc., Marketing, Sales Practices, and Products Liability Litigation*, U.S.D.C., Northern District Cal., Case No. 3:19-md-02913 and *JUUL Labs Product Cases*, Judicial Counsel Coordination Proceeding No. 5052, Superior Court of California, County of Los Angeles

Board voted 5 – 0 to approve the settlement with defendant Altria in *In re: Juul Labs Inc., Marketing, Sales Practices, and Products Liability Litigation*, U.S.D.C., Northern District Cal., Case No. 3:19-md-02913 and *JUUL Labs Product Cases*, Judicial Counsel Coordination Proceeding No. 5052, Superior Court of California, County of Los Angeles”)

5. Conference With Labor Negotiators  
Agency Negotiators: Board President, Board Clerk, and Legal Counsel  
Unrepresented Person: Superintendent Finalist  
Government Code section 54954.5 Subdivision (e)

The Board received information, direction was given.

- B. Pledge of Allegiance lead by Interim Superintendent Joshua Jorn.

#### IV. COMMUNICATIONS

##### A. Written Communication

- Equitable grading
- Initiation to Shuman Hearthouse
- Appeal to curriculum decision
- NCBI County Summit
- Book report project video
- Public comment on staff supports for incidents of racism and bullying
- Supt Search
- Thank you from MPC staff on our visit to meet Dr. Fulbright III
- October 5 meeting Government glass review and discuss
- Rethinking DEI language
- Mistake on PGUSD Special meeting October 10 website
- Community member offering diversity trainer information
- Involving a community member in diversity trainings
- Regarding statements on Israel and Palestine
- Special session on October 10
- Kudos to Robert Down Elementary School PE program
- Israel and Palestine: addressing Student Concerns
- Handling disruptions at a Board meeting
- PGUSD Public Records Act request 2022 employee compensation report
- 2024 Excellence in Education list of nominees agenda
- Community Human Services
- Monterey Behavior Health LBBTQ+
- Agenda 8c

B. Board Member Comments

EH- great fall break, Arabic offered after school enrichment, shout-out 4<sup>th</sup> grade

JM- thank you to Robert Down Elementary School for hosting the Superintendent finalist meet and greet; thank you to Dr. Linda Adamson; important to address Israel and Gaza and Palestine and how it is impacting community, our campuses are safe spaces.

LO- thank you to Principal Keller for hosting; thank you to finalist Dr. Linda Adamson.

BS- thankyou to all for the meet and greet.

Student Representative Dishny- girls volleyball to CCS; golf, tennis and water polo seasons finished; football next week is shoe week, shoe rally November 3; Breaker Band won 2<sup>nd</sup>, Breaker Girls dance won 3<sup>rd</sup> place in color guard; opening night of school play December 1 and 8; Breaker Choir performed MCOE.

CS- echoed JM, safe space related to conflict in Gaza; meet and greet at Robert Down, great event.

C. Interim Superintendent Report

Safety Update included traffic intersection project on Sunset, Cedar and Congress; Sandy Hook Promise anonymous reporting tool; Great American Shake Out for 2023-24; 2024-25 CSSP plans.

V. **INDIVIDUALS DESIRING TO ADDRESS THE BOARD**

A. PGUSD Staff Comments (Non Agenda Items)

Director of Curriculum Buck Roggeman welcomed Superintendent finalist Dr. Linda Adamson; received County certification for LCAP;

Forest Grove Elementary School Principal Abbie Arbrun said she was proud of Forest Grove, prepping for parent teacher conferences next week; brunch outdoor eating; DARE started; assembly; pumpkin patch; Trunk or Treat and movie night; Halloween Parade.

Erica thanked volunteers, at Robert Down, potential future educators, potential CTE program.

B. Community Members (Non-Agenda Items)

Mike Gibbs thanked President Swanson and Board, noted Dr. Linda Adamson seems hopeful and graceful; as member of Pacific Grove Economic Council opportunity to work with students, like to offer to work with students.

VI. **INFORMATION/DISCUSSION**

A. Sandy Hook Promise (SHP) See Something Say Something Anonymous Reporting Tool

Lori Hamula of the Sandy Hook Promise See Something Say Something presented information to the Board, answered Board questions.

**Public Comment:**

Mike Gibbs asked if the SRO is involved.

Mel Mason asked if student confidentiality is protected.

Erica Chavez asked for preliterate icons.

**VII. CONSENT AGENDA**

- A. Minutes of October 2, 2023 Special Board Meeting
- B. Minutes of October 5, 2023 Board Meeting
- C. Minutes of October 10, 2023 Special Board Meeting
- D. Minutes of October 12, 2023 Special Board Meeting
- E. Minutes of October 19, 2023 Special Board Meeting
- F. Personnel Report
- G. Cash Receipts #6
- H. Revolving Cash Report #3
- I. Out of County or Overnight Activities
- J. Acceptance of Donations
- K. Warrant Schedule 660
- L. Contract for Services for Bratwurst USA

**Public Comment:**

None

**MOTION** BS/EH to approve the consent agenda as presented  
 Motion CARRIED by vote 5 – 0

**VIII. ACTION/DISCUSSION**

- A. Resolution No. 1116 for the Issuance and Sale of Election of 2020, Series B, General Obligation Bonds

**Public Comment:**

None

**MOTION** JM/CS to adopt Resolution No. 1116 for the Issuance and Sale of Election of 2020, Series B, General Obligation Bonds  
 Motion CARRIED by roll call vote 5 – 0

- B. Budget Revision #1 FY 2023-24

Interim Superintendent Joshua Jorn presented information to the Board.

**Public Comment:**

Mike Gibbs asked about enrollment.

**MOTION** BS/JM to approve the Budget Revisions #1 for Fiscal Year 2023-24  
 Motion CARRIED by 5 – 0

C. Consulting Agreement with the Black Leaders and Allies Collaborative (BLAAC)

Interim Superintendent Joshua Jorn introduced the Board item. Director of Curriculum and Special Projects Buck Roggeman presented this item and addressed Board questions.

The Board discussed this item and asked questions.

The Board directed Administration to bring this back in a Superintendent report in November.

**Public Comment:**

Mel Mason, spoke on behalf of Lyndon Tarver for the President of the NAACP, familiar with organization, having a DEI officer at the school would be helpful, commitment institutionalized diversity, equity and inclusion.

Mike Gibbs asked for details and objectives.

**MOTION** LO/BS to approve the Consulting Agreement with the Black Leaders and Allies Collaborative (BLAAC).

Motion CARRIED by 5 – 0

D. Board Calendar/Future Meetings

The Board discussed potential Board governance and self-evaluation special meetings, once the Superintendent begins, directed staff to find available dates for a special meeting.

**No action taken**

**IX. INFORMATION/DISCUSSION continued**

B. Presentation on Potential Measure D Bond Extension

Dale Scott of Dale Scott and Company presented information to the Board and addressed questions. The Board discussed this item.

The Board directed Administration to move forward.

**Public Comment:**

Erica Chavez noted Bond passed March 2020, pandemic, could not predict what would happen.

Lauralea Gaona loves the District, spent a lot of time, fixing old problems, beautiful facilities, money needed.

Lito Garcia heavily involved in facilities improvements, ask voters to help us out again.

**MOTION** CS/EH to extend the meeting until 11:00 p.m.

Motion CARRIED by 5 – 0

C. Complaint Concerning Instructional Materials

Director of Curriculum and Special Projects Buck Roggeman presented information to the Board.

**Public Comment:**

None

D. Pacific Grove High School Course Catalog for the 2024-2025 School Year

Pacific Grove High School Principal Lito Garcia presented information to the Board.

**Public Comment:**

Jessica, English teacher, dual enrollment offerings, anything we can do to make the students more competitive.

**MOTION** LO/JM to move items E/F to November 2, 2023.

Motion CARRIED by 5 – 0

E. 2023-2024 Strategic Plan Implementation Update

**Moved to November 2, 2023**

F. 2023 State Testing Results

**Moved to November 2, 2023**

G. Future Agenda Items

- Added April 26, 2023: Sub Committee with the City of Pacific Grove (December 14, 2023)
- Added May 4, 2023: Equine Healing Collaborative (November 16, 2023)
- Added June 1, 2023: Review of the business contracts fingerprinting section (January 2024)
- Added August 3, 2023: Human Resources Organizational Review Plan (December 2023)
- Added September 7, 2023: Board Cultural Proficiency Training
- Added September 21, 2023: Board self-evaluation
- Added September 21, 2023: Common school year calendar with surrounding Districts
- Added September 21, 2023: Comprehensive School Safety Plan- LGBTQ+ Student Safety Component (January 2024)
- Added September 21, 2023: Staff support for combating incidents of racism (Ongoing)
- Added September 25, 2023: Cultural Proficiency 2023-2024 Implementation Plan (November 2023)
- Added September 28, 2023: Board Governance
- Added October 5, 2023: Racism zero tolerance policy

**Public Comment:**  
None

X. **ADJOURNED**

10:22 p.m.

Approved and submitted:

\_\_\_\_\_  
Interim Superintendent Joshua Jorn  
Secretary to the Board

PACIFIC GROVE UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION  
Minutes of Regular Meeting of November 2, 2023 – District Office

**I. OPENED BUSINESS**

A. Called to Order 5:30 p.m.

B. Land Acknowledgement  
Good evening. As we begin this meeting, it’s important to pay respect to and acknowledge that we are on the traditional land of the Ohlone, Costanoan & Esselen people and additionally pay respect to elders both past and present.

C. Roll Call  
Trustee(s) Present: President Carolyn Swanson (CS)  
Clerk Jennifer McNary (JM)  
Dr. Elliott Hazen (EH)  
Trustee Laura Ottmar (LO)  
Trustee Brian Swanson (BS)  
Trustee(s) Virtual At Alternate Location: N/A  
Trustee(s) Absent: N/A  
Administration Present: Interim Superintendent Jorn  
Board Recorder: N/A  
Student Representative: N/A

D. Adopted Agenda  
Changes to the agenda include moving Action/Discussion item C- Complaint Concerning Instructional Materials Appeal to December 7, 2023; Walk- On Out of County or Overnight Activities

**Public Comment:**  
None

**MOTION** CS/JM to adopt agenda as amended  
Motion CARRIED by vote 4 – 1  
Trustee Ottmar voted against

**II. CLOSED SESSION**

- A. Identified Closed Session Topics
1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Joshua Jorn for the purpose of giving direction and updates.
  2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Joshua Jorn for the purpose of giving direction and updates.

3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]
4. Conference With Labor Negotiators  
 Agency Negotiators: Board President, Board Clerk, and Legal Counsel  
 Unrepresented Person: Superintendent Finalist  
 Government Code section 54954.5 Subdivision (e)

B. Public comment on Closed Session Topics

None

- C. Adjourned to Closed Session 5:36 p.m.

III. RECONVENED IN OPEN SESSION 6:31 p.m.

A. Reported action taken in Closed Session:

1. Negotiations - Collective Bargaining Session planning and preparation with the PGTA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Buck Roggeman and Joshua Jorn for the purpose of giving direction and updates.

No information received.

2. Negotiations - Collective Bargaining Session planning and preparation with the CSEA for 2023-2024 [Government Code § 3549.1 (d)] Executive session between the public school employer and its designated representatives, Claudia Arellano and Joshua Jorn for the purpose of giving direction and updates.

No information received.

3. Public Employee Discipline/Dismissal/Release/Complaint (1 case) [Government Code § 54957]

Information received.

4. Conference With Labor Negotiators  
 Agency Negotiators: Board President, Board Clerk, and Legal Counsel  
 Unrepresented Person: Superintendent Finalist  
 Government Code section 54954.5 Subdivision (e)

No information received.

B. Pledge of Allegiance lead by Interim Superintendent Joshua Jorn



**IV. COMMUNICATIONS**

A. Written Communication

- Invitation to celebration LGBTQ History Month and Filipino American History Month
- Agenda Item VIII. C from the October 26 meeting
- Two regarding continuance on an agenda item
- Question regarding superintendent search process
- CSBA invitation regarding the Small School District Advisory Workgroup
- NCBI training

B. Board Member Comments

JM thanked Joshua Jorn for being Interim Superintendent, said he demonstrates character and commitment to the District, respects and appreciated the work, thanked staff.

The Board echoed sentiments.

C. Interim Superintendent Report

Thanked the staff and administration for their support during his role as Interim Superintendent.

**V. INDIVIDUALS DESIRING TO ADDRESS THE BOARD**

A. PGUSD Staff Comments (Non Agenda Items)

Pacific Grove High School Assistant Principal Larry Haggquist provided an update for Pacific Grove High school including dress up days, shoe game details, rally, altered schedule for the shortened Veteran’s week, and sports updates.

Pacific Grove High School Teacher Lauralea Gaona said it has been a pleasure working with Interim Superintendent Joshua Jorn, said he acts quickly, shared experience regarding Senior Picnic, welcomed new Superintendent Dr. Linda Adamson.

Robert Down Elementary School Principal Sean Keller noted Aloha Day, Ruby Bridges Walk to School Day.

Forest Grove Elementary School Principal Abbie Arbrun provided an update on the parent teacher conferences, Kona Ice fundraiser, Halloween parade, read-a-thon next week.

Director of Curriculum and Special Projects Buck Roggeman updated the Board and public on negotiations with Pacific Grove Teachers Associations and said it is more efficient to settle on contractual language before the first of the year, expressed gratitude to Mary Quindimil.

B. Community Members (Non-Agenda Items)

None

**VI. CONSENT AGENDA**

- A. Minutes of October 25, 2023 Special Board Meeting
- B. Cash Receipts #7
- C. Acceptance of Donations
- D. Quarterly Report on Williams Uniform Complaints
- E. Contract for Services with Herff Jones for Pacific Grove Middle School
- F. Contract for Services with Santa Cruz Office of Education for Pacific Grove Middle School

**Public Comment:**

None

**MOTION JM/EH** to approve the consent agenda as presented  
 Motion CARRIED by vote 5 – 0

**VII. ACTION/DISCUSSION**

- A. WALK-ON Out of County or Overnight Activities

Interim Superintendent Joshua Jorn presented this item.

**Public Comment:**

None

**MOTION BS/JM** to approve the Walk-On Out of County or Overnight Activities  
 Motion CARRIED by 5 – 0

- B. Verbal Summary of the Financial Terms of the Superintendent’s Employment Agreement

CS read the financial summary of the financial terms of the Superintendent’s employment agreement.

**Public Comment:**

None

- C. Consider approval of the Employment Agreement with Dr. Linda Adamson to serve as the District’s Superintendent

**Public Comment:**

None

**MOTION JM/CS** to approve the employment agreement with Dr. Linda Adamson to serve as the District’s Superintendent  
 Motion CARRIED by roll call vote 5 – 0

**VIII. RECEPTION**

The Board took a short recess to congratulate Dr. Linda Adamson.

**IX. ACTION/DISCUSSION continued**

D. Complaint Concerning Instructional Materials Appeal

**Moved to December 7, 2023**

E. Board Calendar/Future Meetings

**Public Comment:**

None

**No action taken**

**X. INFORMATION/DISCUSSION continued**

A. Nutrition Services Program Update

Director of School Nutrition Robert SilvSilveria presented information to the Board, answered questions from the Board.

Assistant Superintendent Joshua Jorn addressed questions from the Board.

**Public Comment:**

Beth Shammass said it was good to see the program, spoke about policies reflecting nutrition and if policies need to be updated, spoke about timing of when students eat.

Hetal Patel said she was in favor of reviewing timing and possibly offering play first, followed by mealtime, said it would be a benefit.

B. 2023-2024 Strategic Plan Implementation Update

Assistant Superintendent Joshua Jorn presented information to the Board and the Board discussed this item.

**Public Comment:**

Pacific Grove High School Assistant Principal Larry Haggquist commented on goal regarding WASC at the high school.

Director of Curriculum and Special Projects Buck Roggeman discussed the alignment of the Strategic Plan with the Local Control Accountability Plan.

C. 2023 State Testing Results

Director of Curriculum and Special Projects Buck Roggeman presented information to the Board and the Board discussed this item and asked questions.

**Public Comment:**

Forest Grove Elementary School Principal Abbie Arbrun said she has the most dedicated staff, said the school has gaps that need to be closed, but feels the site does not need more resources, says the site is so fortunate, and feels the resources are not being used well.

Pacific Grove High School Assistant Principal Larry Haggquist said perception is not always reality, looking at data is a challenge, a lot of people who like to comment about data are not experts about data, said the District needs to use the data to grow and improve, but to tell a story that is a positive one, said the District is amazing with amazing resources and amazing staff.

Beth Shammass noted the pandemic, the technology used as instructional tools, wondered what growth happened during that time for students in learning how to access technology.

**G. Future Agenda Items**

- Added April 26, 2023: Sub Committee with the City of Pacific Grove (December 14, 2023)
- Added May 4, 2023: Equine Healing Collaborative (November 16, 2023)
- Added June 1, 2023: Review of the business contracts fingerprinting section (January 2024)
- Added August 3, 2023: Human Resources Organizational Review Plan (December 2023)
- Added September 7, 2023: Board Cultural Proficiency Training
- Added September 21, 2023: Board self-evaluation
- Added September 21, 2023: Common school year calendar with surrounding Districts
- Added September 21, 2023: Comprehensive School Safety Plan- LGBTQ+ Student Safety Component (January 2024)
- Added September 21, 2023: Staff support for combating incidents of racism (Ongoing)
- Added September 25, 2023: Cultural Proficiency 2023-2024 Implementation Plan (November 2023)
- Added September 28, 2023: Board Governance
- Added October 5, 2023: Racism zero tolerance policy

EH added: Equity between elementary schools (January 2024); Elementary Spanish offerings TK-2 (January 2024)

**Public Comment:**  
None

**X. ADJOURNED**

9:52 p.m.

Approved and submitted:

\_\_\_\_\_  
Interim Superintendent Joshua Jorn  
Secretary to the Board

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

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**SUBJECT:** Cash Receipts Report #8

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Joshua Jorn, Assistant Superintendent

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**RECOMMENDATION:**

The District Administration recommends that the Board review and approve the Cash Receipts #8.

**BACKGROUND:**

The attached listing identifies Cash Receipts received by the District during the period of from October 25, 2023 to November 7, 2023.

**INFORMATION:**

The receipt and deposit of the identified funds were conducted consistent with District policies and procedures within the appropriate revenue accounts.

PGUSD  
**2023-24 BOARD REPORT # 8 Cash Receipts**

October 25, 2023 - November 7, 2023

Date	Num	Name	Account	Amount
Oct 25 - Nov 7, 23				
10/25/2023	22034	ADULT EDUCATION	ADULT EDUCATION	58,123.27
10/25/2023	22035	RETIREE INSURANCE	RETIREE INSURANCE	720.22
10/25/2023	22036	ADULT EDUCATION	ADULT EDUCATION	38,594.83
10/25/2023	22037	ADULT EDUCATION	ADULT EDUCATION	1,182.20
10/26/2023	22038	PG PRIDE	GRANTS	4,052.61
10/26/2023	22039	Transportation	BUS PASS	140.00
10/26/2023	22040	Fingerprinting	Fingerprint Fees	4,070.00
10/27/2023	22043	BASRP-FG	BASRP	12,661.02
10/27/2023	22042	BASRP-RD	BASRP	18,573.01
10/27/2023	22041	RETIREE INSURANCE	RETIREE INSURANCE	2,108.00
10/30/2023	22044	ADULT EDUCATION	ADULT EDUCATION	3,090.00
10/30/2023	22045	STATE OF CALIFORNIA	CAFETERIA	120,949.13
10/30/2023	22046	RETIREE INSURANCE	RETIREE INSURANCE	507.00
10/31/2023	22047	BASRP-FG	BASRP	128.00
10/31/2023	22048	BASRP-RD	BASRP	977.00
10/31/2023	22049	CAFETERIA	CAFETERIA	525.00
11/01/2023	22050	Facilitron	FACILITIES USE	825.60
11/01/2023	22051	Intercare Holding Insurance	WORKERSCOMP	1,733.02
11/01/2023	22052	PGHS	CTE Donations	180.00
11/01/2023	22053	Robert Down Elementary	Birthday Books	60.00
11/01/2023	22054	CAFETERIA	CAFETERIA	34,099.16
11/01/2023	22055	MERMA	District Dividend	125,747.00
11/01/2023	22056	RETIREE INSURANCE	RETIREE INSURANCE	385.00
11/01/2023	22057	Transportation	DONATION	1,185.00
11/02/2023	22058	CAFETERIA	BANK FEE	-79.99
11/02/2023	22059	BASRP-RD	RETURNED CHECK	-42.00
11/06/2023	22060	RETIREE INSURANCE	RETIREE INSURANCE	2,922.22
11/06/2023	22061	Forest Grove Elementary	GRANT	4,000.00
11/06/2023	22062	CAFETERIA	CAFETERIA	108.00
11/06/2023	22063	ADULT EDUCATION	ADULT EDUCATION	5,580.86
11/06/2023	22064	ADULT EDUCATION	ADULT EDUCATION	1,026.85
11/06/2023	22065	ADULT EDUCATION	ADULT EDUCATION	40,382.41
11/07/2023	22066	California Department of Education	CHILD DEV	30,449.00
11/07/2023	22067	BASRP-FG	BASRP	67.00
11/07/2023	22068	BASRP-RD	BASRP	459.00
Oct 25 - Nov 7, 23				515,489.42

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

**SUBJECT:** Acceptance of Donations

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Joshua Jorn, Assistant Superintendent

**RECOMMENDATION:**

The District Administration recommends that the Board review and accept the donations referenced below.

**INFORMATION:**

During the past months the following donations were received:

**Forest Grove Elementary School**

None

**Robert H. Down Elementary School**

None

**Pacific Grove Middle School**

Monterey Symphony

\$810.00 (Bus/Transportation Donation for students to attend Concert)

**Pacific Grove High School**

Gina Hein

\$30.00 (CTE-Culinary)

Natalia Yevdash

\$50.00 (CTE-Culinary)

Kari Galer

\$100.00 (CTE-Art)

**Pacific Grove Community High School**

None

**Pacific Grove Adult School /Lighthouse Preschool & Preschool Plus Co-op**

None

**Pacific Grove Unified School District**

None

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

**SUBJECT:** Warrant Schedule 661

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Joshua Jorn, Assistant Superintendent for Business Services

**RECOMMENDATION:**

The District Administration recommends that the Board review and approve the Warrant schedule 661.

The attached listing of warrants identifies payments made by the District during the noted time period from October 01, 2023 through October 31, 2023.

**INFORMATION:**

Prior to the issuance of the warrants, District procedures have been followed to ensure the appropriateness of the item(s) purchased, the correctness of the amount to be paid, and the funds were available within the appropriate budget. All necessary site, department, and district authorizations have been obtained.

Please note a full copy of the warrants are available by request.



PACIFIC GROVE UNIFIED SCHOOL DISTRICT

661

October 2023

WARRANTS - PAYROLL

Certificated	Manual	10/05/23	\$	-
	Supp	10/10/23	\$	106,340.46
	Manual	10/13/23	\$	2,905.75
	Regular	10/31/23	\$	1,838,354.14
<u>Total Certificated</u>				<u>\$ 1,947,600.35</u>
Classified	Manual	10/05/23	\$	-
	Supp	10/10/23	\$	47,437.74
	Manual	10/13/23	\$	4,341.78
	ETC	-	\$	-
	Regular	10/31/23	\$	826,983.98
<u>Total Classified</u>				<u>\$ 878,763.50</u>
Other	Manual	10/05/23	\$	-
	Supp	10/10/23	\$	5,238.00
	Manual	10/13/23	\$	-
	Regular	10/31/23	\$	-
<u>Total Other</u>				<u>\$ 5,238.00</u>
<b><u>TOTAL PAYROLL</u></b>				<b><u>\$ 2,831,601.85</u></b>

WARRANTS - ACCOUNTS PAYABLE

Checks	V-Card Payment			
12792054-12792073	04600000566-04600000567	10/03/23	\$	399,440.07
12793420-12793459	04600000568-04600000570	10/12/23	\$	896,223.31
12795041-12795080	04600000571-04600000580	10/19/23	\$	172,918.21
12796871-12796911	04600000581-04600000585	10/26/23	\$	1,006,197.99
			\$	-
<b><u>TOTAL ACCOUNTS PAYABLE</u></b>				<b><u>\$ 2,474,779.58</u></b>

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

**SUBJECT:** Out of County or Overnight Activities

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Joshua Jorn, Assistant Superintendent

**RECOMMENDATION:**

The District Administration recommends that the Board review and approve the Out of County or Overnight requests.

**BACKGROUND:**

Board Policy 6153 requires prior approval of all school sponsored trips. Out of County/State or overnight trips require Board approval. Other trips may be approved by the Superintendent or designee.

**INFORMATION:**

The attached list identifies overnight/Out of County/State trip(s) being proposed by school sites at this time.

**FISCAL IMPACT:**

The request has an identified cost and associated source of funds. These activities expose the District to increased liability with a resulting potential for financial impact.

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT  
2023-24 OUT OF COUNTY OR OVERNIGHT ACTIVITIES**

<u>Date(s)</u>	<u>Destination</u>	<u>Student/ Class/ Activity</u>	<u>Transportation</u>	<u>Cost</u>	<u>Funding Source</u>
11/27/2023	Sobrato High School Morgan Hill, CA	PGHS Girls Basketball Away Game	School Bus	\$ 937.50	Athletics
11/28/2023	Sobrato High School Morgan Hill, CA	PGHS Boys Basketball Away Game	School Bus	\$ 987.50	Athletics
12/2/2023	Clovis North High School Fresno, CA	PGHS Mock Trial Mock Trial Practice Tournament	Auto	\$ 200.00	Mock Trail Account

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 11/27/2023 Day of Activity: Monday

Activity Name/ Location: Girls Basketball @ Sobrato Address: 401 Burnett ave

City: Morgan Hill County: santa Clara

School: Pacific Grove High School Teacher/ Class or Club: Girls Basketball non league Grade: 9-12

School Departure Time: 3 p.m. Pickup Time from Place of Activity: 8:30 p.m.

Name(s) of Employee(s) Accompanying Students: Marquis Pickrom Anthony Hannah

Number of Adults: 2 Number of Students: 20  
(Total Chaperones)

Description of Activity/ Educational Objective: Girls Basketball non league

List All Stops: Sobrato High school

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: School Bus  
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): \_\_\_\_\_  
( ) Form-OCA-1 Release of Driver Record Information is on file with the District \_\_\_\_\_  
( ) Form-OCA-2 Personal Automobile Information is on file with the District \_\_\_\_\_  
( ) Fingerprint clearance is on file with the District \_\_\_\_\_

Requested By: Chris Morgan Chris Morgan Date: 11/07/2023  
*Employee Signature (accompanying students)* *(Printed Name)*

Administrative Approval/Principal: Larry Haggquist Date: 11/13/2023

\*\*\*\*\*  
Substitute Required: No # of Days \_\_\_\_\_ Account Code (for sub): \_\_\_\_\_

Cost of Activity: \$ \_\_\_\_\_ + Cost of Transportation: \$937.50 + Cost of Substitute: \$ \_\_\_\_\_ = Total Cost (Est): \$ \_\_\_\_\_

Funds to be charged for all activity expenses: ( ) Students ( ) Club ( ) PG Pride ( ) Other \_\_\_\_\_

Account Code: Wells Fargo Athletic Department Fund 1965169244/407 Girls Basketball

\*\*\*\*\*  
**TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE**

Date Received: 11/08/2023 Transportation Available: Yes

Transportation Type: (x) School Bus ( ) Charter

Approved by Transportation Supervisor: Jon Anderson Date: 11/08/2023

Approved by Assistant Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: 11/28/2023 Day of Activity: Tuesday

Activity Name/ Location: Boys basketball @ Sobrato Address: 401 Burnett ave

City: Morgan Hill County: Santa Clara

School: Pacific Grove High School Teacher/ Class or Club: Boys Basketball Grade: 9-12

School Departure Time: 2 p.m. Pickup Time from Place of Activity: 8:30 p.m.

Name(s) of Employee(s) Accompanying Students: Dan Powers John Watkins

Number of Adults: 2 Number of Students: 28  
(Total Chaperones)

Description of Activity/ Educational Objective: Boys basketball non-league game

List All Stops: Sobrto High school

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. cm (Teacher/Coach/Advisors Initials)

Means of Transportation: School Bus  
(Board Regulation 3541.1 requirements will be complied with when using private autos: cm (Teacher/ Coach/Advisors Initials))

Name(s) of Auto Drivers (subject to change): \_\_\_\_\_  
( ) Form-OCA-1 Release of Driver Record Information is on file with the District \_\_\_\_\_  
( ) Form-OCA-2 Personal Automobile Information is on file with the District \_\_\_\_\_  
( ) Fingerprint clearance is on file with the District \_\_\_\_\_

Requested By: Chris Morgan Chris Morgan Date: 11/07/2023  
*Employee Signature (accompanying students)* *(Printed Name)*

Administrative Approval/Principal: Lito M Garcia Date: 11/08/2023

\*\*\*\*\*  
Substitute Required: No # of Days \_\_\_\_\_ Account Code (for sub): \_\_\_\_\_

Cost of Activity: \$ \_\_\_\_\_ + Cost of Transportation: \$987.50 + Cost of Substitute: \$ \_\_\_\_\_ = Total Cost (Est): \$ \_\_\_\_\_

Funds to be charged for all activity expenses: ( ) Students ( ) Club ( ) PG Pride ( ) Other \_\_\_\_\_

Account Code: Wells Fargo Athletic Department Fund - 1965169244 - Boys Basketball - 408 (If the DO is not paying)

\*\*\*\*\*

### TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE

Date Received: 11/08/2023 Transportation Available: Yes

Transportation Type: (x) School Bus ( ) Charter

Approved by Transportation Supervisor: Jon Anderson Date: 11/08/2023

Approved by Assistant Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

# PACIFIC GROVE UNIFIED SCHOOL DISTRICT PGHS REQUEST FOR OFF CAMPUS ACTIVITY

Board Approval is required for all out-of-county, out-of-state, or overnight activities. The request must be approved by the Board prior to the event, therefore the request must be submitted **AT LEAST FOUR (4) WEEKS PRIOR TO THE EVENT**. For ALL other activities, submit a request two weeks in advance of activity.

Date of Activity: December 2, 2023 Day of Activity: Saturday

Activity Name/ Location: Mock Trial Tournament/Clovis Address: 2770 E International Ave, Fresno, CA 93730

City: Fresno County: Fresno

School: Pacific Grove High School Teacher/ Class or Club: Jenna Hall/Mock Trial Grade: 9-12

School Departure Time: 5 a.m. Pickup Time from Place of Activity: 5 p.m.

Name(s) of Employee(s) Accompanying Students: Jenna Hall and William Hurst

Number of Adults: 7 Number of Students: 22  
(Total Chaperones)

Description of Activity/ Educational Objective: Practice Tournament against multiple schools for Mock Trial

List All Stops: Los Banos and Madera for bathroom break

I understand that per Board Policy 6153, I am responsible for sending and having returned prior to departure written permission from parents for this trip. jh (Teacher/Coach/Advisors Initials)

Means of Transportation: Auto\*  
(Board Regulation 3541.1 requirements will be complied with when using private autos: jh (Teacher/Coach/Advisors Initials)  
Bill Hurst, Manal Haddad, Richard Smith, Andrew Spivey, Jenna Dreisbach, Brandy Deppert

Name(s) of Auto Drivers (subject to change): \_\_\_\_\_  
(x) Form-OCA-1 Release of Driver Record Information is on file with the District all on file  
(x) Form-OCA-2 Personal Automobile Information is on file with the District all on file  
(x) Fingerprint clearance is on file with the District \_\_\_\_\_

Requested By: Jenna Hall Jenna Hall Date: 10/14/2023  
*Employee Signature (accompanying students)* *(Printed Name)*

Administrative Approval/Principal: Larry Haggquist Date: 11/13/2023

\*\*\*\*\*  
Substitute Required: No # of Days \_\_\_\_\_ Account Code (for sub): \_\_\_\_\_

Cost of Activity: \$ 200 + Cost of Transportation: \$ \_\_\_\_\_ + Cost of Substitute: \$ \_\_\_\_\_ = Total Cost (Est): \$ 200.00

Funds to be charged for all activity expenses: ( ) Students (x) Club ( ) PG Pride ( ) Other \_\_\_\_\_

Account Code: Wells Fargo Associated Student Body account - 8994873977/552 Mock Trial

\*\*\*\*\*  
**TRANSPORTATION DEPARTMENT/ DISTRICT OFFICE USE**

Date Received: \_\_\_\_\_ Transportation Available: \_\_\_\_\_

Transportation Type: ( ) School Bus ( ) Charter

Approved by Transportation Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by Assistant Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Board Approval: \_\_\_\_\_ Date of Board Approval: \_\_\_\_\_

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

**SUBJECT:** Personnel Report

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Claudia Arellano, Director II, Human Resources

**RECOMMENDATION:**

The District Administration recommends the Board of Trustees approve the Personnel Report as presented.

**BACKGROUND:**

The Personnel Report outlines appointments, leaves, resignations, retirements and releases as it relates to employees' employment status with the District.

Recruitment and selection procedures include dissemination of vacancy announcements to local and surrounding public agencies, community colleges and institutions of higher education as well as posting on the District's website.

**INFORMATION:**

Persons listed in the Personnel Report are being recommended to the Board of Education for employment in the District. No individual is recommended to the Board of Education for employment prior to receipt of the criminal background summary.

**FISCAL IMPACT:**

N/A

PACIFIC GROVE UNIFIED SCHOOL DISTRICT  
 PERSONNEL REPORT – CERTIFICATED  
 November 16, 2023

APPOINTMENTS

Name	Position	FTE	Site	Status	Effective Dates
Garland, Giulietta	Substitute Teacher	Various	District	On-Call	10/4/23
Hernandez, Maryssa	Substitute Teacher	Various	District	On-Call	10/5/23
McCarthy, Mary Ann	Substitute Teacher	Various	District	On-Call	10/13/23
Siddique, Salman	Substitute Teacher	Various	District	On-Call	11/3/23
McDonald, Diane	Substitute Teacher	Various	District	On-Call	10/5/23
Schwartz, Melissa	Substitute Teacher	Various	District	On-Call	10/2/23



PACIFIC GROVE UNIFIED SCHOOL DISTRICT  
 PERSONNEL REPORT – CLASSIFIED  
 November 16, 2023

APPOINTMENTS

Name	Position	FTE	Site	Status	Effective Dates
Ward, Susan	Substitute Healthcare Assistant	Various	District	On-Call	10/23/23
Peelo, David	Fall ASE Instructor	Seasonal	RHD	Short-term	11/7/23
Norris, Jasna	Fall ASE Instructor	Seasonal	RHD	Short-term	11/7/23
Watkins, Jon	Frosh Basketball	Various	PGHS	Seasonal	11/2/23
Carpenter, Damon	7th Grade Girls Basketball	Various	PGMS	Seasonal	11/1/23
Chavez, Francisco	7th Grade Boys Basketball	Various	PGMS	Seasonal	11/1/23
Shafer, Jacob	6th Grade Boys Basketball	Various	PGMS	Seasonal	11/1/23
Enterline, Greg	8th grade girls basketball	Various	PGMS	Seasonal	11/1/23
Lake, Ray	8th grade boys basketball	Various	PGMS	Seasonal	11/1/23
Roldan, Ricky	8th grade boys basketball	Various	PGMS	Seasonal	11/1/23
Petersen, Heather	Elementary Robotics	Various	RHD/FGE	Seasonal	9/7/23
Gonsalves, Jacob	Lacrosse Coach	Various	PGHS	Seasonal	11/1/23

RESIGNATIONS/RELEASES/RETIREMENTS

Name	Position	FTE	Site	Status	Effective Dates
Smith, Daryll	Recreation Coordinator/Leader	1.0	RHD/FGE	Retirement	12/31/23
Babas, Desiree	Administrative Assistant V	1.0	DO	Resignation	10/31/23
Ackerman, Mandi	Executive Assistant	1.0	DO	Resignation	11/30/23

- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

**SUBJECT:** Contract for Service Education To Go

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Barbara Martinez, Safety Director

**RECOMMENDATION:**

The Administration recommends approval of the contract for services with Education To Go for supplemental CTE online courses that lead to an industry-recognized certification

**BACKGROUND:**

Pacific Grove Adult Education has provided in-person short term certificate-based classes that leads students to higher paying jobs or employment. Since the pandemic, it has been difficult to recruit and retain certified Career Technical Education teachers for in-person learning experiences for students. PGAE has had an increase in enrollment for asynchronous course offerings and as a result, will offer a wide variety of online classes through Education To Go.

**INFORMATION:**

Education To Go offers full-service online continuing education with over 750 course offerings that align with in-demand occupations. Courses are developed and lead by industry experts, many whom are nationally known authors, and delivered through adult schools, colleges, and universities. Online courses provide flexibility for students who prefer to go at their own pace to complete certifications, or for those who prefer instructor led courses, can complete certifications in as little as six weeks.

**FISCAL IMPACT:**

Budgeted \$5,000 Fund 11

# ENROLL IN AN ONLINE COURSE THAT LEADS TO AN INDUSTRY-RECOGNIZED CERTIFICATION

Many business sectors have developed industry-recognized certifications to ensure their workforce is equipped with adequate skills and specialized knowledge. Certifications are often seen as the benchmark needed to enter into and advance in specific industries. Prepare for these industries with courses that align to these valuable certifications.



 Certification exam costs included

## MEDICAL

- Advanced Hospital Coding and CCS Prep ✓
- Advanced Medical Interpreter
- Certified Clinical Medical Assistant (CCMA) ✓
- Certified Clinical Medical Assistant for Experienced CMAA ✓
- Certified Clinical Medical Assistant (CCMA) + Certified Electronic Health Records Specialist (CEHRS)
- Certified EKG Technician ✓
- Certified Electronic Health Records Specialist (CEHRS) ✓
- Certified Health Unit Coordinator ✓
- Certified Healthcare and Eldercare Mediator
- Certified Inpatient Coder ✓
- Certified Medical Transcriptionist ✓
- Certified Medical Administrative Assistant (CMAA) ✓
- Certified Medical Administrative Assistant with Certified Electronic Health Records Specialist + Medical Terminology ✓
- Certified Medical Administrative Assistant with Medical Billing and Coding ✓
- Certified Outpatient Coder ✓
- Certified Pharmaceutical Sales Representative ✓
- Certified Physical Therapy Aide ✓
- Certified Phlebotomy Technician ✓
- Certified Professional Medical Auditor ✓
- Certified Risk Adjustment Coder ✓
- Clinical Dental Assistant ✓
- Medical Billing and Coding ✓
- Medical Billing Specialist ✓
- Medical Billing Specialist with Electronic Health Records ✓
- Medical Interpreter (Spanish/English)
- Medical Office Manager ✓
- Patient Care Technician ✓
- Pharmacy Technician ✓

## HOSPITALITY

- Certified COVID Hospitality Compliance Officer (CHCO)
- Certified Destination Wedding Planner
- Certified Model Know How
- Travel Agent Training ✓
- Certified Master Wedding and Event Planner ✓

## INFORMATION TECHNOLOGY

- AWS System Operations Certification Bundle ✓
- Certified Ethical Hacker ✓
- Certified Information Security Manager (CISM) ✓
- Certified Information Systems Auditor (CISA) ✓
- Certified Information Systems Security Professional (CISSP)
- Certified Penetration Testing Professional (CPent) ✓
- Cisco CCNA Certification Training ✓
- CompTIA Advanced Security Practitioner (CASP) ✓
- CompTIA Certification Training: A+, Network+, Security+ ✓
- CompTIA Certification Training: Network+, Security+ ✓
- CompTIA Cloud Essentials+ ✓
- CompTIA™ Linux+ ✓
- CompTIA Mobility+ ✓
- CompTIA Project+ ✓
- CompTIA™ A+ Certification Training ✓
- CompTIA™ Cloud+ Certification Training ✓
- CompTIA™ Network+ Certification Training ✓
- CompTIA™ Security+ Certification Training ✓
- Help Desk Analyst: Tier 1 Support Specialist
- Information Security Training ✓
- IT Foundations Bundle ✓
- ITIL 4 Foundation ✓
- Systems Security Certified Practitioner (SSCP) Training
- CompTIA Certification Training: ITF+ and A+ ✓
- CompTIA Certification Training: ITF+, A+, Network+, Security+ ✓
- VMware Certified Associate

## MISCELLANEOUS

- Adobe Certified Professional ✓
- Adobe Certified Professional in Visual Design ✓
- Adobe Certified Professional in Web Design ✓
- Certified Legal Secretary
- Certified Paralegal ✓
- Certified Residential Interior Designer ✓
- Certified Technical Writer
- Digital Court Reporter
- Digital Court Reporter and Legal Transcription
- Legal Transcriptionist
- Technical Writer Manager

## BUSINESS

Accounts Payable Manager Certification ✓  
Accounts Payable Specialist Certification ✓  
Career Counselor and Life Coach  
Certified Administrative Professional ✓  
Certified Administrative Professional w/ MS Office Master 2019 ✓  
Certified Administrative Professional w/ MS Office Specialist 2019 ✓  
Certified Bookkeeper ✓  
Certified Credit Counselor ✓  
Certified Credit Counselor and Certified Financial Health Counselor ✓  
Certified Financial Health Counselor ✓  
Certified Global Business Professional  
Certified Green Supply Chain Professional ✓  
Certified Internal Auditor  
Certified Internal Auditor with Microsoft Excel 2019 ✓  
Certified Quality Auditor ✓  
Certified Quality Engineer ✓  
Certified Quality Improvement Associate (CQIA)  
Certified Supply Chain Professional + Freight Broker/Agent Training  
Certified Six Sigma Black Belt  
Certified Six Sigma Green Belt ✓  
Chartered Tax Professional  
Chartered Tax Professional for California Residents  
Chartered Tax Professional with Microsoft Excel 2019 ✓  
Court Interpreter (Spanish/English)  
Executive Assistant ✓  
Executive Assistant with Microsoft Office Specialist 2019 ✓  
Financial and Career Coach ✓  
IC3 Digital Literacy GS5 ✓  
Human Resources Professional  
Lean Six Sigma Black Belt ✓  
Lean Six Sigma Black Belt with 1-on-1 Project Coaching ✓  
Lean Six Sigma Champion ✓  
Lean Six Sigma Green Belt ✓  
Lean Six Sigma Yellow Belt ✓  
Lean Six Sigma Yellow Belt and Green Belt ✓  
Lean Training ✓  
Office Manager ✓  
Mastering Project Management with Microsoft Project 2019  
PMI Risk Management Professional ✓  
Payroll Manager  
Payroll Practice and Management  
Payroll Practice and Management with Microsoft Excel 2019 ✓  
Project Management Essentials with CAPM Prep  
Senior Professional In Human Resources  
Six Sigma Yellow Belt ✓  
Student Loan Counselor ✓  
The Complete Project Manager: CAPM and PMP Prep  
The Complete Project Manager: MS Project 2019 (Software Included)  
Records Management Certificate with Microsoft Office Specialist 2019 ✓  
Records Management Certificate with Microsoft Office Master 2019 ✓

## COMPUTER APPLICATIONS

CONSENT H

Implementing Microsoft Azure Infrastructure Solutions ✓  
Microsoft Access 2019 Certification Training ✓  
Microsoft Excel 2019 Certification Training ✓  
Microsoft Office Master 2019 Certification Training ✓  
Microsoft Office Specialist 2019 (MOS) Certification Training ✓  
Microsoft Outlook 2019 Certification Training ✓  
Microsoft PowerPoint 2019 Certification Training ✓  
Microsoft Word 2019 Certification Training ✓  
Professional Bookkeeping with QuickBooks Online ✓  
Professional Bookkeeping with QuickBooks Online with Payroll Practice and Management ✓

## CONSTRUCTION AND TRADES

HVAC/R Technician ✓  
Certified Indoor Environmentalist Prep  
Certified Indoor Air Quality Manager

## MARKETING AND SALES

Certified Digital Marketing Fundamental ✓  
Certified Digital Marketing Professional ✓

## FITNESS

ACE Personal Trainer  
ACE Personal Trainer with Fitness and Health Internship  
ACSM Certified Exercise Physiologist  
ACSM Certified Exercise Physiologist with Fitness and Health Internship  
ACSM Personal Training  
ACSM Personal Training with Fitness and Health Internship AFAA Group Fitness Instructor ✓  
NASM Certified Nutrition Coach ✓  
NASM Certified Nutrition Coach + Weight Loss Specialization (CNC, WLS) ✓  
NASM Certified Personal Trainer + AFAA Group Fitness Instructor ✓  
NASM Certified Personal Trainer (Spanish) ✓  
NASM Certified Personal Trainer + Corrective Exercise ✓  
NASM Certified Personal Trainer + Performance Enhancement ✓  
NASM Certified Personal Trainer and Exam Preparation ✓  
NASM Certified Weight Loss Specialization (WLS) ✓  
NASM Certified Weight Loss Coach (CPT, CNC, WLS) ✓  
NASM Corrective Exercise Specialist (CES) ✓  
NASM Performance Enhancement Specialist (PES) ✓  
NCSF Sports Nutrition Specialist ✓  
NCSF Certified Strength Coach ✓



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- |  |   |
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| <input type="checkbox"/> Credibility and Communication                 | <input type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing         |

**SUBJECT:** Pacific Grove High School Course Catalog for the 2024-25 School Year

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Lito M. García, Pacific Grove High School Principal

**RECOMMENDATION:**

The District Administration recommends the Board review and approve the 2024-2025 course catalog for Pacific Grove High.

**BACKGROUND:**

Each year, the Certificated Staff at Pacific Grove High School reviews the course descriptions, prerequisites, and course offerings prior to student registration held in January. Courses are revised according to State standards and/or changing curriculum needs. In addition, courses that have had traditionally low turnout may be eliminated and replaced with courses that are deemed to be of more interest. The course catalog is designed with the assumption that some courses will not end up being offered due to a lack of student interest or scheduling conflicts. At registration, student signups will be used as criteria for deciding the final course offerings.

**INFORMATION:**

The course catalog has been updated as follows:

- Various course titles updated and minor edits
- Updated course descriptions: Earth and Space Systems, Chemistry, Honors Chemistry, Introduction to Computer Science, Introduction to Computer-Aided Design, Engineering Robotics, Engineering CNC Manufacturing, AP Computer Science, Spanish 1, Spanish 4, AP Spanish Language and Culture, French 1, French 2, French 4, AP French Language and Culture, English 2, Honors English 2, English 3, Honors English 3, AP English Language, Expository Reading and Writing 3.0 (ERWC), Drama, AP Psychology, String Orchestra, Concert Band/Marching Band, Guitar, Jazz Band,
- Removed courses: Drawing and Painting, Advanced Drawing and Painting, English 4
- New courses: Honors Portfolio 2D Art and Design, AP 2D Art and Design, Honors Portfolio 3D Art and Design, AP 3D Art and Design, Creative Writing, Multimedia Journalism, Law and Society
- New courses dual enrollment: English 1A: College Composition, English 1B: Introduction to Literature, Psychology 1: General Psychology, Psychology 3: Intro to Social Psychology, Sociology 1: Introduction to Sociology, Sociology 2: Contemporary Social Problems

**FISCAL IMPACT:**

Assuming that there is no significant increase in students for the 2024-25 school year, we anticipate no negative fiscal impact.

There is a possibility given the additional funding gained through dual-enrollment courses, that there could be a potential increase in income if additional courses of this nature are added.

# PACIFIC GROVE HIGH SCHOOL



# COURSE CATALOG 2024-2025

To view a copy of the Course Catalog online:

[pghigh.pgusd.org/counseling](http://pghigh.pgusd.org/counseling)

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# COURSE SELECTION

CONSENT I

The PGHS Course Catalog will help you select courses that are the best fit for you and your future goals. As you make your choices for the upcoming school year, please consider the following suggestions:

- **Use the graduation requirements** to confirm which courses you have completed and determine what courses you still need to complete to earn a Pacific Grove High School diploma.
- **Select courses that are interesting to you and support your future goals.** You are a unique individual and student, and your schedule should reflect that.
- **Consider college entrance requirements** in making your choices. Even if you are undecided about college now, enroll in classes that challenge you and keep your future options open by planning a UC A-G-eligible schedule.
- **Please refer to the UC A-G Course List** as verification that the PGHS course designation meets your postsecondary goals here: [Pacific Grove High School A-G Course List](#)
- **Involve your parents/guardians** in your decision-making process.
- **Discuss your academic plans with your grade-level counselor.**
- **Consult with your current teachers** about their recommendations for your classes next year.

PGHS Graduation Requirements and UC A-G Requirements Comparison		
	<b>PGHS Graduation Requirement</b>	<b>Minimum A-G Requirement</b>
History/Social Science	4 year-long courses	A. 2 years required
English	4 year-long courses	B. 4 years required
Mathematics	2 year-long courses	C. <b>3 years required (through IM3 or Statistics)</b> <input type="checkbox"/> 4 years recommended
Science	2 year-long courses	D. <b>2 years required</b> <input type="checkbox"/> 3 years recommended
Language Other than English (LOTE)	1 year-long course in LOTE <b>OR</b> VAPA	E. <b>2 years required</b> <input type="checkbox"/> 3 years recommended
Visual and Performing Arts (VAPA)	1-year long course in VAPA <b>OR</b> LOTE	F. 1 year required
Electives	8 year-long courses	G. 1 year additional A-G course required
Physical Education	2 year-long courses	
Minimum grade for credit	“D-” Grade	“C-” Grade
Credits required	230 credits required for graduation	A minimum of 15 year-long college preparatory A-G approved courses
Community Service	48 hours	

# ENTRANCE REQUIREMENTS FOR COLLEGE

## UNIVERSITY OF CALIFORNIA

For graduating seniors, the University of California offers postsecondary education at nine undergraduate campuses. Admission to the UC system is based on a minimum 3.0 GPA and a 14-point evaluation process called the Comprehensive Review. This review process considers student involvement and leadership, extracurricular activities, quality of the senior year, the inclusion of and performance in A-G courses beyond the required minimum, and responses to four Personal Insight Questions. Competition for admission to the UC is high, so meeting the minimum requirements does not guarantee admission. Students admitted to UC campuses generally exceed the minimum UC admission requirements. For more information regarding UC admissions, please visit:

### [Freshman requirements | UC Admissions](#)

UC Berkeley (Cal)	UC Los Angeles (UCLA)	UC San Diego
UC Davis	UC Merced	UC Santa Barbara
UC Irvine	UC Riverside	UC Santa Cruz

## CALIFORNIA STATE UNIVERSITY

The California State University system has 23 campuses offering a wide range of majors to prepare students for careers post-graduation. The CSU uses three factors to determine eligibility for admissions: Specific high school courses referred to as a-g courses, grades in those courses, and graduation from high school.

The minimum GPA for acceptance is 2.5. Because of the number of students who apply, many CSU campuses have higher standards (supplementary admission criteria) for all applicants. See [\*\*Impaction at the CSU\*\*](#) to determine if the campus or major you are interested in applying to is impacted and may have higher or additional admission criteria. For more information regarding CSU admissions, please visit:

### [Cal State Apply | CSU Admissions](#)

CSU Bakersfield	Cal State Long Beach	San Diego State
CSU Channel Islands	Cal State LA	San Francisco State
Chico State	Cal Maritime	San Jose State
CSU Dominguez Hills	CSU Monterey Bay	Cal Poly San Luis Obispo
Cal State East Bay	CSU Northridge	CSU San Marcos
Fresno State	Cal Poly Pomona	Sonoma State
Cal State Fullerton	Sacramento State	Stanislaus State
Cal Poly Humboldt	Cal State San Bernardino	

## PRIVATE COLLEGES/OUT OF STATE PUBLIC SCHOOLS/UNIVERSITIES ABROAD

As of 2023, there were over 5,000 colleges and universities in the United States. While most private colleges and out-of-state public schools expect students to satisfy a similar course of study as the University of California A-G requirements, students must confirm the individual admissions requirements for schools they plan to apply to outside of the UC/CSU system.

# UC/CSU APPROVED A-G COURSES

## PACIFIC GROVE HIGH SCHOOL A-G COURSE LIST

### Area A: History/Social Science

World Geography  
 World History  
 U.S. History  
 Government  
 AP World History ★  
 AP U.S. History ★  
 AP Government ★

### Area B: English

English 1  
 English 2  
 English 3  
 Honors English 1  
 Honors English 2  
 Honors English 3 ★  
 Expository Reading & Writing (ERWC)  
 AP English Language and Composition ★  
 AP English Literature & Composition ★

### Area C: Mathematics

Integrated Math 1  
 Integrated Math 2  
 Honors Integrated Math 2  
 Integrated Math 3  
 Honors Integrated Math 3/Trigonometry  
 Pre-Calculus  
 Probability and Statistics  
 AP Calculus AB ★  
 AP Calculus BC ★  
 AP Computer Science A ★  
 AP Statistics ★

### Area D: Science

Biology  
 Earth and Space Systems  
 Physics  
 Marine Science  
 Honors Chemistry ★  
 Introductory to Anatomy and Physiology  
 AP Environmental Science ★  
 AP Physics C: Mechanics ★

★UC A-G Course with a weighted GPA

### Area E: Language Other than English

Spanish 1  
 Spanish 2  
 Spanish 3  
 Spanish 4  
 AP Spanish Language & Culture ★  
 French 1  
 French 2  
 French 3  
 French 4  
 AP French Language & Culture ★

### Area F: Visual & Performing Arts

2D Art and Design  
 Advanced 2D Art and Design  
 Honors 2D Portfolio ★  
 3D Art and Design  
 Advanced 3D Art and Design  
 Honors 3D Portfolio ★  
 Photography 1  
 Drama  
 Advanced Drama  
 Marching/Concert Band  
 String Orchestra  
 Jazz Band  
 Music Appreciation  
 Concert Choir  
 Guitar  
 Culinary Arts 1  
 Culinary Arts 4  
 AP 2D Art and Design ★  
 AP 3D Art and Design ★  
 AP 2D Art and Design: Photography ★

### Area G: Elective

Creative Writing (*pending approval*)  
 Multimedia Journalism (*pending approval*)  
 Leadership  
 Law And Society (*pending approval*)  
 Introduction to Computer Science  
 Introduction to CAD/Engineering: Robotics  
 Engineering: CNC Manufacturing Robotics  
 Honors Engineering: CNC Manufacturing ★  
 AP Psychology ★  
 Economics  
 AVID 9, AVID 10, AVID 11, AVID 12

**MONTEREY PENINSULA COLLEGE (MPC)**

MPC, our local California Community College campus, offers over 100 degree and certificate programs to provide career and technical training and prepare students for transfer to four-year institutions.

California Community Colleges (CCC) are the largest provider of workforce training in the nation, serving more than two million students annually at 116 colleges across the state. Career Education programs are taught by instructors and expert professionals, providing hands-on training while building the comprehensive skill sets needed for success in the jobs of today and well into the future. For more information regarding MPC degree and certificate programs please visit:

**[MPC Degrees and Programs](#)**

Additionally, MPC offers a **[Transfer Admission Guarantee \(TAG\)](#)** to six of the UC campuses and the **[Degree with a Guarantee](#)** program to assist students with simplified transfers to the CSU campuses. For more information regarding MPC admissions, please visit:

**[MPC Admissions](#)**

**PGHS CCAP DUAL ENROLLMENT CLASSES**

Students can enroll in MPC courses at PGHS that have been approved by the College & Career Access Pathway (CCAP) agreement with MPC. These courses provide the opportunity for high school students to earn college credit while attending MPC courses on the PGHS campus. There are no tuition or course fees for our CCAP approved courses.

**[Explore PGHS CCAP Dual Enrollment Classes](#)**

**PGHS CAREER TECHNICAL EDUCATION**

Pacific Grove High School’s Career Technical Education (CTE) pathways offer students the ability to earn industry-relevant certifications and obtain college credit from our dual-enrolled Monterey Peninsula College courses. Students who complete a pathway are viewed by UCs, CSUs, and the California Department of Education as being College and Career Ready.

**PGHS CTE Pathways**

Design & Media Arts: Art	Design & Media Arts: Photography	Engineering Design	Food Service & Hospitality	Software & Support Systems
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**[Explore PGHS Career Technical Education](#)**

# CLASS SCHEDULING

## COURSE SELECTION

Students will submit course requests for the following school year each January. Students are encouraged to thoughtfully consider the balance of their course requests to include the number of AP/Honors courses requested, demands of extracurricular activities, and time for family and social activities. The PGHS Master Schedule will be created based on student course requests. Therefore, students who request changes later in the Spring term may not get their preferred schedule.

## COURSE LOAD

**9th graders** are required to enroll in a minimum of seven classes each semester. Students must enroll in the following five core classes: English, history, science, math, physical education, and at least two electives.

**10th graders** are required to enroll in a minimum of six classes each semester. Students must enroll in the following five core classes: English, history, science, math, and physical education, and at least one elective.

**11th graders** are required to enroll in a minimum of six classes per semester. Students must enroll in the following two core classes: English and history, and four additional electives. Students who are concurrently enrolled in an MPC course of 3 or more credits may take five PGHS classes as long as they provide confirmation of community college class registration.

**12th graders** are required to enroll in a minimum of five classes per semester. Students must enroll in the following core classes: English, Government/Economics, and three electives. Students who are concurrently enrolled in an MPC course of 3 or more credits may take four PGHS classes as long as they provide confirmation of community college class registration.

Students who do not enroll in eight classes will have a minimum of one open period. Where the open period(s) fall within a student's schedule will be dependent on the classes in which they are enrolled.

## CHANGING, ADDING, OR DROPPING CLASSES:

When students receive their final schedules in August, limited schedule changes can be made. Class schedule changes will be made for the following reasons only:

- A class is needed for graduation
- An assigned class has already been completed
- The student does not have a complete schedule
- To balance class size

Unacceptable reasons for a class change:

- Requesting a different period
- Requesting to be in a class with a friend
- Requesting a different teacher

**DROPPED CLASS(ES):**

A student who drops a course during the first four weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first twenty-eight days of the semester shall receive an F grade on his/her permanent record unless otherwise decided by the principal or designee due to extenuating circumstances (**Board Policy #5121**). Please refer to the PGHS Calendar for end-of-quarter dates. Students must consult with their Counselor regarding a drop and obtain a parent/guardian signature on the PGHS Drop Form. Additionally, students may withdraw from a year-long class at the semester with parent/guardian approval.

**ONLINE COURSES**

If a student chooses to supplement their PGHS coursework with an additional online high school class for elective credit, it is the responsibility of the student to confirm that the online school is accredited and the coursework is UC A-G eligible. Students are required to arrange proctoring of online exams with the educational institution providing the course.

**SUMMER SCHOOL CREDITS/CREDIT RECOVERY**

PGHS Summer School uses the Edmentum online program as its accredited curriculum for credit recovery.

- Edmentum courses may be used for credit recovery only. Edmentum courses may not be used to take a class for original credit.
- Edmentum grades will be reflected on the PGHS transcript. Students with a failing grade who repeat a course through Edmentum and earn a grade of D- or higher may use their new Edmentum grade to become eligible for sports and/or extra-curricular activities.

**COLLEGE CLASSES FOR HIGH SCHOOL CREDIT**

- Students can enroll in MPC courses at PGHS that have been approved by the College & Career Access Pathway (CCAP) agreement with MPC. These courses provide the opportunity for high school students to earn college credit while attending MPC courses on the PGHS campus. There are no tuition or course fees for our CCAP approved courses. [Dual Enrollment](#)
- Students may also take MPC Dual Enrollment classes on the MPC campuses or at MPC online. There are no tuition fees for these courses. Students interested in taking an MPC course during the summer or after school should apply online to MPC and complete the Dual Enrollment for Students in Grades 6-12 Form. Please visit the MPC Dual Enrollment page for more information: [Dual Enrollment | Monterey Peninsula College](#)
- All classes worth three or more credits at the college level will be assigned ten high school credits.
- Letter grades are required to receive high school credit or college credit when applying to four-year colleges as a first-time freshman.
- All Dual Enrollment courses are college courses and recorded on the student's permanent college transcript.
- Students must request that MPC send transcripts to the high school in order for the MPC courses to be added to their high school transcripts.
- PGHS adds an additional point to the GPA for Dual Enrollment classes of 3 or more credits with a grade a C- or higher.

# INTERSCHOLASTIC SPORTS/ACTIVITIES

We encourage all PGHS students to participate in interscholastic sports and/or extracurricular activities during high school. Students must meet the district and California Interscholastic Federation (CIF) participation eligibility requirements to participate in competition. For an updated list of student clubs, please visit our PGHS website at:

[Pacific Grove High School - Clubs](#)

## FALL SPORTS

Cross Country  
 Football  
 Girls Golf  
 Girls Tennis  
 Girls Volleyball  
 Water Polo

## WINTER SPORTS

Basketball  
 Soccer  
 Wrestling

## SPRING SPORTS

Baseball  
 Boys Golf  
 Boys Tennis  
 Lacrosse  
 Softball  
 Swimming/Diving  
 Track and Field

## EXTRA-CURRICULAR ACTIVITIES

ASB/Student Government  
 Cheerleading  
 Choir

Dance Team  
 Mock Trial  
 Musical

Play Production  
 Robotics  
 Teacher's Assistant (TA)

## NCAA APPROVED COURSE LIST

World Geography  
 World History  
 U.S. History  
 Economics  
 Government  
 AP Human Geography  
 AP World History  
 AP U.S. History  
 AP Government  
 AP Psychology  
 English 1  
 English 2  
 English 3  
 English 4  
 Honors English 1  
 Honors English 2  
 Honors English 3

ERWC  
 AP English Language  
 AP English Literature  
 Integrated Math 1  
 Integrated Math 2  
 Honors Integrated Math 2  
 Integrated Math 3  
 Honors Integrated Math 3  
 PreCalculus  
 Probability and Statistics  
 AP Statistics  
 AP Calculus AB  
 AP Calculus BC  
 AP Computer Science A  
 Biology  
 Earth & Space Systems  
 Physics

Chemistry  
 Honors Chemistry  
 Marine Science  
 Intro. to Anatomy and Physiology  
 AP Environmental Science  
 AP Physics C: Mechanics  
 Spanish 1  
 Spanish 2  
 Spanish 3  
 Spanish 4  
 AP Spanish  
 French 1  
 French 2  
 French 3  
 French 4  
 AP French

# HISTORY/SOCIAL SCIENCE

## UC/CSU APPROVED COURSES

### A REQUIREMENT

- Four year-long courses in World Geography, World History, U.S. History, and Government/Economics are required for PGHS graduation.
- To apply to the UC or CSU campuses, two years of college-preparatory history/social science are required, including one year of world history, cultures or historical geography, and one year of U.S. history; or one-half year of U.S. history and one-half year of civics or American government.

Grade 9	World Geography	
Grade 10	World History	AP World History
Grade 11	U.S. History	AP U.S. History
Grade 12	Government/Economics	AP Government/Economics

**COURSE** **WORLD GEOGRAPHY**  
**FULFILLS** UC/CSU Subject Area A  
**PREREQUISITE** None  
**GRADE LEVEL** 9  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** World Geography will develop the basic themes of physical, cultural, and political geography while focusing on both domestic and international current events. This course will include an emphasis on location literacy (map study), the forces that shape our world, regional development, national histories, human rights, world economics, and geopolitics. We will study modern times and historical events, all while learning about the people who were and are affected by them both. Academic skills such as communication, collaboration, critical thinking, time management, academic organization, and note-taking will all be a part of this course.

**COURSE** **WORLD HISTORY**  
**FULFILLS** UC/CSU Subject Area A  
**PREREQUISITE** None  
**GRADE LEVEL** 10  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** This survey course meets the 10<sup>th</sup> Grade World History requirement. It will include a selective study of the major political and social developments, and of individuals who played significant roles, in the time period from the mid-1700s up to the present. Units of study include a brief review covering 6<sup>th</sup> and 7<sup>th</sup> Grade World History, the Enlightenment, the Age of Revolutions, the Industrial Revolution, Nationalism & Imperialism, the First World War and the Russian Revolution, Totalitarianism & World War II, and the Postwar World.



**COURSE** **AP WORLD HISTORY**  
**FULFILLS** UC/CSU Subject Area A ★  
**PREREQUISITE** Grade of C- or higher in previous History and English classes  
 Recommended: Grade of A in World Geography or B- or higher in AP Human Geography  
 AND a Grade of A in English 1 or a B- or higher in Honors English 1  
**GRADE LEVEL** 10  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Advanced Placement World History is a college-level course covering the modern period from about 1200 to the present. AP World History is fast-paced, challenging, and requires a very high level of reading and writing skill. Students in AP World History should expect heavy college-level reading assignments and should be prepared to develop and demonstrate in writing analytical skills such as comparison and contrast, change over time, and understanding of primary source documents. Students will prepare for the AP World History examination. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college's AP Policy.

**COURSE** **UNITED STATES HISTORY**  
**FULFILLS** UC/CSU Subject Area A  
**PREREQUISITE** None  
**GRADE LEVEL** 11  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** This course will examine major turning points in American history in the twentieth century. Understanding that certain themes prevail in modern American history including: the expanding role of the federal government and federal courts; the continuing tension between the individual and the state and between minority rights and majority power; the emergence of a modern corporate economy; the movements toward equal rights for racial minorities and women; and the role of the United States as a major world power. Students will learn to assess historical materials and current events- their relevance to a given problem, their reliability and their importance-and to weigh the evidence and interpretations presented in historical scholarship. This class will have a consistent reading schedule and pace that will cover 20th/21<sup>st</sup> Century United States History.

COURSE	<b><u>AP UNITED STATES HISTORY</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area A ★	
PREREQUISITE	Grade of C- or higher in World History or AP World History Recommended: Grade of A in World History or B- or higher in AP World History	
GRADE LEVEL	11	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	Advanced Placement United States History surveys the period beginning with pre Columbian Native American societies and ending with international affairs and domestic changes in the post 1945 period to modern day. The College Board determines the course content outline. The course is designed to provide a comprehensive overview of United States history and to provide students with the analytical skill and factual knowledge to deal critically with the problems and materials in United States history. The course follows a narrative structure supported by the textbook, primary sources, secondary sources including historiographical essays and a variety of multimedia materials. The course focuses on the development of historical thinking skills and an understanding of content learning objectives organized around 8 themes. There will be a summer assignment for this class and this class will have a college level reading pace. Students are expected to take the AP U.S. History exam at the conclusion of the class. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college's AP Policy.	

COURSE	<b><u>AMERICAN GOVERNMENT</u></b>
FULFILLS	UC/CSU Subject Area A
PREREQUISITE	None
GRADE LEVEL	12
LENGTH	1 semester
CREDIT	5 credits
DESCRIPTION	Government, a semester-length course, is required for High School graduation. This course is about the American system of government, including functions of government, governmental programs, roles of the citizen, civil rights and liberties, public opinion, comparative political systems, and current events.

COURSE	<b><u>AP AMERICAN GOVERNMENT AND POLITICS UNITED STATES</u></b>
FULFILLS	UC/CSU Subject Area A ★
PREREQUISITE	Grade of C- in U.S. History or C- or higher in AP U.S. History
GRADE LEVEL	12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	The goal of this course is to increase understanding of the American political system, its framework, traditions and values, and have each student pass the AP American Government exam. This course is concerned with the nature of the American political system, its development over the past two hundred plus years, and how it works today. We will examine in detail the principle processes and institutions through which the political system functions, as well as some of the public policies which these institutions establish and how these policies are implemented. Economic concepts are woven within the course throughout the year. Students will prepare for the AP Government examination. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college's AP Policy. The second semester does not receive AP credit, however, the AP Government class is a full year commitment.

COURSE [ECONOMICS - See Subject Area G for description](#)

# ENGLISH

## UC/CSU APPROVED COURSES

### **B** REQUIREMENT

- Four year-long English courses are required for PGHS graduation.
- To apply to the UC or CSU campuses, four years of college-preparatory English composition and literature required, integrating extensive reading, frequent writing, and practice listening and speaking with different audiences.

Grade 9	English 1	Honors English 1
Grade 10	English 2	Honors English 2
Grade 11	English 3	Honors English 3
Grade 11		AP English Language
Grade 12	ERWC Expository Reading & Writing	AP English Literature
Grade 12	Dual Enrollment English 1A	Dual Enrollment English 1B

**COURSE** **ENGLISH 1**  
**FULFILLS** UC/CSU Subject Area B  
**PREREQUISITE** None  
**GRADE LEVEL** 9  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** English 1 is designed to prepare 9th grade students for admittance to and academic success in a four-year college or university. As such, this course focuses on critical thinking in the areas of reading, writing, and literature, as well as oral academic language and collaborative group work. Students will also learn the proper use of English grammar and diction. Written assignments in the form of literary analysis will be given both inside and outside of class. This class will also cover basic grammar and increase student’s fluency with vocabulary.

**COURSE** **HONORS ENGLISH 1**  
**FULFILLS** UC/CSU Subject Area B  
**PREREQUISITE** Grade of C- or higher in previous English Class  
 Recommended: Grade of B- or higher in previous English class  
  
**GRADE LEVEL** 9  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Honors English 1 is designed to meet the needs of ninth grade students planning to take other advanced classes at PGHS and to prepare students for university level work. This demanding and challenging class places emphasis on analytical reading, expository writing, critical thinking, cooperative learning, and in depth interpretation of the four genres of literature: the novel, the play, poetry and short story. Honors English 1 moves at a rapid pace and expects students to work independently to be prepared for class discussions. This course stresses the in-depth development of critical writing and thinking skills, along with the application of grammar and vocabulary skills to their writing.

**COURSE** **ENGLISH 2**  
**FULFILLS** UC/CSU Subject Area B  
**PREREQUISITE** None  
**GRADE LEVEL** 10  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** English 2 students will develop skills in understanding literature by reading a variety of novels, both classic and contemporary, developing their ability to analyze literature and make connections to current issues. They will also read nonfiction articles/editorials and speeches from a variety of sources in order to develop their critical reading skills. along with rhetorical analysis writing. These skills will serve as the foundation for learning how to build arguments and to write argumentatively. Written assignments in the form of rhetorical analysis will be given both inside and outside of class. Students in this class will also cover basic grammar and will increase student’s fluency with vocabulary.

**COURSE** **HONORS ENGLISH 2**  
**FULFILLS** UC/CSU Subject Area B  
**PREREQUISITE** Grade of C- or higher in previous English class  
 Recommended: Grade of B- or higher in Honors English 1 or grade of A- in English 1  
**GRADE LEVEL** 10  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Honors English 2 is a rigorous course designed for advanced, college-bound students. Students will read a variety of complex and challenging nonfiction and literary fiction, developing their ability to analyze a variety of texts and make connections to current issues and historical events. They will also read nonfiction articles/editorials and speeches from a variety of sources in order to develop their critical reading skills. along with rhetorical analysis writing. These skills will serve as the foundation for learning how to build arguments and to write argumentatively. Written assignments in the form of rhetorical analysis will be given both inside and outside of class. Students in this class will also cover basic grammar and will increase student’s fluency with vocabulary.

**COURSE** **ENGLISH 3**  
**FULFILLS** UC/CSU Subject Area B  
**PREREQUISITE** None  
**GRADE LEVEL** 11  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** English 3 students will develop skills in understanding literature by reading a variety of novels, both classic and contemporary. They will also read non-fiction articles from contemporary news sources, and use these to develop their critical reading skills, informative writing, and argument writing surrounding current issues. This class will require students to practice and develop discussion skills. The class will also cover basic grammar and increase students’ fluency with vocabulary.

**COURSE** **HONORS ENGLISH 3**  
**FULFILLS** UC/CSU Subject Area B ★  
**GRADE LEVEL** 11  
**LENGTH** 1 year  
**PREREQUISITE** Grade of C- or higher in previous English class  
 Recommended: Grade of B- or higher in Honors English 2 or grade of A- in English  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Honors English 3 is a rigorous course designed for advanced college-bound students. Students will read a variety of complex and challenging literary fiction, developing their ability to analyze literature and make connections to current issues. They will also read non-fiction ranging from news articles to scientific journal publications, developing critical reading skills, informative and argument writing and collaborative discussion skills. The class will also cover basic grammar and increase students' fluency with vocabulary.

**COURSE** **AP ENGLISH LANGUAGE**  
**FULFILLS** UC/CSU Subject Area B ★  
**PREREQUISITE** Grade of C- or higher in previous English class  
 Recommended: Grade of B- or higher in Honors English 2, or grade of A- in English 2  
**GRADE LEVEL** 11  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** The AP English Language course provides students with the opportunity to read rigorous texts from various eras and different genres, analyzing the big ideas of the rhetorical situation, claims and evidence, reasoning and organization, and style. Students use course texts to reach the goal of effective writing and analysis: they will read and annotate texts from a critical perspective in order to craft well-reasoned and supported arguments and analyses of others' arguments. Students will practice and improve their timed-writing skills. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by granting college's AP Policy.

**COURSE** **AP ENGLISH LITERATURE**  
**FULFILLS** UC/CSU Subject Area B ★  
**PREREQUISITE** Grade of C- or higher in previous English class  
 Recommended: Grade of B- or higher in Honors English 3 or AP Language  
 Grade of A- or higher in English 3  
**GRADE LEVEL** 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Advanced Placement English Literature is a college level course offered to highly motivated students who show unusual skill in literature and composition. Over the length of the course students will cultivate their understanding of literature through rich classroom discussion and in depth analysis of various literary texts. This heavily writing based course will prepare students for success in university level work. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college's AP Policy.

**COURSE** **EXPOSITORY READING AND WRITING 3.0 (ERWC)**  
**FULFILLS** UC/CSU Subject Area B  
**PREREQUISITE** None  
**GRADE LEVEL** 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Expository Reading and Writing 3.0 (ERWC) is a rigorous, rhetorically based, full-year college preparatory English course for high school seniors intending to continue their studies in college. The course’s modules, which include a wide variety of nonfiction, college-level texts and some literature, emphasize the in-depth study of analytical and argumentative reading and writing. Mentor-texts are read independently in order to foster rich classroom discussion, and serve as models for writing that moves beyond the traditional five-paragraph essay. Students will analyze the interplay of rhetorical devices, vocabulary, and grammar in rich, diverse texts, and then use these same elements in their own expository and persuasive writing.

**COURSE** **ENGLISH LANGUAGE DEVELOPMENT (ELD)**  
**FULFILLS** UC/CSU Subject Area B (For no more than 1 year)  
**PREREQUISITE** Non-native speaker of English and overall score of 1-3 on ELPAC (English Language Proficiency Assessments for California)  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** ELD is an instructional program for students who are developing proficiency in English. The four domains of language (speaking, listening, reading, and writing) are taught with a focus on academic uses. Students learn to use English effectively in both social and academic settings. Successful completion: Students will progress through the proficiency levels until they meet criteria for re-designation.

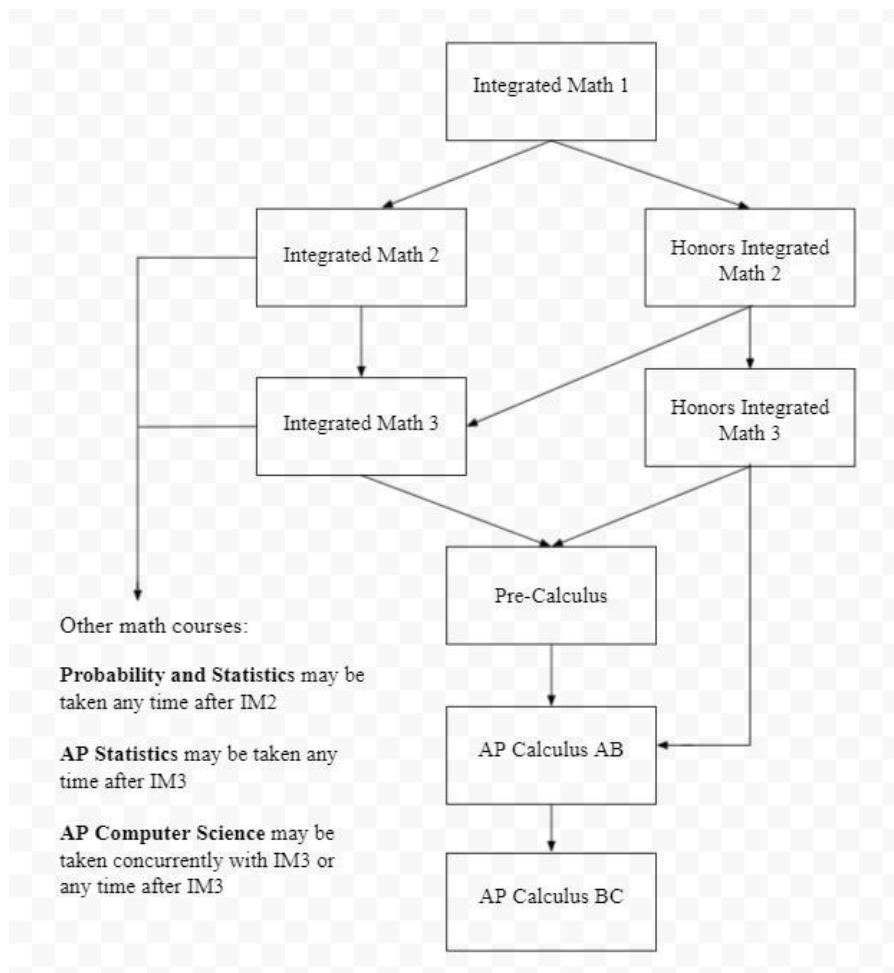
# MATHEMATICS

## UC/CSU APPROVED COURSES

### C REQUIREMENT

- Two years of mathematics, which must include Integrated Math 2 or an equivalent course, are required for PGHS graduation.
- To apply to the UC or CSU campuses, three years of college-preparatory mathematics are required (four years are strongly recommended).

## MATHEMATICS COURSE OFFERINGS & PATHWAYS



Online courses in mathematics at any level are generally discouraged. Because PGHS math courses are integrated, Monterey Peninsula College (MPC) and online courses of traditional Algebra 1 and Geometry are not equivalent subject content to the PGHS mathematics curriculum.

**COURSE** **INTEGRATED MATH 1**  
**FULFILLS** UC/CSU Subject Area C  
**PREREQUISITE** None  
**GRADE LEVEL** 9, 10, 11  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Addressing both the Mathematical Practices and Content Standards associated with the High School Common Core, Integrated Math I focuses on exploring, discussing, and understanding the concepts of:

1. Systems of Equations and Inequalities
2. Arithmetic and Geometric Sequences
3. Linear and Exponential Functions
4. Features of Functions
5. Congruency, Constructions, and Proofs
6. Connecting Algebra and Geometry
7. Modeling Data

**COURSE** **INTEGRATED MATH 2**  
**FULFILLS** UC/CSU Subject Area C  
**PREREQUISITE** Grade of D- or higher in Integrated Math 1  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Addressing both the Mathematical Practices and Content Standards associated with the High School Common Core, Integrated Math 2 focuses on exploring, discussing, and understanding the concepts of:

1. Quadratics Functions
2. Structures of Expressions
3. Quadratic Equations
4. Absolute Value and Exponential Functions
5. Geometric Figures
6. Similarity and Right Triangle Trigonometry
7. Circles from a Geometric Perspective
8. Probability

**COURSE** **PROBABILITY AND STATISTICS**  
**FULFILLS** UC/CSU Subject Area C  
**PREREQUISITE** Grade of D- or higher in Integrated Math 2  
**GRADE LEVEL** 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Probability and Statistics introduces students to the major concepts and tools for collecting, analyzing, and drawing conclusions from data. The course exposes students to four broad conceptual themes: (1) graphing and analyzing data, (2) designing a survey or experimental study, (3) finding probabilities through mathematics as well as through simulations, and (4) making appropriate inferences from data.



COURSE  
FULFILLS  
PREREQUISITE

**HONORS INTEGRATED MATH 2**

CONSENT I

UC/CSU Subject Area C  
Grade of C- or higher in Integrated Math 1  
Recommended: Grade of A in Integrated Math 1

GRADE LEVEL  
LENGTH  
CREDIT

9, 10, 11, 12

1 year

5 credits per semester

DESCRIPTION

Honors Integrated Math 2 continues the study of geometry and algebra, though at a much faster pace and with more rigor than Integrated Math 2. Addressing both the Mathematical Practices and Content Standards associated with the High School Common Core, Honors Integrated Math 2 focuses on exploring, discussing, and understanding the concepts of:

1. Quadratics Functions
2. Structures of Expressions
3. Quadratic Equations
4. Absolute Value and Exponential Functions
5. Geometric Figures, including triangle congruence and similarity
6. Similarity and Right Triangle Trigonometry
7. Circles from a Geometric Perspective
8. Probability
9. Linear and Quadratic Functions and their Transformations
10. Polynomial Functions

COURSE  
FULFILLS  
PREREQUISITE

**INTEGRATED MATH 3**

UC/CSU Subject Area C  
Grade of C- or higher in Integrated Math 2  
Recommended: B- or higher in Integrated Math 2

GRADE LEVEL  
LENGTH  
CREDIT  
DESCRIPTION

9, 10, 11, 12

1 year

5 credits per semester

Addressing both the Mathematical Practices and Content standards associated with the High School Common Core, Integrated Math 2 focuses on exploring, discussing, and understanding the concepts of:

1. Functions and their Inverses
2. Logarithmic Functions
3. Polynomial Functions
4. Rational Expressions and Functions
5. Modeling with Geometry
6. Trigonometric Functions
7. Sequences and Series
8. Modeling with Functions
9. Statistics
10. Transformations of Functions

COURSE	<b><u>HONORS INTEGRATED MATH 3/TRIGONOMETRY</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area C	
PREREQUISITE	Grade of C- or higher in Honors Integrated Math 2 Recommended: Grade of B or higher in Honors Integrated Math 2	
GRADE LEVEL	9, 10, 11	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	<p>Honors Integrated Math continues the study of algebra as well as trigonometry. This course moves at a much faster pace and with more rigor than the Integrated Math 3 course. Addressing both the Mathematical Practices and Content Standards associated with the High School Common Core, Honors Integrated Math 3 focuses on exploring, discussing, and understanding the concepts of:</p> <ol style="list-style-type: none"> <li>1. Geometric Modeling</li> <li>2. Linear and Quadratic Functions</li> <li>3. Polynomial Functions</li> <li>4. Rational Exponents and Radical Functions</li> <li>5. Exponential and Logarithmic Functions</li> <li>6. Rational Functions</li> <li>7. Sequences and Series</li> <li>8. Trigonometric Ratios and Functions</li> <li>9. Trigonometric Identities and Formulas</li> <li>10. Data Analysis and Statistics</li> <li>11. Probability</li> <li>12. Limits and Continuity</li> </ol>	

COURSE	<b><u>PRE-CALCULUS</u></b>	
FULFILLS	UC/CSU Subject Area C	
PREREQUISITE	Grade of C- or higher in Honors Integrated Math 3/Trigonometry or Integrated Math 3	
GRADE LEVEL	10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	<p>This course covers advanced topics in functions, trigonometry, conic sections, sequences and series, polar coordinate systems, and parametric equations. A scientific calculator is required. A graphing calculator is recommended. The appropriate calculator will be provided upon student request.</p>	

COURSE	<b><u>AP CALCULUS AB</u></b>	
FULFILLS	UC/CSU Subject Area C ★	
PREREQUISITE	Grade of C- or higher in Pre-Calculus Recommended: B or higher in Honors Integrated Math 3	
GRADE LEVEL	10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	<p>AP Calculus AB is roughly equivalent to a first semester college calculus course devoted to topics in differential and integral calculus. This course is a college level introductory calculus course designed to enable the student to pass the Advanced Placement Calculus AB exam. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college's AP Policy. An AP graphing calculator is required. The appropriate calculator will be provided upon student request. Juniors enrolling in this course are encouraged to take a fourth year of mathematics to meet the UC A-G course recommendations.</p>	

**COURSE** **AP CALCULUS BC**  
**FULFILLS** UC/CSU Subject Area C ★  
**PREREQUISITE** Grade of C- or higher in Calculus AB  
**GRADE LEVEL** 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits  
**DESCRIPTION** This course extends the content learned in Calculus AB to different types of equations (polar, parametric, vector-valued) and new topics (such as Euler's method, integration by parts, partial fraction decomposition, improper integrals, and sequences and series) in the second semester. Our most rigorous course, AP Calculus BC is the equivalent of a second semester of college calculus. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college's AP Policy. An AP graphing calculator is required. The appropriate calculator will be provided upon student request.

**COURSE** **AP STATISTICS**  
**FULFILLS** UC/CSU Subject Area C ★  
**PREREQUISITE** Grade of B- or better in Probability and Statistics.  
 Recommend: Grade of A- or better in Probability and Statistics  
**GRADE LEVEL** 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** AP Statistics is the equivalent of a one semester, college-level introductory statistics class. The purpose of the class is to introduce students to the basic ideas and skills for collecting, analyzing and drawing conclusions from data. Students should leave the course not only able to interpret and analyze the many statistics they will encounter on a daily basis, but also evaluate the integrity of their use. The course exposes students to four broad conceptual themes: (1) exploring data –observing patterns and departures from patterns, (2) planning a study – deciding what and how to measure, (3) anticipating patterns – producing probability and simulation, and (4) statistical inference – confirming models. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college's AP Policy.

COURSE	<b><u>AP COMPUTER SCIENCE A</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area C ★	
PREREQUISITE	Grade of C- or higher in Integrated Math 2 with concurrent enrollment in Integrated Math 3 Recommended: Grade of B or higher in Integrated Math 3 with successful completion of Introduction to Computer Science, or a grade of B+ or higher in Honors Integrated Math 3	
GRADE LEVEL	10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	AP Computer Science A is the equivalent of an introductory, one semester, college level programming course. The course emphasizes programming methodology with a focus on problem solving and algorithm development using the Java programming language. Specific topics include object-oriented design, program design and implementation, algorithm analysis, and standard data structures. Students will tackle long-term, large scale computer programming problems and are expected to take the AP Computer Science A exam in May. The second semester of this course will continue the study of the AP material through MPC's dual enrollment course, CSIS 10A. <b><i>This course will be offered in alternate years: 2024-2025 and 2026-2027.</i></b>	

COURSE	<b><u>MATHEMATICS SUPPORT</u></b>
FULFILLS	High school elective credit
PREREQUISITE	Enrollment in an Integrated Math class
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester High school graduation elective
DESCRIPTION	Mathematics Support is offered to students concurrently enrolled in an Integrated Math course to provide them with additional help. This course reviews basic mathematical concepts, reinforces material currently covered in their math class, and previews additional material to help students succeed. Based on their schedules, students may add Mathematics Support at any time during the school year.

COURSE	<b><u>MATH TUTORING</u></b>
PREREQUISITE	Enrollment in any PGHS Math course
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	0 credits per semester
DESCRIPTION	Math Tutoring offers drop-in support throughout the school year for students who wish additional assistance with their math class. Students can get help with homework, assistance with specific material, and additional help preparing for upcoming tests. Based on the school schedule, Integrated Math 1 students may attend tutoring in order to retake a test or quiz. Times and locations for tutoring will be announced at the beginning of the school year.

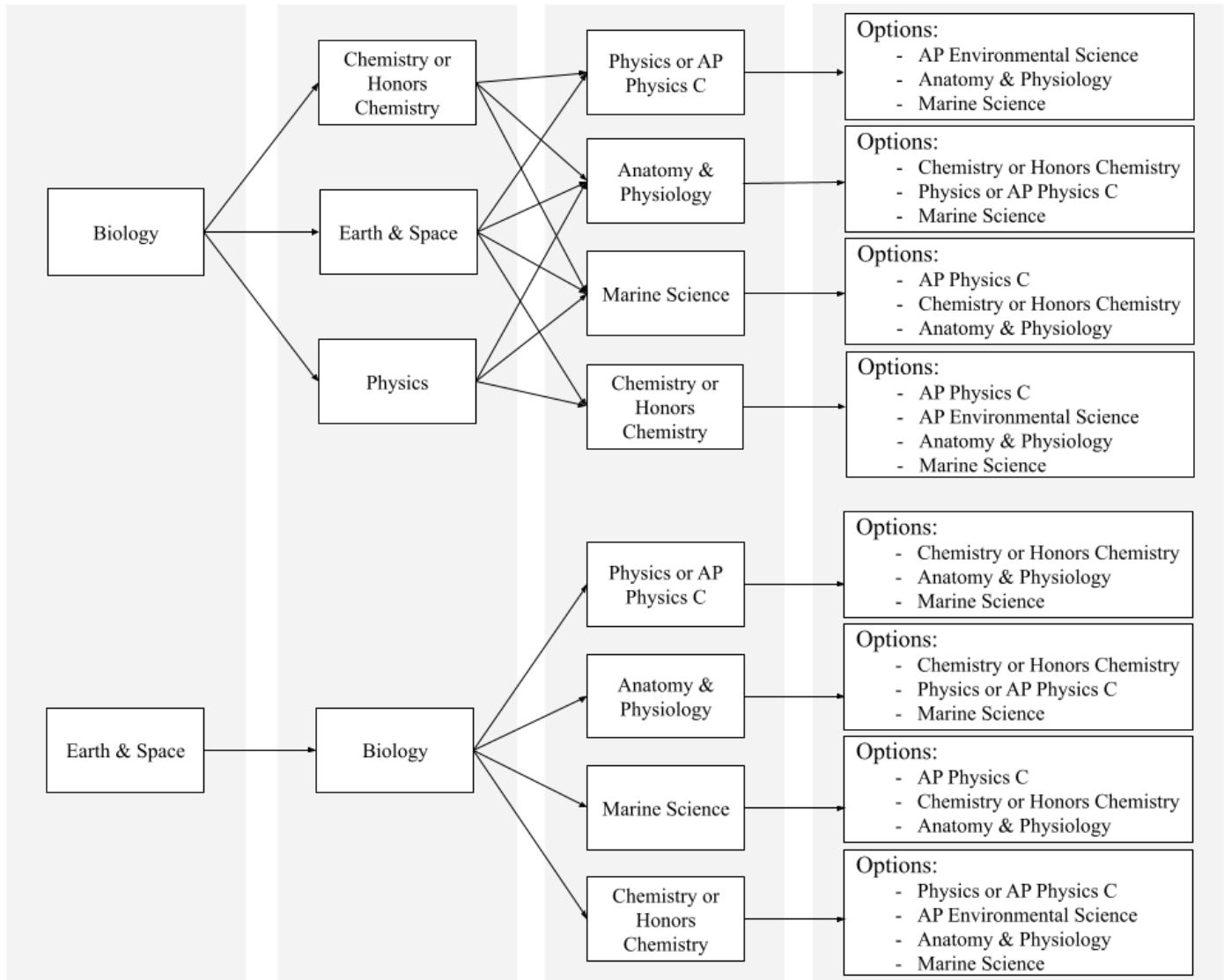
# SCIENCE

## UC/CSU APPROVED COURSES

### D REQUIREMENT

- Two year-long courses, one year of physical science and one year of life science, are required for PGHS graduation.
- To apply to the UC or CSU campuses, two years of college-preparatory science, including fundamental knowledge in two of these three subjects: biology, chemistry, or physics are required (three years are recommended). One year of approved interdisciplinary or earth and space sciences coursework can meet one year of the requirement.

### SCIENCE COURSE OFFERINGS & PATHWAYS



**COURSE** **BIOLOGY**  
**FULFILLS** UC/CSU Subject Area D  
**PREREQUISITE** None  
**GRADE LEVEL** 9, 10 or teacher recommendation  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Biology is the study of life. This course content will include the study of living organisms, their relationships with each other and their physical environment, and the processes they perform in order to develop, grow, repair, and reproduce. Concepts will be taught using a hands-on approach, through laboratory investigations and field studies. This experiential approach will provide a concrete foundation for understanding fundamental concepts of Biology, such as cell theory, photosynthesis, and cellular respiration, genetics, ecology, and environmental human impact.

**COURSE** **EARTH & SPACE SYSTEMS**  
**FULFILLS** UC/CSU Subject Area D  
**PREREQUISITE** None  
**GRADE LEVEL** 9, 10 or teacher recommendation  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Earth and Space Systems is an introductory laboratory science course that is a blend of several different sciences: geology, meteorology, climatology, and astronomy. We will be looking more closely at topics such as plate tectonics, the rock record, geologic time, weather, climate, and astronomy. Earth and Space Systems fulfills the PGHS physical science high school graduation requirement.

**COURSE** **PHYSICS 1**  
**FULFILLS** UC/CSU Subject Area D  
**PREREQUISITE** Grade of C- or higher in Integrated Math 1  
**GRADE LEVEL** 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** The first semester of Physics is a study of motion and its mathematical description, energy, and work. The second semester is a study of light, waves, electricity and magnetism. Physics fulfills the PGHS physical science high school graduation requirement.

**COURSE** **CHEMISTRY**  
**FULFILLS** UC/CSU Subject Area D  
**PREREQUISITE** Completion of or concurrent enrollment in Integrated Math 2  
**GRADE LEVEL** 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** The Chemistry course is designed to explore the chemistry of real-world environmental problems through research, experimentation, and discourse. The course will assess possible alternatives that lessen the level of human impact on natural systems. The first semester develops the general principles of energy and matter in the Earth System. The second semester focuses on chemical reactions and equilibrium in the Earth's atmosphere, as well as the influence of human activity on the natural world.

COURSE	<b><u>MARINE SCIENCE</u></b>
FULFILLS	UC/CSU Subject Area D
PREREQUISITE	Grade of C- or higher in Biology Grade of C- or higher Physical Science
GRADE LEVEL	11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This course studies physical oceanography, marine ecology, marine organisms, the evolution of marine species, and marine flora and fauna. In addition to familiarizing students with the features of the marine environment which is an integral part of the Monterey Bay, this course helps to acquaint students with the ecology of other marine ecosystems, and occupational opportunities present in the field of marine biology and oceanography. Dissection of marine organisms, field research, and scientific reporting are all part of the laboratory experience. Students investigate the structure, function, behavior, adaptations, and classification of a variety of plant and animal species that live in the marine environment. Students learn how energy flows and matter cycles through the Earth's ocean system and they investigate the impact of humans.

COURSE	<b><u>HONORS CHEMISTRY 1</u></b>
FULFILLS	UC/CSU Subject Area D ★
PREREQUISITE	Completion of or concurrent enrollment in Integrated Math 3
GRADE LEVEL	10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	The Honors Chemistry course is designed to provide the advanced science student with an opportunity to learn chemistry at a higher level and at a faster pace, providing a more in-depth coverage of the topics. The course offers an opportunity for enrichment through the use of advanced math concepts and laboratory work. The first semester develops the general principles involved in solutions and chemical reactions while exploring the hydrologic cycle and the Earth's lithosphere. The second semester expands on energy in chemical reactions, the nature of gasses, acid-base chemistry, and atomic theory in conjunction with the human impacts associated with industrial processes.

COURSE	<b><u>INTRODUCTORY TO ANATOMY AND PHYSIOLOGY</u></b>
FULFILLS	UC/CSU Subject Area D
PREREQUISITE	Grade of C- or higher in Biology
GRADE LEVEL	11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	Anatomy and Physiology is the study of the structures and functions of the human body. The course explores the principles of Biology, Chemistry, and Physics in body homeostasis and disease. The course progresses from anatomical terminology and organization through basic Chemistry and the eleven body systems. Labs include dissection of sheep brains, eyes, and hearts, as well as fetal pigs. Simple experiments, demonstrations, and model building will help students construct a foundation of knowledge in microscopic and macroscopic Anatomy and Physiology.

**COURSE** **AP PHYSICS C: MECHANICS**  
**FULFILLS** UC/CSU Subject Area D ★  
**PREREQUISITE** Completion of or concurrent enrollment in Calculus AB or BC  
**GRADE LEVEL** 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** This course prepares students to take the Advanced Placement Physics C test in mechanics and is the equivalent of a typical first semester college course in physics. Mechanics is the branch of physics that is concerned with quantifying the motion of bodies. Topics include kinematics, Newton’s laws of motion, work/energy/power, conservation laws (energy/momentum/angular momentum), circular motion and rotation, oscillations, and gravitation. The lab component of the class builds on experiments done in regular physics with emphasis placed on using computers to model and simulate physical systems. Students will use electronic sensors and data analysis programs to explore relationships among physical quantities. The topic of mechanics will be covered in much greater depth and with a higher level of mathematical sophistication than in the regular physics course. Prospective students should be comfortable with using mathematics to solve problems. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college’s AP Policy.

**COURSE** **AP ENVIRONMENTAL SCIENCE**  
**FULFILLS** UC/CSU Subject Area D ★  
**PREREQUISITE** Grade of C- or higher in Biology  
 Grade of C- or higher in Physics, AP Physics or Earth & Space Systems  
 Grade of C- or higher in Chemistry  
 Recommended: Honors Chemistry, Grade of B or higher in Biology  
**GRADE LEVEL** 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** This course is designed to prepare students to take the Advanced Placement Environmental Science test and is a rigorous science course that is the equivalent of a one-semester, introductory college course in environmental science. Topics will draw together geology, biology, chemistry, and marine science subject matter. Long-term field study projects will be set up at the beginning of each school year. Students will be expected to take an active role in designing and maintaining these investigations, as well as maintaining a detailed and organized data collection system throughout the year. The emphasis of the course will be data collection, statistical analysis of data sets, understanding inter-relationships in the natural world, identifying and analyzing environmental problems, both natural and anthropogenic, evaluating risks associated with these problems, and possible solutions. Students taking the course should have a firm understanding of mathematics because of the analytical nature of the course, and a solid background of both physical and life sciences. Junior or senior class standing mandatory. Students who take the national Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college’s AP Policy.



# LANGUAGES OTHER THAN ENGLISH (LOTE)

## UC/CSU APPROVED COURSES

### E REQUIREMENT

- One year of a Language other Than English (LOTE) **OR** a Visual or Performing Art (Fine Art) are required for PGHS graduation.
- Two years of college-preparatory coursework required (or through the second level of high school instruction) of the same language other than English (three years are recommended). Language levels are defined by the number of years of high school instruction (e.g., LOTE 1= 1 year; LOTE 2 = 2 years, etc.).

COURSE	<b><u>SPANISH 1</u></b>
FULFILLS	UC/CSU Subject Area E
PREREQUISITE	None
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	The foundational course uses communicative activities, music, games, and story-based instruction to achieve novice-mid/high fluency in all four basic language skills: listening, speaking, reading and writing. Students will be immersed in the target language through a comprehensible approach to language learning. Authentic language and cultural sources will be integrated through storytelling, music, dance, conversations, hands-on projects, and the use of technology. Students will enjoy interactive and interpersonal instruction for purposes of communication in Spanish. By the end of this course, students will be able to communicate effectively in beginning conversations regarding family, hobbies, and interests. Students will be able to communicate in complete sentences and short paragraphs regarding familiar topics.

COURSE	<b><u>SPANISH 2</u></b>
FULFILLS	UC/CSU Subject Area E
PREREQUISITE	Grade of C- or higher in Spanish 1
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This is an intermediate course which provides continued development and practice of the basic language skills: listening, speaking, reading and writing. More advanced grammatical structures are introduced organically through comprehensible input, games, reading, and communicative activities. Students practice listening skills by watching fotonovelas, monthly news and cultural updates. Students will practice speaking through dialogues, role plays, partner chats and other conversational activities. Students will explore the Hispanic world through cultural projects on food, dance and traditions.

COURSE	<b><u>SPANISH 3</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area E	
PREREQUISITE	Grade of C- or higher in Spanish 2 Recommended: Grade of B- or higher in Spanish 2	
GRADE LEVEL	9, 10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	Emphasis is on the further development of listening, speaking, reading and writing skills. Communicative and project-based activities are used to learn more advanced vocabulary and grammar. Students practice speaking in a variety of contexts such as oral reports, dialogues and group discussions. More academic vocabulary is presented related to topics such as personal relationships, family life, media, the environment, and technology, along with the exploration of Spanish-speaking countries. The course also includes the viewing and discussion of Spanish-language short films.	

COURSE	<b><u>SPANISH 4</u></b>	
FULFILLS	UC/CSU Subject Area E	
PREREQUISITE	Grade of C- or higher in Spanish 3 Recommended: Grade of B- or higher in Spanish 3	
GRADE LEVEL	9, 10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	This is an advanced, pre-AP, college level immersion course that uses authentic language and cultural sources to strengthen students' functional and working fluency in Spanish. Language expressed through interpersonal, presentational, and interpretive modes of communication shall focus on thematic units related to AP based themes. Reading selections derive from authentic sources and literatures from the Spanish-speaking world. Emphasis is placed on communicating on complex writing and speaking scenarios. A wide array of cultural sources are integrated into the course, which include songs, dance, articles, websites, interviews, projects, and conversational recordings. Students will be able to communicate complex ideas with advanced college level vocabulary. By the end of the course, students shall be able to engage in complex oral dialogues based on thematic ideas, write an edited five paragraph persuasive essay in Spanish and participate in 2-3 minute oral cultural comparisons.	

COURSE  
FULFILLS  
PREREQUISITE

**AP SPANISH LANGUAGE AND CULTURE**

CONSENT I

UC/CSU Subject Area E ★  
Grade of C- in Spanish 3  
Recommended: Grade of B- or higher in Spanish 3

GRADE LEVEL  
LENGTH  
CREDIT  
DESCRIPTION

9, 10, 11, 12  
1 year  
5 credits per semester  
This weighted, advanced, college level immersion course uses authentic language and cultural sources to develop students' fluency through communication in the target language. Language expressed through interpersonal, presentational, and interpretive modes of communication shall focus on six thematic based units: Families and Communities, Science and Technology, Contemporary Life, Personal and Public Identities, Global Challenges and Beauty and Aesthetics. Emphasis is placed on expository essay writing, oral presentations, cultural comparisons, and reading selections from the Spanish-speaking world. Students prepare and take the AP Spanish Language and Culture examination in May. By the end of this course, students shall be able to demonstrate fluency in Spanish by earning a passing score on the AP Spanish Language and Culture exam.

COURSE  
FULFILLS  
PREREQUISITE  
GRADE LEVEL  
LENGTH  
CREDIT  
DESCRIPTION

**FRENCH 1**

UC/CSU Subject Area E  
None

9, 10, 11, 12

1 year

5 credits per semester

This class is an introduction to the French language and culture throughout the large francophone world. Students are introduced to a variety of topics through strategies and kinesthetic activities which help them remove their intrinsic barriers. Learning a new language is intimidating but if expressed through cooking, dancing, singing, story-telling, and playing, students become naturally inclined to exercise the language effortlessly and organically. We celebrate many French holidays and visit the local French Bakery to practice food items. Students watch their favorite TV show to follow our mascot's escapades throughout Quebec while enjoying our end-of-the-week "Bon Appetit" snack ritual. Students dress up for a French fashion show at the end of the year after learning about clothing.

COURSE  
FULFILLS  
PREREQUISITE  
GRADE LEVEL  
LENGTH  
CREDIT  
DESCRIPTION

**FRENCH 2**

UC/CSU Subject Area E

Grade of C- or higher in French 1

9, 10, 11, 12

1 year

5 credits per semester

Let's continue our French adventures together by being immersed in the language and the culture. Students will expand their speaking, reading, and writing skills and unfold their knowledge. Students will continue to learn organically through playful games and stories in a comprehensible way and will develop more elaborate skits and plays. The activities are student-driven with dramatization, drawing, improvisation, interviews, and cultural and culinary projects. Our stories will be longer and more interesting than in French 1. We will continue our cooking contest, do our field trips to the Bakery and we will enjoy watching our new French series while savoring our Friday Bon appétit!

COURSE	<b><u>FRENCH 3</u></b>
FULFILLS	UC/CSU Subject Area E
PREREQUISITE	Grade of C- or higher in French 2 Recommended: Grade of B- or higher in French 2
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	“Knowing a foreign language opens windows to the world”. You will come to realize that speaking another language brings you closer to people globally and in your own community. Join this class to continue to develop your skills and empower yourself with new speaking tools. We will have a special time focusing on French film analysis, reading and writing, while continuing to maintain our fun around games, stories and plays. Field trips, food and French music will be at the Rendez Vous!
COURSE	<b><u>FRENCH 4</u></b>
FULFILLS	UC/CSU Subject Area E
PREREQUISITE	Grade of C- or higher in French 3 Recommended: Grade of B- or higher in French 3
GRADE LEVEL	9,10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This level 4 is a course designed for students who are passionate about the French language and culture and who are determined to unleash their skills audaciously and without fear of making mistakes. Making mistakes is indispensable in making progress. Be fearless and display your confidence in more advanced conversation. Rich materials and more complex grammar will strengthen your skills and you will reach new levels of fluency on various topics. Become the French speaker you want to be with joy and panache!
COURSE	<b><u>AP FRENCH LANGUAGE AND CULTURE</u></b>
FULFILLS	UC/CSU Subject Area E ★
PREREQUISITE	Grade of C- in French 3 Recommended: Grade of B- or higher in French 3
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	AP French is a college-level course designed for highly motivated students who desire to become proficient communicators of French and prepare for the AP French Language and Culture Exam. Advanced grammar topics will be covered, incorporating high-interest historical topics. More advanced reading and writing will be required. Students will need to work autonomously at all times in and outside of the class to strengthen their abilities. The cultural emphasis will be on francophone countries. Advanced Placement Exam in May can potentially earn college credit with a qualifying AP test score as determined by the granting college’s AP Policy.

# VISUAL AND PERFORMING ARTS CONSENT I

## UC/CSU APPROVED COURSES

### F REQUIREMENT

- One year of a Visual & Performing Art (Fine Art) **OR** Language other Than English (LOTE) are required for PGHS graduation.
- One year of college-preparatory visual & performing arts (VAPA) required, chosen from one of the following disciplines: dance, music, theater, visual arts (e.g., painting, web/graphic design, film/video, inter/multimedia arts), or interdisciplinary arts.

#### ART COURSES

##### COURSE 2D ART AND DESIGN

FULFILLS

UC/CSU Subject Area F

CTE Art Pathway: Introductory Level: 1<sup>st</sup> Year

PREREQUISITE

None

GRADE LEVEL

9, 10, 11, 12

LENGTH

1 year

CREDIT

5 credits per semester

DESCRIPTION

2D Art and Design is designed for students who have been afraid of art and those who feel comfortable making art. Basic skills are taught in addition to a variety of art techniques. Emphasis is placed on introductory units on designing with graphite, colored pencil, color mixing, collaging, printmaking and general 2D design concepts. Students will learn the fundamental Elements of Art and Principles of Design.

##### COURSE ADVANCED 2D ART AND DESIGN

FULFILLS

UC/CSU Subject Area F

Concentrator Level: 2<sup>nd</sup> Year Course

PREREQUISITE

Grade of C- or better in 2D Art and Design

GRADE LEVEL

9, 10, 11, 12

LENGTH

1 year

CREDIT

5 credits per semester

DESCRIPTION

Student who discovered their interest in 2D Design may continue building these skills by joining Advanced 2D Art and Design. Students in this course work in a more independent manner to build their portfolio while continuing the development of their artistic expression of the principles of design. Students who wish to expand their personal style and skills before taking AP 2D Art & Design should consider taking this course.

COURSE  
FULFILLS

**HONORS 2D PORTFOLIO**

CONSENT I

UC/CSU Subject Area F ★  
CTE Art Pathway: 3rd Year Capstone Course  
Grade of C- or better in Adv 2D Art and Design

PREREQUISITE  
GRADE LEVEL  
LENGTH  
CREDIT  
DESCRIPTION

11, 12  
1 year  
5 credits per semester  
This is a college level course for students who have already discovered their interest and talents in 2D Art & Design. Honors Portfolio 2D Art & Design students are expected to document their artistic process within their sketchbooks and by photographing the development of their art making. Most projects will be due every 3 weeks and all students present the process of their art making to the class. This course encourages and fosters a student's independent artistic voice while developing a college level portfolio. Students interested in taking AP 2D Art & Design should take this course first because students will need 2 years to complete the requirements before submitting an AP 2D Art & Design portfolio to the College Board.

COURSE  
FULFILLS

**AP 2D ART AND DESIGN**

UC/CSU Subject Area F ★  
CTE Art Pathway: 3rd Year Capstone Course  
Grade of C- or better in Concentrator 2nd Year

PREREQUISITE  
GRADE LEVEL  
LENGTH  
CREDIT  
DESCRIPTION

11, 12  
1 year  
5 credits per semester  
This is a college level course for the highly motivated student who intends to submit an AP 2D Art & Design portfolio to the College Board. This course allows students to continue the work begun in Honors Portfolio 2D Art & Design. Most projects will be due every 3 weeks and all students present the process of their art making to the class. This course encourages and fosters a student's independent artistic voice while developing a college level portfolio. Experimentation of materials, revision of previous work and exploration of thematically related works will be required. In addition to submitting to the College Board, students will also participate in a capstone exhibition at the PG Art Center the first week of May.

COURSE  
FULFILLS

**3D ART AND DESIGN**

UC/CSU Subject Area F  
CTE Art Pathway: Introductory Level: 1<sup>st</sup> Year

PREREQUISITE  
GRADE LEVEL  
LENGTH  
CREDIT  
DESCRIPTION

None  
9, 10, 11, 12  
1 year  
5 credits per semester  
Students will have the opportunity to develop their 3D skills. Students will work with clay, hand building projects including making pinch pots, coil vases, sculpture and designing mugs and clay boxes. Students will also have the opportunity to learn how to throw on the pottery wheel making plates, bowls, and mugs. Various glazing techniques will be explored to finish pottery for personal or commercial use.

COURSE	<b><u>ADVANCED 3D ART AND DESIGN</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area F Concentrator Level: 2 <sup>nd</sup> Year Course	
PREREQUISITE	Grade of C- or better in 3D Design	
GRADE LEVEL	9, 10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	Student who discovered their interest in 3D Design may continue building these skills by joining Advanced 3D Design. Students in this course work in a more independent manner to build their portfolio while continuing the development of their artistic expression of the principles of design. Students who wish to expand their personal style and skills before taking 3D Art & Design should consider taking this course.	

COURSE	<b><u>HONORS 3D PORTFOLIO</u></b>
FULFILLS	UC/CSU Subject Area F ★ Concentrator Level: 3rd Year Capstone Course
PREREQUISITE	Grade of C- or better in Adv 3D Art and Design
GRADE LEVEL	11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This is a college level course for students who have already discovered their interest and talents in 3D Art & Design. Honors Portfolio 3D Art & Design students are expected to document their artistic process within their sketchbooks and by photographing the development of their art making. Most projects will be due every 3 weeks and all students present the process of their art making to the class. This course encourages and fosters a student's independent artistic voice while developing a college level portfolio. Students interested in taking AP 3D Art & Design should take this course first because students will need 2 years to complete the requirements before submitting an AP 3D Art & Design portfolio to the College Board.

COURSE	<b><u>AP 3D ART &amp; DESIGN</u></b>
FULFILLS	UC/CSU Subject Area F ★ CTE Art Pathway: Capstone Level: 3 <sup>rd</sup> Year Course
PREREQUISITE	Grade of C- or better in Concentrator 2 <sup>nd</sup> Year Course Submission of six pieces of artwork and teacher approval
GRADE LEVEL	11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This is a college level course for the highly motivated student who intends to submit an AP 3D Art & Design portfolio to the College Board. This course allows students to continue the work begun in Honors Portfolio 3D Art & Design. Most projects will be due every 3 weeks and all students present the process of their art making to the class. This course encourages and fosters a student's independent artistic voice while developing a college level portfolio. Experimentation of materials, revision of previous work and exploration of thematically related works will be required. In addition to submitting to the College Board, students will also participate in a capstone exhibition at the PG Art Center the first week of May.

## MUSIC COURSES

CONSENT I

**COURSE** **STRING ORCHESTRA**  
**FULFILLS** UC/CSU Subject Area F  
**PREREQUISITE** Participation in MS advanced or HS orchestra during the past 12 months  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Students will explore music for string instruments through study, rehearsal, and performance of a diverse repertoire of musical styles from late Renaissance to the modern era. Strong emphasis is made in rehearsals regarding musicianship and expression, proper technique, and music theory. Students will perform several concerts throughout the school year and will be encouraged to audition and participate in several regional and state honor orchestras. College credit may be earned pending approval from Monterey Peninsula College.

**COURSE** **CONCERT BAND/ MARCHING BAND**  
**FULFILLS** UC/CSU Subject Area F  
**PREREQUISITE** Participation in MS advanced or HS band during the past 12 months  
Teacher Approval  
**GRADE** 9, 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Students will explore music through study, rehearsal, and performance of a diverse repertoire of musical styles, including marches, pep band material, and formal repertoire for symphonic band in the spring semester. Strong emphasis is made in rehearsal regarding musicianship and expression, proper technique, and balance across the band. The band will participate in band reviews, parades, football games, rallies and concerts.

**COURSE** **GUITAR**  
**FULFILLS** UC/CSU Subject Area F  
**PREREQUISITE** None  
**GRADE** 9, 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** This course is designed for students with no previous guitar experience. Students will learn to play the guitar at a beginning level and will practice many of the different styles, skills and techniques required to become a successful guitarist. Areas of concentration include note reading, aural skills, basic music theory, rhythmic patterns, chord study, finger picking styles, musical forms, improvisation and performing experiences. There is also a songwriting and arranging component in the spring semester. College credit may be earned pending approval from Monterey Peninsula College.



COURSE	<b><u>MUSIC APPRECIATION</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area F	
PREREQUISITE	None	
GRADE	9, 10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	Students will learn about elements of music and the development of musical style from the medieval period to the present day. Through guided listening, reading, and classroom activities students will gain an understanding of their own favorite music and an appreciation of a wide variety of styles.	

COURSE	<b><u>JAZZ BAND</u></b>
FULFILLS	UC/CSU Subject Area F
PREREQUISITE	Students in Jazz Band must be enrolled in Marching/Concert Band. Audition or permission from the instructor is required. Students must be at the intermediate level on their instrument.
GRADE	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	Jazz Band is based on the traditional big band instruments: alto, tenor and bari sax, trumpet, trombone and rhythm section. Students will rehearse and perform big band literature, work in smaller combos, and learn about improvisation and jazz theory. Emphasis is made in rehearsal on style, expression, musicianship, and jazz theory for improvisation. The band will have mandatory performances and competitions throughout the year.

## **PHOTOGRAPHY COURSES**

COURSE	<b><u>PHOTOGRAPHY 1</u></b>
FULFILLS	UC/CSU Subject Area F
PREREQUISITE	CTE Photography Pathway: Introduction Level: 1 <sup>st</sup> Year Course
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This course is an introductory level class appropriate for any student curious about producing photographic images with both fine art and commercial applications. This course will cover the operation of a traditional manual 35mm SLR camera, exposure, composition, and basic lighting. Students will learn basic darkroom skills including developing film, enlarging negatives, and different printing techniques. Students will learn basic skills for operating a DSLR camera and will be exposed to Adobe Photoshop editing techniques and digital printing. Students will be exposed to different aspects of photography including: landscape, portrait, and narrative. We will also be learning about the elements of design for creating artistic compositions. Students will learn how to evaluate and analyze their own work as well as learn how to look at and discuss other people's work. A 35mm film SLR camera that can be operated manually is required. A DSLR camera is recommended. Cameras will be provided upon student request.

COURSE	<b><u>AP 2D ART &amp; DESIGN:PHOTOGRAPHY</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area F★ CTE Photography Pathway: Capstone Level 3	
PREREQUISITE	Grade of C- or higher in Photography 2	
GRADE LEVEL	11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	2D Art & Design/Photography is intended for the advanced photography student who wishes to create a 24-piece portfolio of independently produced work. This course is especially suited for students wishing to pursue AP 2D Art & Design with a photography emphasis. Students will work independently as well as collaboratively to exceed their present skills both in the darkroom and with Adobe Photoshop. Emphasis will be on editing and sequencing of work. Students will have the opportunity to create a portfolio and submit it for consideration of the Weston Scholarship Portfolio Competition. Students may elect to submit their portfolio to the National Advanced Placement College Board in early May for a chance to earn college credit. Students may also find a photography internship as part of the class. AP 2D Art & Design should be taken by students with exceptional motivation and interest in photography. A 35mm film SLR camera that can be operated manually is required. A DSLR camera is recommended. Cameras will be provided upon student request.	

## **DRAMA COURSES**

COURSE	<b><u>DRAMA</u></b>
FULFILLS	UC/CSU Subject Area F
PREREQUISITE	None
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	Drama is a participation course. Students are required to perform before the class audience in a variety of roles: monologues, skits, improvisations, pantomimes, duets, and scenes. This class will cover basic acting skills and basic technical skills (light board, sound board, set construction, etc.). The emphasis will be on changing the student from a passive, accepting viewer into an active critical audience and actor. Written work is expected of the student on a regular basis.

COURSE	<b><u>ADVANCED DRAMA</u></b>
FULFILLS	UC/CSU Subject Area F
PREREQUISITE	Grade of C- or higher in Drama
GRADE LEVEL	10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	Advanced Drama is a course offered to returning Drama students that focuses on themes in directing, stagecraft, and complex theater production. Students will develop more sophisticated methods of performance and lead Drama students as they learn the fundamentals of theater. Students in Advanced Drama will be expected to learn the more technical elements of theater including set, light, and sound design. Students will have the opportunity to select performance material and will block, direct, design, and critique scenes. They will also perform in scenes with both beginning and advanced students.

**CULINARY ARTS COURSES**

**COURSE** **CULINARY ARTS 1: INTRODUCTION TO CULINARY ARTS**  
**FULFILLS** UC/CSU Subject Area F  
 CTE Food Service & Hospitality Pathway: Introductory Level 1  
**PREREQUISITE** None  
**GRADE LEVEL** 9\*,10,11,12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** This introductory course into the culinary arts focuses on hands-on learning as a way to gain the skills and knowledge necessary to be a competent and creative home cook. Labs and lectures connect academic knowledge from history, math and science to real-life experiences in the kitchen. The National Restaurant Association ProStart Curriculum focuses on foundational food preparation techniques, kitchen safety, and food service/hospitality careers. Soft skills such as leadership, teamwork, time and project management are core skills developed in this class to prepare students for independence and success in their lives after high school. Students will earn a California Food Handler Certification. \*On a space available basis, a 9th grade student may take this class with written recommendation from their 8th grade Foods teacher.

**COURSE** **CULINARY 2**  
 MPC Dual Enrollment Courses

**COURSE** **CULINARY 3**  
 MPC Dual Enrollment Courses

**COURSE** **CULINARY 4**

**FULFILLS** UC/CSU Subject Area F  
 CTE Food Service and Hospitality Pathway: Capstone Level 3  
**PREREQUISITE** Grade of C- or higher in Culinary Arts 3  
**GRADE LEVEL** 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION:** An intense hands-on course for the highly motivated and experienced student with a desire to pursue independent projects and professional skills development in Foodservice and Hospitality. The course focuses on refining culinary proficiencies, menu development, advanced baking techniques, production of course meals, costing/purchasing, operations management, menu evaluation/creation, advanced plating and presentation, sustainability, farm-to-table, and exploring career options and opportunities in the industry. Honors students will complete a 20-piece portfolio showcasing their best work to present to a panel of industry professionals.

# ELECTIVES

## UC/CSU APPROVED COURSES

### G REQUIREMENT

- One year of an additional A-G approved course, in any area A-G, or Career Technical Education course are required for high school graduation.
- One year of college-preparatory coursework required, chosen from: courses approved specifically in the elective (G) subject area, or courses approved in the A-F subject areas beyond those used to satisfy the requirements of the A-F subjects.

COURSE	<b><u>ECONOMICS</u></b>
FULFILLS	UC/CSU Subject Area G
PREREQUISITE	None
GRADE LEVEL	12
LENGTH	1 semester
CREDIT	5 credits
DESCRIPTION	Economics, a semester-length course, is required for high school graduation. The goal of this course is to increase understanding of the American economic system, including the nature of supply and demand, market structures, fiscal policy, monetary policy, comparative economic systems.

COURSE	<b><u>AVID 9, AVID 10 (Advancement Via Individual Determination)</u></b>
FULFILLS	UC/CSU Subject Area G
PREREQUISITE	AVID teacher recommendation
GRADE LEVEL	9-10
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	AVID is designed to prepare students who are historically underrepresented in four year universities/colleges, for college readiness and success. Students receive instruction utilizing a rigorous college preparatory curriculum, tutor-facilitated study groups, motivational activities and academic survival skills. The course emphasizes rhetorical reading, analytical writing, collaborative discussion strategies, tutorial inquiry study groups, preparation for college entrance and potential placement exams, college study skills and test-taking strategies, Cornell note-taking and research. The course series provides exposure to post-secondary college education including field trips taken to university campuses, research conducted on academic majors and program offerings, and attendance of presentations given by college admissions counselors (and hosted at PGHS). Throughout the AVID career, students also hear from guest speakers who come from a variety of professional backgrounds and informational sessions held by members of the Armed Forces.

COURSE	<b><u>AVID 11 (Advancement Via Individual Determination)</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area G	
PREREQUISITE	AVID teacher recommendation	
GRADE LEVEL	11 (AVID 2)	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	AVID 2 expands on preparing students for college readiness and success. The first part in a junior/senior seminar course that focuses on writing and critical thinking expected of first and second-year college students. In addition to the academic focus of the AVID seminar, there are college-bound activities, methodologies and tasks during the junior year to support students as they prepare to apply to four-year universities and confirm their postsecondary plans.	

COURSE	<b><u>AVID 12 (Advancement Via Individual Determination)</u></b>
FULFILLS	UC/CSU Subject Area G
PREREQUISITE	AVID teacher recommendation
GRADE LEVEL	12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	AVID 12 is the second part of a junior/senior seminar course that focuses on writing and critical thinking expected of first and second-year college students. Students will complete a final research essay project from research conducted in their junior year in AVID. In addition to the academic focus of the AVID senior seminar, there are college-bound activities, methodologies, and tasks during the senior year that support students as they apply to four-year universities and confirm their postsecondary plans. All AVID seniors are required to develop and present a portfolio representing their years of work in the AVID program as well as complete the requirements for the seminar course.

COURSE	<b><u>AP PSYCHOLOGY</u></b>
FULFILLS	UC/CSU Subject Area G ★
PREREQUISITE	Grade of C- or higher in previous English class
GRADE LEVEL	10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	AP Psychology is a fun and challenging course designed for students to learn about the scientific study of human and animal behavior and mental processes. Students will learn the history of the field and study major subfields including the biological bases of behavior, clinical psychology, social psychology, research methods, and cognitive development through both lecture and engaging projects. All students who are ready for an exciting academic curriculum and are interested in taking the AP exam in May should consider enrolling in this class. Students who take the national Advanced Placement Exam can potentially earn college credit with a qualifying AP score.

COURSE	<b><u>LEADERSHIP</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area G	
PREREQUISITES	Completion of the required application process, which includes teacher reference. Maintain a GPA of 2.0. Incoming 9th-grade students must undergo the application process in 8th grade and be elected as ASB officers for their Freshman year. The Leadership class is encouraged for all grade level ASB Officers.	
GRADE LEVEL	9, 10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	The leadership and activities class is designed to provide students with the knowledge, skills, and real-world experiences that will shape their journeys as leaders. Some topics of study will include strategic planning, conflict management, and organization. Students will be required to plan events and participate in activities put on by the class. <i>Required activities can take place during, before, or after school.</i>	

COURSE	<b><u>CREATIVE WRITING</u></b>
FULFILLS	UC/CSU Subject Area G ( <i>pending</i> )
PREREQUISITE	None
GRADE LEVEL	9-12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	By studying a wide variety of short stories, novel excerpts, autobiographical narratives, films, poetry, and spoken word poems, students will examine how writers of the various genres appeal to audiences of all different types. While this class will focus primarily on the writing aspect of student creations, it will give students the opportunity to share their work in writing, performance, and multimedia forms. Students will also explore ways to develop their own writing by modeling the techniques learned through close study of our favorites. They will learn how to evaluate peer work in a workshop setting, using a Socratic approach. In the same workshop setting, they will learn how to use classmates' responses to their creative work to improve and develop it. Sharing and performing work for an authentic audience is a critical component of this class. Students will also produce the PGHS literary magazine. <i>This class does not replace a year of high school English. The Creative Writing course is an UC/CSU Area G elective course.</i>

COURSE	<b><u>MULTIMEDIA JOURNALISM</u></b>
FULFILLS	UC/CSU Subject Area G ( <i>pending</i> )
PREREQUISITE	None
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	Multimedia Journalism has been designed to provide students with the journalistic and technological skills necessary to create print, online, and broadcast media. Actual work results in the production of the video bulletin, the school newspaper the <i>NewsBreaker</i> , and the school's yearbook, the <i>Sea Urchin</i> . This project-based course is designed to provide practical, specific journalistic experiences and introduces students to a wide array of media fields including newspaper and writing, graphic layout and design, video production, broadcast journalism, and yearbook design. Emphasis is placed on teaching students the fundamental principles of journalistic composition and the technical knowledge necessary to effectively use a variety of multimedia applications and equipment.

**COURSE** **LAW AND SOCIETY**  
**FULFILLS** UC/CSU Subject Area G (*pending*)  
**PREREQUISITE** Participation in Mock Trial Competition  
**GRADE LEVEL** 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Students will learn about the theories and application of the criminal justice system, including policy issues like police use of force, incarceration, the death penalty, and trial procedures. The course introduces students to the legal system and criminal trials, including the rules of evidence, through a mock trial. Students will build skills in public speaking, debate, research, and argumentation. Students will view and discuss mature materials within the context of the course, and will be required to perform a speaking and debating role in order to earn a passing grade. Enrollment in this class is required to participate on the PGHS Mock Trial team. *Required activities can take place during, before, or after school.*

**COURSE** **INTRODUCTION TO COMPUTER SCIENCE**  
**FULFILLS** UC/CSU Subject Area G  
**PREREQUISITE** Grade of C- or higher in previous math classes and concurrent enrollment in Integrated Math 2 or higher  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester  
**DESCRIPTION** This course introduces students to the creative aspects of programming, abstractions, and algorithms. In the first semester, students will cover introductory programming with Python and earn high school credit. The second semester will continue with more advanced Python programming and may be offered as a dual enrollment course, aligned with MPC's CSIS 9. ***This course will be offered in alternate years: 2023-2024 and 2025-2026.***

**COURSE** **INTRODUCTION TO COMPUTER AIDED DESIGN (CAD)**  
**FULFILLS** UC/CSU Subject Area G  
**PREREQUISITE** None  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 semester (first semester)  
**CREDIT** 5 credits per semester  
**DESCRIPTION** Introduction to CAD is designed to introduce students to the basic concepts and skills required of engineers and designers working in a professional CAD environment. A Computer Aided Design (CAD) is an essential part of the design, engineering, and manufacturing process. Emulating real world work skills, students will create innovative 2D sketches, then transfer those sketches to a computer using 3D CAD modeling software. Students will also create prototypes of their designs on a 3D printer

COURSE	<b><u>ENGINEERING: ROBOTICS</u></b>	CONSENT I
FULFILLS	UC/CSU Subject Area G	
PREREQUISITE	Grade of C- or higher in Introduction to CAD, or teacher approval	
GRADE LEVEL	9, 10, 11, 12	
LENGTH	1 semester (second semester)	
CREDIT	5 credits per semester	
DESCRIPTION	Students will work in engineering teams to design, build and test robotics systems, including more advanced CAD work, work with arduinos, and other design challenges. The course will illustrate the engineering design process, the importance of integrating sensors, and complex machine control. Special attention will be paid to the design process and its communication through both presentation and documentation.	

COURSE	<b><u>ENGINEERING: CNC MANUFACTURING</u></b>
FULFILLS	UC/CSU Subject Area G
PREREQUISITE	Grade of C- or higher in Engineering: Robotics, or teacher approval
GRADE LEVEL	10, 11, 12
LENGTH	1 semester (second semester)
CREDIT	5 credits per semester
DESCRIPTION	CNC Manufacturing follows the Engineering: Introduction to CAD and Engineering: Robotics semester courses within the Engineering pathway. Students will build upon foundational knowledge from the prior course by designing and testing solutions to engineering problems, with a particular focus on CAD, CAM, and CNC manufacturing. Students who enroll in this course will take MPC's ENGR 2 dual enrollment course first semester.

COURSE	<b><u>HONORS ENGINEERING: CNC MANUFACTURING</u></b>
FULFILLS	UC/CSU Subject Area G ★
PREREQUISITE	Grade of C- or higher in Engineering Design Graphics and CNC Manufacturing, or teacher approval
GRADE LEVEL	11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	CNC Manufacturing is the capstone course for the Engineering pathway. This laboratory-based integrated course is designed to support and facilitate third- and fourth-year student participation in the global FIRST Robotics Competition. Students enrolled in this course will have previously completed the CNC Manufacturing course. Students will build upon foundational knowledge from the prior course by performing advanced level work in the areas of engineering, manufacturing, programming, and team project management. The student-centric design of the course and physical classroom lab environment promotes collaborative learning in small teams and advanced personal skill development in specialty areas while allowing all students to be involved with all aspects of this multifaceted competitive team project. Students in this CNC Technology course will have the opportunity to lead, guide, and mentor first-year students in the CAD and Robotics courses while embracing a learning-by-doing approach. This course may be repeated for credit.



# OTHER ELECTIVES

CONSENT I

COURSE	<b><u>INDEPENDENT PRODUCTIVE STUDY</u></b>
FULFILLS	High school elective credit
PREREQUISITE	None
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester (This class is Pass/No Pass)
DESCRIPTION	This class is for completing unfinished classwork, homework assignments/projects, and studying for upcoming tests/quizzes.

## PHYSICAL EDUCATION

- Students must earn a minimum of 20 credits in Physical Education (State of California and high school graduation requirement) and pass the State Physical Fitness Standards Test. In CORE 9 P.E., students will take the State Physical Fitness Standards Test and **must pass five out of six standards** in order to be exempt from junior and senior physical education courses.
- Physical Education is open to all students and is required for freshman students.
- To meet PGHS graduation requirements, all PGHS students are **required** to take a second year of PE in either 10th, 11th, or 12th grade.

COURSE	<b><u>COURSE 1: FITNESS, INDIVIDUAL AND DUAL SPORTS</u></b>
FULFILLS	High school graduation requirement
PREREQUISITE	None
GRADE LEVEL	9
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This Course meets the graduation requirement for the first year of Physical Education. Instruction focuses on physical fitness and the following sports and activities: Aquatics, Badminton, Dance, Golf, Pickleball, Self Defense, Tennis, Track and Field, and Wrestling. Students will also practice fitness techniques to prepare them for the State of California Physical Fitness Testing which requires each student to pass 5 out of 6 tests. This class is for 9th grade students only. HEALTH DESCRIPTION: This course includes programs on basic body systems, healthcare, drugs, alcohol, tobacco awareness, sex education, nutrition and exercise, suicide prevention, and decision-making skills.

COURSE	<b><u>COURSE 2: AEROBIC AND RHYTHMIC DANCE</u></b>	CONSENT I
FULFILLS	High school graduation requirement	
PREREQUISITE	Completion of Course 1	
GRADE LEVEL	10, 11, 12	
LENGTH	1 year	
CREDIT	5 credits per semester	
DESCRIPTION	This course focuses on techniques, choreography, and performance of dance skills. A wide variety of genres are taught along with small group choreography. Aerobics, stretching, yoga, ballet, jazz, hip-hop, and Latin style dances will be included in this course. Part of grading will be participating in performances. This class is open to students in 10th, 11th and 12th grade.	

COURSE	<b><u>COURSE 2: TEAM SPORTS AND BEGINNING WEIGHT TRAINING</u></b>
FULFILLS	High school graduation requirement
PREREQUISITE	Completion of Course 1
GRADE LEVEL	10, 11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This course is designed to improve the level of physical fitness for students by guiding them through a progressive weight training exercise program along with numerous types of team sports activities. Various forms of exercises will be performed to cover different types of weight training including strength, endurance, flexibility, speed, agility, balance, explosiveness and recovery. Students will learn proper safety, posture and execution of basic weight training lifts and techniques. Team sports activities that will be included during this class are as follows: Aquatics, Basketball, Flag Football, Hockey, Lacrosse, Soccer, Softball, Volleyball, and Track and Field. This class is primarily for 10th grade students, but may be repeated by 11th and 12th graders who wish to stay in shape and fill their Elective Credits with Physical Education.

COURSE	<b><u>COURSE 3: ADVANCED WEIGHT TRAINING AND FITNESS</u></b>
FULFILLS	High school elective credit
PREREQUISITE	Completion of Course One and Course Two Team Sports and Beginning Weight Training Physical Education Classes
GRADE LEVEL	11, 12
LENGTH	1 year
CREDIT	5 credits per semester
DESCRIPTION	This class is designed to give students who wish to pursue a higher level of fitness and weight training to fit their individual needs. Students will have the opportunity to create their own program for sport specific lifting, muscle strength, endurance, toning, flexibility and cardiovascular training to prepare them for their future and encourage a lifetime of exercise and fitness. Students must complete two years of PE including Beginning Weight Training in order to be eligible to take this class. Open to Juniors and Seniors only who wish to fulfill Elective Credits by taking a Physical Education class.

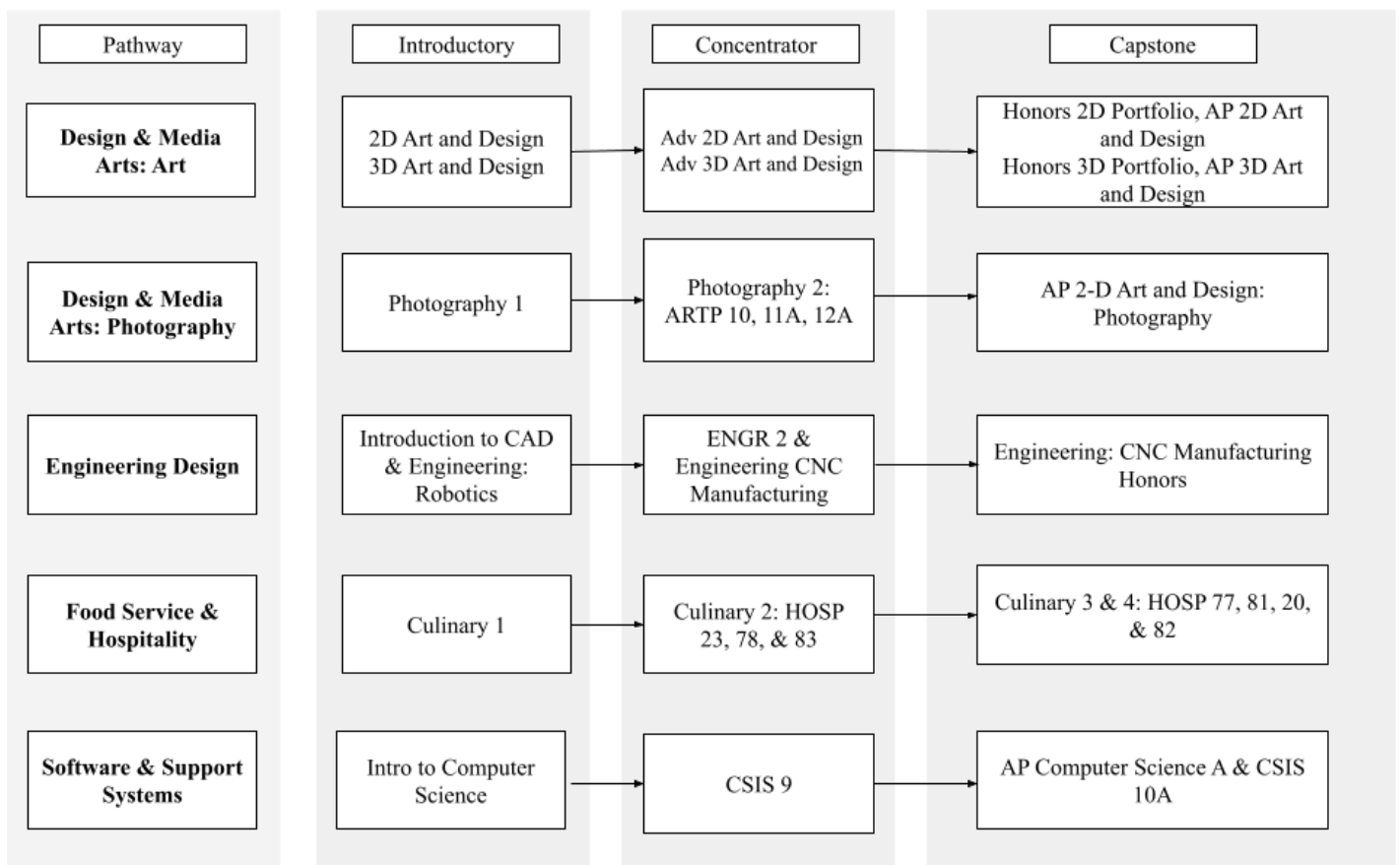
# CAREER TECHNICAL EDUCATION (CTE) COURSE

- One year of an additional A-G approved course, in any area A-G, or Career Technical Education course are required for high school graduation.

PGHS supports students earning CTE Certifications and Internships through Career Technical Education Pathways regardless if students plan to attend a 2-year college or 4-year university after high school. Most PGHS CTE courses have articulated units with Monterey Peninsula College (MPC); once 6 units are taken after enrollment at MPC, students may claim college credit for their articulated PGHS CTE courses. In addition, PGHS and MPC are in negotiations to expand our Dual Enrollment courses. More dual enrollment courses will be offered, pending approval. All students completing a two-year sequence of CTE courses will have the opportunity to earn industry certification and be recognized at graduation with a special cord. Those students continuing onto a third-year Capstone course may earn an internship with a local industry partner and will be recognized with a graduation stole.

**Students can complete more than one CTE pathway.**

## CTE COURSE OFFERINGS & PATHWAYS



# DUAL ENROLLMENT

## PARTNERSHIP WITH MPC

### (MONTEREY PENINSULA COLLEGE)

Students can enroll in MPC courses at PGHS that have been approved by the College & Career Access Pathway (CCAP) agreement with MPC. These courses provide the opportunity for high school students to earn college credit while attending MPC courses on the PGHS campus. Students earn both PGHS high school credit and MPC college credits concurrently. There are no tuition or course fees for our CCAP approved courses.

- All classes worth three or more credits at the college level will be assigned ten high school credits.
- **Letter grades** are required to receive high school credit or college credit when applying to four-year colleges as a first-time freshman.
- All Dual Enrollment courses are college courses and recorded on the student’s permanent college transcript.
- PGHS adds an additional point to the GPA for Dual Enrollment classes of 3 or more credits with a grade a C- or higher.
- PGHS CCAP Dual Enrollment courses are year long pathways with paired courses in the Fall and Spring terms.

COURSE:	<b><u>ARTP 12A DIGITAL PHOTOGRAPHY</u></b>
FULFILLS	Monterey Peninsula College Credits ★ CTE Photography Pathway: Concentrator Level 2
PREREQUISITE	Grade of C- or higher in Photography 1
GRADE LEVEL	11, 12
LENGTH	1 semester
CREDIT	10 credits per semester
TRANSFERABILITY	CSU; UC
DESCRIPTION	During this semester we will learn the basic principles of digital photography: how to use a camera in manual mode plus other types of image capture, scanning, retouching and manipulating images and printing high quality prints. There will also be an overview of both historical and contemporary issues in photography as we explore our own aesthetic concerns through four theme-based projects. By the end of the semester you will achieve competency in Adobe Photoshop and digital archival printing.

COURSE	<b><u>ARTP 10 PHOTOGRAPHY</u></b>
FULFILLS	Monterey Peninsula College Credits ★ CTE Photography Pathway: Concentrator Level 2
PREREQUISITE	Grade of C- or higher in Photography 1
GRADE LEVEL	11,12
LENGTH	1 semester
CREDIT	10 credits per semester
TRANSFERABILITY	CSU; UC
DESCRIPTION	This course is a non-laboratory introduction to photography. We will cover camera equipment and operation, photographic techniques, and basic lighting. Students will be exposed to different aspects of photography including: landscape, portrait, and narrative. Students will learn how to evaluate and analyze their own work as well as learn how to look at and discuss other people’s work.

**COURSE** **ARTP 11A PHOTOGRAPHY**  
**FULFILLS** Monterey Peninsula College Credits ★  
 CTE Photography Pathway: Concentrator Level 2  
**PREREQUISITE** Art 12A Digital Photography 1  
**GRADE LEVEL** 11,12  
**LENGTH** 1 semester  
**CREDIT** 10 credits per semester  
**TRANSFERABILITY** CSU; UC  
**DESCRIPTION** During this semester we will explore the medium of black and white photography as art. Intermediate photography will build upon the skill introduced in beginning photography. We'll work to improve camera and exposure techniques, advance printing skill, and learn to make archival prints using fiber based photogenic materials. One of the primary objectives in this class will be to make a cohesive body of work and submit the portfolio to the Weston portfolio competition. As we further our knowledge of the photographic techniques we'll also look at historical photographic images and explore the world of contemporary photography.

**COURSE** **HOSP 20 CATERING**  
**FULFILLS** Monterey Peninsula College Credits  
 CTE Food Service & Hospitality Pathway: Capstone Level 3  
**PREREQUISITE** Grade of C- or higher in Culinary Arts 2  
 CTE Food Service and Hospitality Pathway  
**GRADE LEVEL** 11,12  
**LENGTH** 1 quarter  
**CREDIT** 2.5 credits per quarter  
**DESCRIPTION** This is a practical course designed to help students develop their catering leadership skills. Students develop menus, meet with clients, manage staff, design plating and table displays, and create successful catered events.

**COURSE** **HOSP 23 CULINARY FOUNDATIONS I**  
**FULFILLS** Monterey Peninsula College Credits  
 CTE Food Service & Hospitality Pathway: Concentrator Level 2  
**PREREQUISITE** Grade of C- or higher in Culinary Arts 1 or 1B  
**GRADE LEVEL** 10,11,12  
**LENGTH** 1 semester  
**CREDIT** 10 credits per semester  
**TRANSFERABILITY** CSU  
**DESCRIPTION** This course is a comprehensive introduction to the principles of food preparation in a professional kitchen. It emphasizes hands-on cooking, tasting, and evaluation to teach professional culinary techniques. The course also stresses how ingredients and culinary processes affect product outcome.

COURSE	<b><u>HOSP 78 BAKESHOP: BASIC BAKING TECHNIQUES</u></b>	CONSENT I
FULFILLS	Monterey Peninsula College Credits CTE Food Service & Hospitality Pathway: Concentrator Level 2	
PREREQUISITE	Grade of C- or higher in Culinary Arts 1 or 1B	
GRADE LEVEL	10,11,12	
LENGTH	1 quarter	
CREDIT	2.5 credits per quarter	
DESCRIPTION	Students learn baking processes, mixing methods and function of ingredients needed to produce a variety of specialty cakes, cookies, and pastries. Lab included.	

COURSE	<b><u>HOSP 83 BAKESHOP: FRENCH PASTRIES &amp; RESTAURANT-STYLE DESSERTS</u></b>
FULFILLS	Monterey Peninsula College Credits CTE Food Service & Hospitality Pathway: Concentrator Level 2
PREREQUISITE	Grade of C- or higher in Culinary Arts 1 or 1B
GRADE LEVEL	10,11,12
LENGTH	1 quarter
CREDIT	2.5 credits per quarter
DESCRIPTION	This course expands on basic pastry skills to produce a stunning variety of intricate French pastries and restaurant style desserts. Petits fours, mini-pastries, crème brûlée, crème caramel, tiramisu, frozen soufflé, sauce production and dessert garnishes are covered. Previous baking courses or experience recommended.

COURSE	<b><u>HOSP 77 BAKESHOP: YEASTED AND NON-YEASTED BREADS</u></b>
FULFILLS	Monterey Peninsula College Credits CTE Food Service & Hospitality Pathway: Capstone Level 3
PREREQUISITE	Grade of C- or higher in Culinary Arts 2 CTE Food Service and Hospitality Pathway
GRADE LEVEL	11,12
LENGTH	1 quarter
CREDIT	2.5 credits per quarter
DESCRIPTION	This course introduces students to baking processes and ingredients, batters and doughs, yeast breads and rolls. Lab included.

COURSE	<b><u>HOSP 81 BAKESHOP: PIES AND TARTS</u></b>
FULFILLS	Monterey Peninsula College Credits CTE Food Service & Hospitality Pathway: Capstone Level 3
PREREQUISITE	Grade of C- or higher in Culinary Arts 2 CTE Food Service and Hospitality Pathway
GRADE LEVEL	11,12
LENGTH	1 quarter
CREDIT	2.5 credits per quarter
DESCRIPTION	In this course students learn baking processes and ingredients used to produce professional pastry shop—quality pies and tarts. Dessert presentation skills will be discussed, demonstrated, and practiced. It is recommended that students have some basic baking experience.

**COURSE** **HOSP 82: BAKESHOP, CAKES, TORTES AND DECORATING TECHNIQUES**  
**FULFILLS** Monterey Peninsula College Credits  
 CTE Food Service & Hospitality Pathway: Capstone Level 3  
**PREREQUISITE** Grade of C- or higher in Culinary Arts 2  
 CTE Food Service and Hospitality Pathway  
**GRADE LEVEL** 11,12  
**LENGTH** 1 quarter  
**CREDIT** 2.5 credits per quarter  
**DESCRIPTION** Students learn ingredients, proportions, and chemical reactions in the production of cakes and icings. Mixing methods for preparing butter cakes, genoise, roulade, chiffon, angel food, flourless, mousse cakes, charlottes, and cheesecakes are demonstrated. Basic decorating techniques for icing and piping, poured glaze, ganaches, and rolled icings are discussed. It is recommended that students have some basic baking experience.

**COURSE** **CSIS 9 PROGRAMMING FUNDAMENTALS: PYTHON**  
**FULFILLS** Monterey Peninsula College Credits ★  
 CTE Software and Support Systems Pathway: Concentrator Level 2  
**PREREQUISITE** Introduction to Computer Science, Semester 1  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 semester (second semester)  
**CREDIT** 10 credits per semester  
**TRANSFERABILITY** CSU; UC  
**DESCRIPTION** This course introduces students to the creative aspects of programming, abstractions, and algorithms using Python, an interpreted, object-oriented programming language known for its ease of use. Students will build upon the basics of programming in Python with loops, data structures, and classes. They will explore more sophisticated algorithms and programming techniques, culminating in a long-term, final project. *This course will be offered in alternate years: 2021-2022, 2023-2024, and 2025-2026.*

**COURSE** **CSIS 10A PROGRAMMING METHODS I: JAVA**  
**FULFILLS** Monterey Peninsula College Credits ★  
 Software and Support Systems Pathway: Capstone  
**PREREQUISITE** Grade of C- or higher in semester 1 of AP Computer Science  
**GRADE LEVEL** 10, 11, 12  
**LENGTH** 1 semester (second semester)  
**CREDIT** 10 credits per semester  
**TRANSFERABILITY** CSU; UC  
**DESCRIPTION** This Java programming course introduces the discipline of computer science utilizing practical hands-on problem solving. Content includes principles of algorithm design, representation of data, objects and classes, arrays, effective programming style, and use of a debugger. This course will be offered second semester, after a student completes the first semester of AP Computer Science A. *This course will be offered in alternate years: 2022-2023, 2024-2025, and 2026-2027.*

COURSE	<b><u>ENGR 2: ENGINEERING DESIGN GRAPHICS</u></b>	CONSENT I
FULFILLS	Monterey Peninsula College Credits ★ CTE Engineering Pathway: Concentrator Level 2	
PREREQUISITE	Grade of C- or higher in both semesters of Introduction to CAD and Robotics	
GRADE LEVEL	10, 11, 12	
LENGTH	1 semester (first semester)	
CREDIT	10 credits per semester	
TRANSFERABILITY	CSU; UC (CAN ENGR2)	
DESCRIPTION	This course introduces the graphical tools used by engineers to support and enhance the engineering design process. Topics include spatial reasoning skills, orthographic projections, mechanical dimensioning and tolerancing practices, and the engineering design process. Assignments develop sketching and 2-D and 3-D CAD skills. The use of CAD software is an integral part of the course.	

COURSE	<b><u>ENGLISH 1A: COLLEGE COMPOSITION</u></b>
FULFILLS	Monterey Peninsula College Credits ★ Pacific Grove High School English credits
PREREQUISITE	Three years of high school English
GRADE LEVEL	12
LENGTH	1 semester (first semester)
CREDIT	10 high school credits per semester / 3 college credits
TRANSFERABILITY	CSU; UC
DESCRIPTION	This is an introductory course that offers instruction in expository and argumentative writing, appropriate and effective use of language, close reading, cogent thinking, research strategies, information literacy, and documentation. English 1A is the first semester of a year long pairing with English 1B. <b><i>This course is pending approval through the College &amp; Career Access Pathway (CCAP) agreement with MPC.</i></b>

COURSE	<b><u>ENGLISH 1B: INTRODUCTION TO LITERATURE</u></b>
FULFILLS	Monterey Peninsula College Credits ★ Pacific Grove High School English credits
PREREQUISITE	English 1A
GRADE LEVEL	12
LENGTH	1 semester (second semester)
CREDIT	10 credits per semester
TRANSFERABILITY	CSU; UC
DESCRIPTION	This course introduces representative works from major genres, develops students' close reading and analytical writing skills, and promotes appreciation and critical understanding of the cultural, historical, and aesthetic qualities of literature. English 1B is the second semester of a year long pairing with English 1A. <b><i>This course is pending approval through the College &amp; Career Access Pathway (CCAP) agreement with MPC.</i></b>



COURSE	<b><u>PSYCHOLOGY 1: GENERAL PSYCHOLOGY</u></b>	CONSENT I
FULFILLS	Monterey Peninsula College Credits ★ Pacific Grove High School Elective credits	
PREREQUISITE	None	
GRADE LEVEL	11, 12	
LENGTH	1 semester (first semester)	
CREDIT	10 credits per semester	
TRANSFERABILITY	CSU; UC	
DESCRIPTION	<p>Psychology is the scientific study of behavior and mental processes. The content focuses on the exploration of major psychological theories and concepts, methods, and research findings in psychology. Topics include the biological bases of behavior, perception, cognition and consciousness, learning, memory, emotion, motivation, development, personality, social psychology, psychological disorders and therapeutic approaches, and applied psychology. Psychology 1: General Psychology is the first semester of a year long pairing with Psychology 3: Introduction to Social Psychology. <b><i>This course is pending approval through the College &amp; Career Access Pathway (CCAP) agreement with MPC.</i></b></p>	

COURSE	<b><u>PSYCHOLOGY 3: INTRO TO SOCIAL PSYCHOLOGY</u></b>
FULFILLS	Monterey Peninsula College Credits ★ Pacific Grove High School Elective credits
PREREQUISITE	MPC Psychology 1: General Psychology
GRADE LEVEL	11, 12
LENGTH	1 semester (second semester)
CREDIT	10 credits per semester
TRANSFERABILITY	CSU; UC
DESCRIPTION	<p>This course considers individual human behavior in relation to the social environment. The power of the situation, other individuals, and the social group are examined. Emphasized topics include aggression, prejudice and stereotypes, interpersonal attraction, attitudes and attitude change, conformity, group phenomena, gender roles, cultural norms, person perception, and social cognition. Also offered as Sociology 3; credit may be earned only once. Psychology 3: Introduction to Social Psychology is the second semester of a year long pairing with Psychology 1: General Psychology. <b><i>This course is pending approval through the College &amp; Career Access Pathway (CCAP) agreement with MPC.</i></b></p>

COURSE	<b><u>SOCIOLOGY 1: INTRODUCTION TO SOCIOLOGY</u></b>	CONSENT I
FULFILLS	Monterey Peninsula College Credits ★ Pacific Grove High School Elective credits	
PREREQUISITE	None	
GRADE LEVEL	11, 12	
LENGTH	1 semester (first semester)	
CREDIT	10 credits per semester	
TRANSFERABILITY	CSU; UC	
DESCRIPTION	Introductory study of basic concepts, theoretical approaches, and key methods of sociology. Topics include analysis of social structures, socialization and the self, culture and diversity, group dynamics, deviance and social control, social stratification, and global social change. Sociology 1: Introduction to Sociology is the first semester of a year long pairing with Sociology 2: Contemporary Social Problems. <i><b>This course is pending approval through the College &amp; Career Access Pathway (CCAP) agreement with MPC.</b></i>	

COURSE	<b><u>SOCIOLOGY 2: CONTEMPORARY SOCIAL PROBLEMS</u></b>
FULFILLS	Monterey Peninsula College Credits ★ Pacific Grove High School Elective credits
PREREQUISITE	MPC Sociology 1: Introduction To Sociology
GRADE LEVEL	11, 12
LENGTH	1 semester (second semester)
CREDIT	10 credits per semester
TRANSFERABILITY	CSU; UC
DESCRIPTION	This course offers an identification and analysis of contemporary social problems including 1) the role of power and ideology in the definition of social problems; 2) their causes and consequences; 3) evaluations of proposed solutions; and (4) methods of intervention. Sociology 2: Contemporary Social Problems is the second semester of a year long pairing with Sociology 1: Introduction to Sociology. <i><b>This course is pending approval through the College &amp; Career Access Pathway (CCAP) agreement with MPC.</b></i>

# STUDENT SERVICES

- The Student Services Department (Special Education) provides a continuum of services to individuals with identified exceptional needs as defined by Federal and State mandates.
- PGUSD is committed to ensuring the most appropriate education in the least restrictive environment that Pacific Grove High School has to offer.
- Each student with exceptional needs must have an Individualized Education Plan (IEP) written by an IEP team comprised of the student, parents/guardians, teachers, counselor, school psychologist, site administrator, and other specialists as appropriate.
- The development of a class schedule is guided by the strengths and concerns described in the IEP and are done by the IEP team.

**COURSE** **S.A.S. 9-12**  
**PREREQUISITE** None  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 year  
**CREDIT** 5 credits per semester (This class is Pass/No Pass)  
**DESCRIPTION** Specialized Academic Support (S.A.S.) designed to support students in their classes by providing extra help on homework and teaching skills including organization, time management, note-taking, and test-taking while working towards post-secondary goals.

**COURSE** **ENGLISH 9-12**  
**PREREQUISITE** None  
**GRADE LEVEL** 9, 10, 11, 12  
**LENGTH** 1 year (4 years total)  
**CREDIT** 5 credits per semester  
**DESCRIPTION** English 9-12 is designed for students who want to improve and increase their reading ability. The class uses READ 180 by Scholastic to meet individual needs in reading and writing. In addition to READ 180, the class uses novel studies to strengthen reading comprehension, develop academic vocabulary, and broaden writing skills.

**COURSE** **MATH 9-10**  
**PREREQUISITE** None  
**GRADE LEVEL** 9, 10  
**LENGTH** 1 year (2 years total)  
**CREDIT** 5 credits per semester  
**DESCRIPTION** MATH 180 Course 2 curriculum transitions students to pre-algebra with an emphasis on building proportional reasoning with rates, ratios, linear relationships, and functions. Edmentum: online math program focusing on time, money and measurement.

COURSE	<b><u>PERSONAL MANAGEMENT 11-12</u></b>	CONSENT I
PREREQUISITE	None	
GRADE LEVEL	11, 12	
LENGTH	1 year (2 years total)	
CREDIT	5 credits per semester	
DESCRIPTION	Personal Management covers a range of topics, including identifying personal strengths, identifying and overcoming challenges, cultivating communication skills, interpersonal skills, building self-advocacy, setting personal goals, developing self-determination, exploring college/ career options, financial literacy, and strengthening executive functioning skills. Specific topics are determined each year based on student needs and challenges.	

COURSE	<b><u>SCIENCE 9-12</u></b>
PREREQUISITE	None
GRADE LEVEL	9, 10, 11, 12
LENGTH	1 year (2 years total)
CREDIT	5 credits per semester
DESCRIPTION	Science 9-12 is a push-in science course designed to ensure all students have full access to the core subject matter standards. In this course, a general education science teacher and special education teacher provide targeted science instruction to support academic success in the general education science class.

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Student Learning and Achievement   | <input checked="" type="checkbox"/> Consent     |
| <input type="checkbox"/> Health and Safety of Students and Schools     | <input type="checkbox"/> Action/Discussion      |
| <input type="checkbox"/> Credibility and Communication                 | <input type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing         |

**SUBJECT:** Independent Consultant Agreement for Plimoth Patuxet virtual presentations with Forest Grove and Robert H. Down Elementary 2<sup>nd</sup> graders

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Sean Keller, Robert H. Down Elementary Principal

**RECOMMENDATION:**

The District Administration recommends the Board review and approve the contract for Plimoth Patuxet.

**BACKGROUND:**

The Forest Grove and Robert H. Down 2<sup>nd</sup> grade teams are organizing virtual fieldtrip visits from Plimoth Patuxet: November 15, 2023 (FG) and November 20, 2023 (RHD). The company at first was refusing to sign a contract with PGUSD, hence the late submission for Forest Grove.

**INFORMATION:**

From the company’s website:

**The Wampanoag Way** - This special version of our popular “People of the Dawn” program is designed especially for early learners. It features Wampanoag/Algonquian traditions passed down for generations and explores Wampanoag life through reproduction artifacts and animal furs.

**Colonial First Families** - Learn about early Plymouth Colony from an actual Pilgrim in your classroom! Our museum educator will use a real person’s life story to frame the one-hour program. Using reproduction artifacts to enhance your classroom’s experience, your visitor will share the Pilgrim story - from why they chose to leave England, the Mayflower journey, the first winter in New England, and the 1621 harvest feast known today as “the First Thanksgiving.”

**FISCAL IMPACT:**

None. A PG PRIDE grant and Walk funds will cover the \$975 cost of the presentations.

PACIFIC GROVE UNIFIED SCHOOL DISTRICT  
INDEPENDENT CONSULTANT AGREEMENT

CONSULTANT Plimoth Patuxet Museums, Inc. (PPM)

SITE/DEPARTMENT RD & FG Office Staff

SUBMITTED BY: Sean Keller

FUNDING SOURCE: PG PRIDE GRANT (RD & FG) 01-9011-1110-1000-5800-00-002-5995-0720 and 01-9011-1110-1000-5800-00-003-5995-0720 and RD Walk with PRIDE Funds to cover \$75 balance 01-9002-0-1110-1000-4300-00-002-7450-0720

AGREEMENT TOTAL AMOUNT: \$975 (\$550 (Robert Down Elementary) on 11/20/23 and \$425 (Forest Grove School) on 11/15/23)

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District’s approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services (“Agreement”) is made between the Pacific Grove Unified School District (“District”) and PPM (“Consultant”) (together, “Parties”).

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. Services and/Scope of work. The Consultant shall furnish to the District the following services herein by this reference (“Services” or “Work”): Consultant shall serve as a museum educator. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: delivering virtual education programs about the Indigenous and 17th-century colonial English experience in Plymouth and Patuxet.
2. Term. Consultant shall commence providing services under this Agreement on November 20, 2023, and will diligently perform as required and complete performance by November 20, 2023..
3. Compensation. District agrees to pay \$550 to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed \$550 during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:

- 3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. Expenses. District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. Independent Consultant. Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. Performance of Services.
  - 6.1. Standard of Care. Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
  - 6.2. District Approval. The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
  - 6.3. Licenses. Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. Termination.
  - 7.1. Without Cause by District. District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
  - 7.2. Without Cause by Consultant. Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by the Consultant shall be sufficient to stop further performance of services to the District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
  - 7.3. With Cause by District. District may terminate this Agreement upon giving written notice of intention to terminate for cause. Cause shall include:
    - 7.3.1. Material violation of this Agreement by the Consultant; or
    - 7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.
 Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these

expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to the District.

8. Compliance. Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment (“PPE”) such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
9. District’s Evaluation of Consultant. The District may evaluate the Consultant’s performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
10. Limitation of District Liability. Other than as provided in this Agreement, District’s financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
11. Indemnity. Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the “District Parties”), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the “Claims”) directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the “Consultant Parties”) in the performance of or failure to perform Consultant’s or Consultant Parties’ obligations under this Agreement, including, but not limited to Consultant’s or Consultant Parties’ use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act (“FEHA”).
12. Confidentiality. The Consultant and all Consultant’s agents, personnel, employee(s), and/or Sub consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.
13. Notice. Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

District

Consultant

Pacific Grove Unified School District Name:

Plimoth Patuxet Museums, Inc.



435 Hillcrest Avenue

Address: 137 Warren Avenue

Pacific Grove, CA 93950

City/State/Zip: Plymouth, MA 02360

ATTENTION: Joshua Jorn Business

Phone: (508) 746-1622 x8287

Assistant Superintendent/CBO

Email (Optional): hgoodnow@plimothorg

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. Integration/Entire Agreement of Parties. This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. California Law. This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. Waiver. The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. Severability. If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. Attorney Fees/Costs. Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. Counterparts. This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. Incorporation of Recitals and Exhibits. The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.
21. Non-Assignability. Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.
22. Fingerprinting. When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:
  - DOJ Clearance Previously Received by District
  - Fingerprinting done by the organization independently (declare under perjury)- Consultant's Employee(s)
  - No direct contact or interaction with students - virtual program
  - Virtual Program - Employee Background Check Massachusetts CORI
23. W-9. Consultant has provided a completed:
  - W-9 Form
24. Type of Business Entity:
  - Corporation, State

- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: 501(c)3 nonprofit organization

\*Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.

Pacific Grove Unified School District  
 Site representative or Assistant Superintendent  
 (Signed AFTER Board approval)

Consultant  
 (Can sign BEFORE Board's approval)

Signature: \_\_\_\_\_

Signature: 

Name: [Manager]

Name: Hilary Richmond Goodnow

Title: \_\_\_\_\_

Director of Education & Community Outreach

Date: \_\_\_\_\_

Date: 11/7/23

Human Resources  
 (Signed AFTER Board approval)

Contracted work was not assigned using District's normal employment recruitment process.

Signature

Date

Director of Human Resources

- |   |  |
|---|--|
| <input type="checkbox"/> Student Learning and Achievement                         | <input type="checkbox"/> Consent                           |
| <input type="checkbox"/> Health and Safety of Students and Schools                | <input type="checkbox"/> Action/Discussion                 |
| <input type="checkbox"/> Credibility and Communication                            | <input checked="" type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing                    |

**SUBJECT:** Equine Healing Collaborative– Partnership With Pacific Grove Unified School District To Provide Equine Mental Health Activities To All Students At Our 6 School Sites

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Yolanda Cork-Anthony, Director of Student Services

**RECOMMENDATION:**

The District Administration recommends that the Board review and provide direction to Administration regarding the contract with Equine Healing Collaborative.

**BACKGROUND:**

On May 18, 2023, Equine Healing Collaborative (EHC) gave a presentation to the Board regarding their equine assisted programming. Equine Healing Collaborative is a non-profit organization that offers equine assisted psychotherapy. They have partnered with several school districts including Monterey Peninsula to provide mental health activities through their “Mini Horses Big Feelings” lessons.

The Equine Healing Collaborative is a trauma-informed, and mindful organization in both theory and practice. The EHC utilizes this method in order to reduce stigma around mental health and services. Each presentation includes a developmentally appropriate discussion around the definition of mental health and mindfulness. Students are allowed to practice a mindfulness activity with EHC’s miniature horses. When the activity is completed, the students receive literature on mental health and are encouraged to identify a trusted adult in order to ask for help when needed.

**INFORMATION:**

The Board may direct Administration to bring forward a contract/agreement to a future agenda consent item. The Equine Healing Collaborative (EHC)’s licensed staff will provide students at all six PGUSD sites with Mini Horse Big Feelings presentations as scheduled in collaboration with school sites, and the Student Services Department.

**FISCAL IMPACT:**

\$6,600 Not previously budgeted - General Fund



# SUPPORTING MENTAL HEALTH IN SCHOOLS

Yolanda Cork-Anthony  
Student Services Dept  
Nov 2023



# Facts about mental health disorder in children

Mental, behavioral, and developmental disorders begin in early childhood

- 1 in 6 U.S. children aged 2–8 years (17.4%) had a diagnosed mental, behavioral, or developmental disorder.
- ADHD, anxiety problems, behavior problems, and depression are the most commonly diagnosed mental disorders in children. Estimates for ever having a diagnosis among children aged 3-17 years, in 2016-19, are given below.
  - ADHD 9.8% (approximately 6.0 million)<sup>2</sup>
  - Anxiety 9.4% (approximately 5.8 million)<sup>2</sup>
  - Behavior problems 8.9% (approximately 5.5 million)<sup>2</sup>
  - Depression 4.4% (approximately 2.7 million)<sup>2</sup>

Center for Disease Control and Prevention(March 2023)



## Facts about mental health disorder in children

- One in six U.S. youth aged 6-17 experience a mental health disorder each year, and half of all mental health conditions begin by age 14.
- In 2019, 15% of adolescents aged 12-17 reported receiving mental health services at school,
- Many mental health conditions first appear in youth and young adults, with 50% of all conditions beginning by age 14 and 75% by age 24
- in 2019, 15% of adolescents aged 12-17 reported receiving mental health services at school.

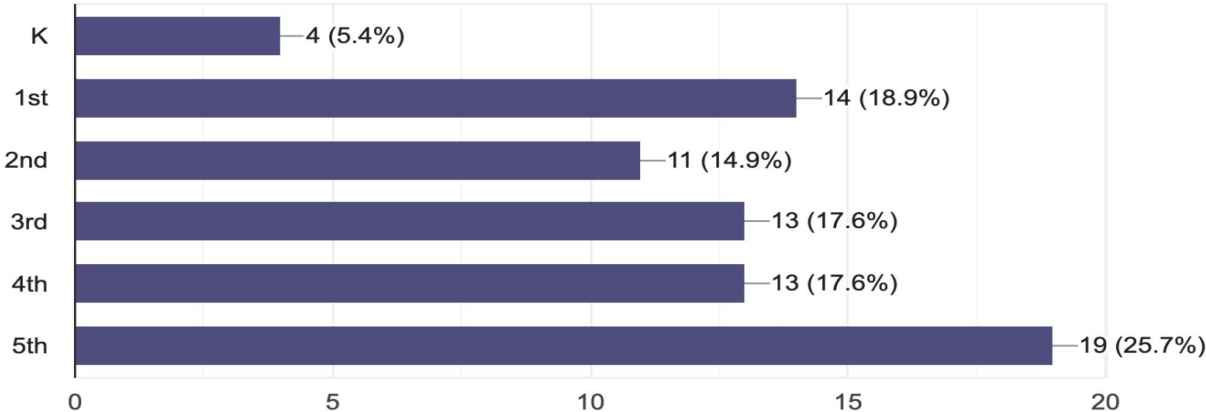
NAMI(National Alliance on Mental Illness)

Robert Down 2022-23 SY

# SCHOOL COUNSELING SERVICES REFERRALS-ELEMENTARY

Grade

74 responses



Robert Down 2022-23 SY

# SCHOOL COUNSELING SERVICES REFERRALS-ELEMENTARY

Primary reason for referral

74 responses







## **Counseling services/outcome- Robert Down (2022-23)**

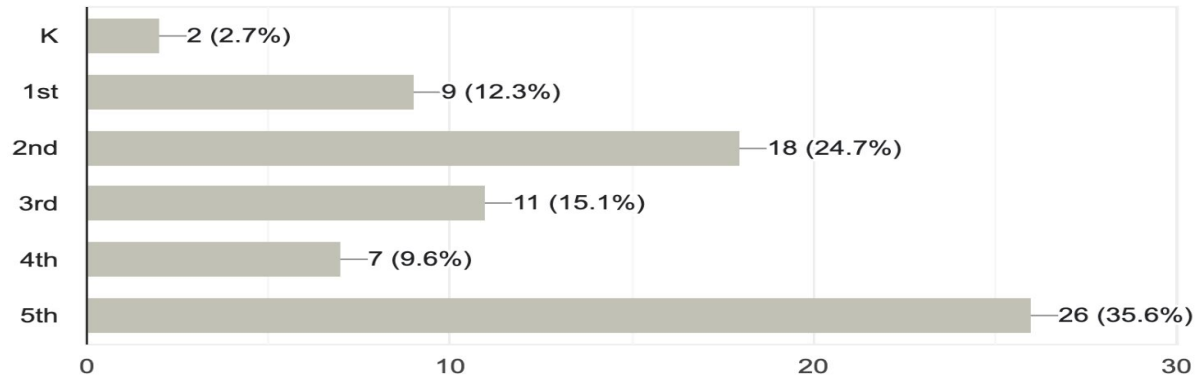
- 44 students received counseling services (individual, group/zones)
- 4 students referred for MCBH services
- 5 on waiting list for counseling groups

Robert Down 2023-24 SY

## SCHOOL COUNSELING SERVICES REFERRALS-ELEMENTARY

### Grade

73 responses





Robert Down 2023-24 SY

# SCHOOL COUNSELING SERVICES REFERRALS-ELEMENTARY

Primary reason for referral  
73 responses





## Counseling services/outcome- Robert Down (2023-24 mid year)

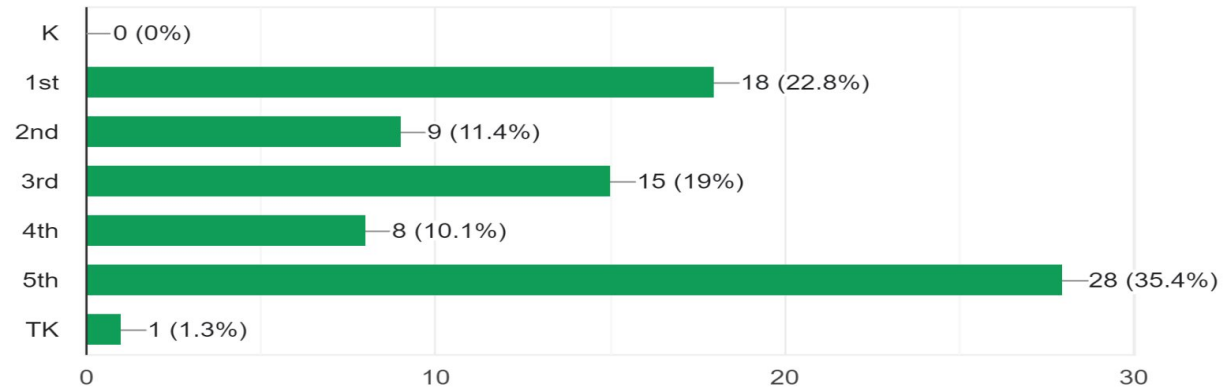
- 29 students are receiving counseling services(individual, group/zones)
- 21 students are receiving school based mental health services from a mental health therapist
- 14 students on waiting list for counseling groups

Forest Grove 2022-23 SY

# SCHOOL COUNSELING SERVICES REFERRALS-ELEMENTARY

Grade

79 responses



## Counseling services/outcome-Forest Grove (2022-23)

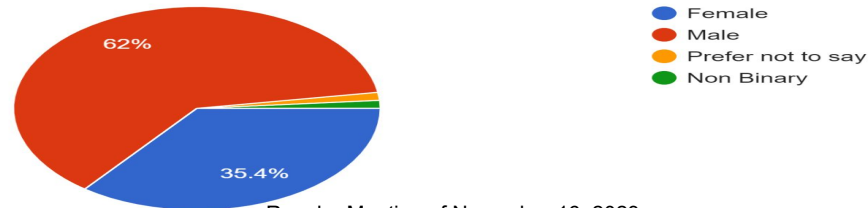
Individual students participating in more than two drop in counseling sessions: **79 students**

Students are seen both individually and in small groups.

Approx **10 small groups** run per year. Topics include: self esteem, social skills, anxiety, and emotional regulation

Every Class room receives “Counselor Class” **twice a month** where I deliver a topic or do a caring circle with students

Student's gender  
79 responses

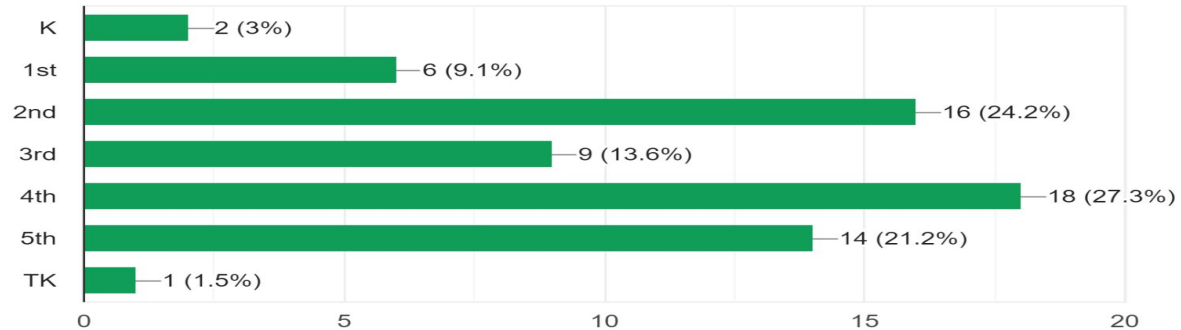


Forest Grove 2023-24

## SCHOOL COUNSELING SERVICES REFERRALS-ELEMENTARY

Grade

66 responses



## Counseling services/outcome-Forest Grove (2023-24 mid year)

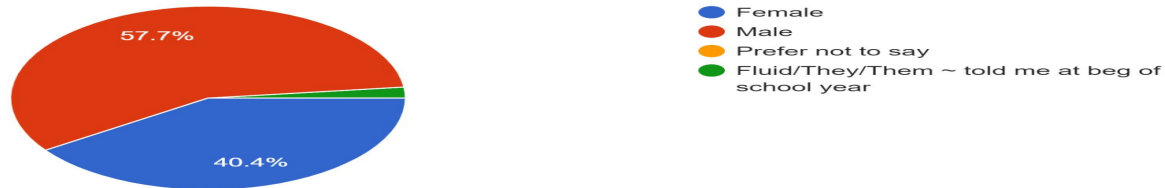
Individual students participating in more than two drop in counseling sessions: **66 students (Nov 23)**

Students are seen both individually and in small groups.

Approx **10 small groups** run per year. Topics include: self esteem, social skills, anxiety, and emotional regulation

Every Class room receives “Counselor Class” **twice a month** where I deliver a topic or do a caring circle with student

Student's gender  
52 responses







## Importance of school based mental health services

- Undiagnosed, untreated or inadequately treated mental illnesses can significantly interfere with a student's ability to learn, grow and develop. Since children spend much of their productive time in educational settings, schools offer a unique opportunity for early identification, prevention, and interventions that serve students where they already are.
- Early identification and effective treatment for children and their families can make a difference in the lives of children with mental health conditions.



## Community linkages/partnerships with providers of mental health services

LEAs must bolster School-Based Mental Health Services through partnerships: Widening treatment options for supporting students with mental health is needed in schools, including partnerships that expand a number of student-centered options. Coordination with local clinical networks, developing school-based clinics, and leveraging of students' existing care arrangements and insurance coverages are examples of ways LEAs can expand services. It is necessary that LEAs develop well-defined agreements with county public health systems, managed care organizations, and/or licensed mental health professionals working within public and private agencies.

CA Association of School psychologists (2021)



## Benefits of Equine psychotherapy in schools

- Allows students to have a unique opportunity to encounter psychotherapy from a new perspective
- Build community/connection
- Gain coping skills of mindfulness, presence and awareness
- Promotes awareness of thoughts, feelings, words, and actions

# Student Reflections- MPUSD



PCUSD

## BENEFITS OF EQUINE ASSISTED PSYCHOTHERAPY

- Promotes an overall sense of well-being
- Provides a reconnection with nature
- Teaches love of others and animals
- Assists in the development of a sense of identity
- Allows an unconditional environment for healing
- Promotes awareness of thoughts, feelings, words, and actions

Hours: *By appointment only*

Call today to schedule an appointment



*The Equine Healing Collaborative is a 501c3 non-profit organization. We rely primarily on donations to provide a variety of services including feeding and caring for our animals.*

PGUSD

## THE EQUINE HEALING COLLABORATIVE

Contact us to schedule your first appointment or learn more about our program.

831.293.4492

admin@equinehealing.org

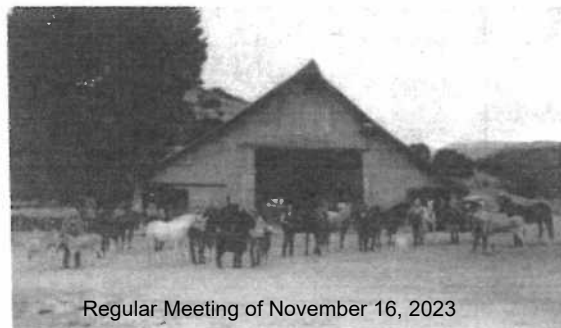
8767 Carmel Valley Road  
Carmel California

or

902 Monterey Salinas Hwy.  
Salinas, CA 93908

or

DeerHorn Ranch  
160 DeerHorn Lane  
Felton, CA 95108



Regular Meeting of November 16, 2023

## THE EQUINE HEALING COLLABORATIVE

*Tapping into the  
Healing Power of Equines*



equinehealing.org

## PROGRAMS

The EHC offers a variety of programming including:

- Individual Psychotherapy
- Group Psychotherapy
- Eating Disorders
- Substance Abuse
- LGBTQ
- \* Family Therapy
- Couples Therapy
- Autism
- Developmental Disorders
- Veterans
- Active Duty Military
- Trauma
- Adults
- Adolescents



PGUSD

## SERVICES

*Equine Assisted Psychotherapy:* A treatment model that combines equine activities, the equine environment, and traditional therapy in order to address individual goals and needs. EAP has been shown to break barriers to treatment by reducing stigma and creating a safe environment for healing.

*Mindfulness:* A practice used to teach individuals to pay attention to the present moment with curiosity and willingness to be present without judgment. Mindfulness has been shown to cultivate a state of relaxation, open our minds to greater insight, and enhance our physical health and sense of well-being. It has been shown effective in the treatment of PTSD, mood related disorders, anxiety related disorders, learning disabilities, substance use and many other mental health conditions.

*Mindful Equine Massage:* A practice used to promote healing in both the equine and the individual. The combined practice of equine massage and mindfulness teaches individuals the benefit of offering pain relief to others in order to relieve one's own suffering.

## PURPOSE

The Equine Healing Collaborative was created to provide a path to recovery, self-discovery, personal growth, reconnection with the natural world, and emotional insight and health. The EHC offers more than just traditional talk therapy and utilizes interventions such as equine assisted psychotherapy, mindfulness, and mindful equine massage to promote health and quality of life for individuals seeking change.



*\*There is no horseback riding in our program.*



The Equine Healing Collaborative  
presents

# Mini Horses, Big Feelings



We all have lots of feelings.  
Some feel good. Some feel bad.

When you feel sick, get help.

Doctor



Dentist

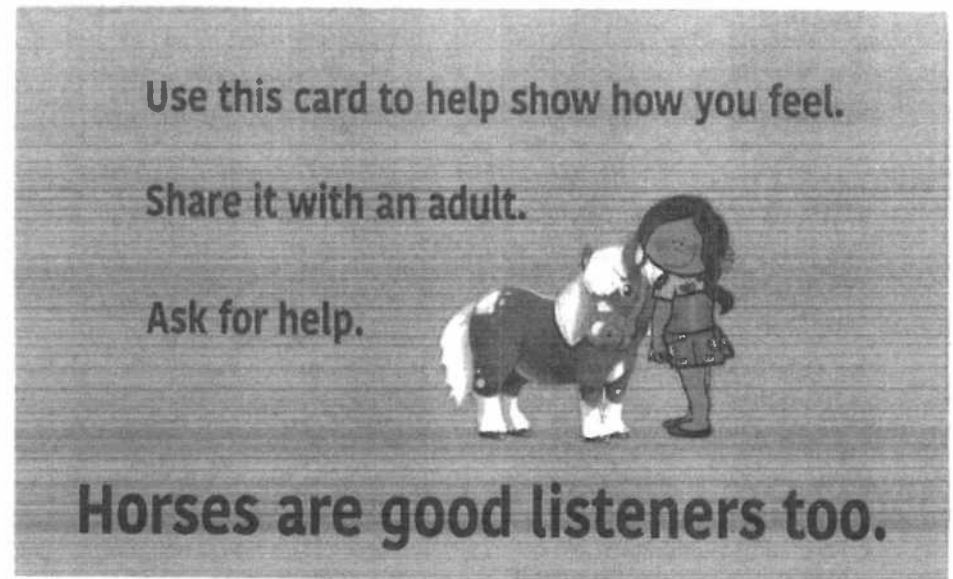
When you feel bad, get help.

Therapist

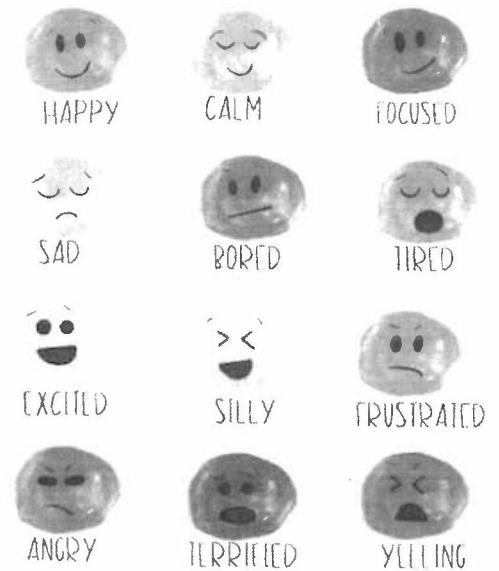
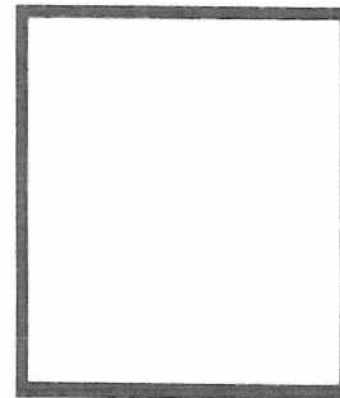


Horses

[www.equinehealing.org](http://www.equinehealing.org) The Equine Healing Collaborative 831-582-1017



I feel...



[www.equinehealing.org](http://www.equinehealing.org) The Equine Healing Collaborative 831-582-1017



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| <input checked="" type="checkbox"/> Student Learning and Achievement   | <input type="checkbox"/> Consent                      |
| <input type="checkbox"/> Health and Safety of Students and Schools     | <input checked="" type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication                 | <input type="checkbox"/> Information/Discussion       |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing               |

**SUBJECT:** Contract for Services with the National Coalition Building Institute – Monterey Chapter

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Buck Roggeman, Director of Curriculum and Special Projects

**RECOMMENDATION:**

The District Administration recommends the Board review and approve the contract for services with the National Coalition Building Institute to provide multiple cultural proficiency professional development sessions.

**BACKGROUND:**

As part of its Cultural Proficiency plan, PGUSD is providing staff with professional development related to the five elements of cultural proficiency. The training offered by NCBI is intended to bolster our staff's ability in three of these areas: valuing diversity, managing the dynamics of difference, and adapting to diversity.

**INFORMATION:**

There are two employee groups that will engage in professional learning under this contract for services with NCBI.

The first group is the administrative team at PGUSD. This contract will provide up to four 90-minute professional development sessions that will run parallel to and support the bias incident response training that administrators will be receiving from Lozano-Smith. The professional learning provided by NCBI will explore diversity, equity, and inclusion concepts and practice inclusive skills and strategies through self-exploration, small pair work, large group exercises, and walkthroughs of real-life classroom scenarios.

The second part of the contract occurs on the district's staff development day, February 19. NCBI trainers will conduct professional development activities at each site. The professional learning will be based on the foundational training administered to the administration team. The focus of these professional learning activities will be developed in meetings with site personnel who have been involved with the district's cultural proficiency certification program and consulting data gathered by the district in the Human Needs Assessment survey completed by staff and a short preparation survey from NCBI.

**FISCAL IMPACT:**

The contract is for the 2023-2024 school year. The \$7,800 cost will be paid out of the curriculum department's professional development budget.

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT  
INDEPENDENT CONSULTANT AGREEMENT**

**CONSULTANT** National Coalition Building Institute of Monterey County

**SITE/DEPARTMENT** Curriculum Department

**SUBMITTED BY** Buck Roggeman

**FUNDING SOURCE** Curriculum Professional Development Budget

**AGREEMENT TOTAL AMOUNT** \$7,800

The District employee providing the attached Independent Consultant Agreement to the person or entity who will be providing special services to the District should first do the following:

1. Provide only the Pacific Grove Unified School District's approved Independent Consultant Agreement. The Independent Consultant Agreement should be completed in lieu of signing any vendor contract for services.
2. Review the insurance requirements for the person or entity and revise the insurance provisions of the agreement accordingly.
3. Review the forms under Section 20 and determine which of those documents should be attached to the agreement.

This Independent Consultant Agreement for Special Services ("Agreement") is made between the Pacific Grove Unified School District ("District") and National Coalition Building Institute of Monterey County ("Consultant") (together, "Parties").

WHEREAS, the District is authorized by Section 53060 of the California Government Code to contract with and employ any persons for the furnishing of special services and advice in financial, economic, accounting, engineering, legal, transportation, administrative matters or other specialized services, if those persons are specially trained and experienced and competent to perform the special services required; and

WHEREAS, the District is in need of those services and/or advice; and

WHEREAS, the Consultant is specially trained and experienced and competent to perform the services required by the District, and those services are needed on a limited basis;

NOW, THEREFORE, the Parties agree as follows:

1. **Services and/Scope of work.** The Consultant shall furnish to the District the following services herein by this reference ("Services" or "Work"): Consultant shall serve as a **professional development provider**. Consultant shall use their specialized experience and skills to organize, maintain to serve in this capacity. Services shall include but not be limited to: **four 90-minute workshops for administrators and four workshops of up to four hours for all staff**.
2. **Term.** Consultant shall commence providing services under this Agreement on **11/27/2023**, and will diligently perform as required and complete performance by **6/28/2024**.
3. **Compensation.** District agrees to pay **\$7,800** to Consultant for Services satisfactorily rendered pursuant to this Agreement. This is not to exceed **\$7,800** during the term of this Agreement. District shall pay Consultant according to the following terms and conditions:

- 3.1. Payment for the Services shall be made for all undisputed amounts in installment payments within thirty (30) days after the Consultant submits an invoice to the District for Services actually completed.
4. **Expenses.** District shall not be liable to Consultant for any costs or expenses paid or incurred by Consultant in performing Services for District.
5. **Independent Consultant.** Consultant, in the performance of this Agreement, shall be and act as an Independent Consultant. Consultant understands and agrees that he/she shall not be considered an officer, employee, agent, partner, or joint venture of the District, and is not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Consultant shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, Social Security and income taxes with respect to Consultant. In the performance of the Services herein contemplated, Consultant is an independent Consultant or business entity, with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained.
6. **Performance of Services.**
- 6.1. **Standard of Care.** Consultant represents that Consultant has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. Consultant's Services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
- 6.2. **District Approval.** The Services completed herein must meet the approval of the District and shall be subject to the District's general right of inspection and supervision to secure the satisfactory completion thereof.
- 6.3. **Licenses.** Consultant's represents that s/he possesses all required licenses to perform the Services provided in this Agreement.
7. **Termination.**
- 7.1. **Without Cause by District.** District may, at any time, with or without reason, terminate this Agreement and compensate Consultant only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Consultant. Notice shall be deemed given when received by the Consultant or no later than three days after the day of mailing, whichever is sooner.
- 7.2. **Without Cause by Consultant.** Consultant may, upon thirty (30) days' notice, with or without reason, terminate this Agreement. Upon this termination, District shall only be obligated to compensate Consultant for services satisfactorily rendered to the date of termination. Written notice by Consultant shall be sufficient to stop further performance of services to District. Consultant acknowledges that this thirty (30) day notice period is acceptable so that the District can attempt to procure the Services from another source.
- 7.3. **With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:
- 7.3.1. Material violation of this Agreement by the Consultant; or
- 7.3.2. Any act by Consultant exposing the District to liability to others for personal injury or property damage.
- Written notice by District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Consultant. If the expense, fees, and/or costs to the District

exceeds the cost of providing the services pursuant to this Agreement, the Consultant shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

8. **Compliance.** Consultant shall, at all times while providing the Services, comply with all federal, state, local and District laws, statutes, codes, ordinances, rules, regulations, policies, and requirements, as well as all state executive orders and all public health orders regarding student health and safety, including but not limited to, policies and procedures related to social distancing, the use of personal protective equipment ("PPE") such as face coverings and gloves, and the sanitization of facilities to help prevent the spread of COVID-19 and other contagious diseases.
9. **District's Evaluation of Consultant.** The District may evaluate the Consultant's performance. In no event shall an evaluation of Consultant be considered a prerequisite to the District exercising its rights under paragraph 7 above.
10. **Limitation of District Liability.** Other than as provided in this Agreement, District's financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event shall District be liable to Consultant, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.
11. **Indemnity.** Consultant shall defend, indemnify, and hold harmless District and its agents, representatives, officers, consultants, employees, Board of Trustees, members of the Board of Trustees (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Consultant, its agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees (collectively, the "Consultant Parties") in the performance of or failure to perform Consultant's or Consultant Parties' obligations under this Agreement, including, but not limited to Consultant's or Consultant Parties' use of District sites, performance of the Services, breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to the District or the District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. The indemnification provided for in this Section includes, without limitation to the foregoing, claims that may be made against District by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against District alleging civil rights violations by Consultant or Consultant Parties under the California Fair Employment and Housing Act ("FEHA").
12. **Confidentiality.** The Consultant and all Consultant's agents, personnel, employee(s), and/or Sub-consultant(s) shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.
13. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows:

**District**

Pacific Grove Unified School District  
Monterey County

435 Hillcrest Avenue

Pacific Grove, CA 93950

ATTENTION: Joshua Jorn

Assistant Superintendent/CBO

**Consultant**

Name: National Coalition Building Institute of

Address: PO Box 388

City/State/Zip: Pacific Grove, CA 93950

Business Phone: 831-231-4052

Email (Optional): **Company E-mail**

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

14. **Integration/Entire Agreement of Parties.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior discussions, negotiations, and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by both Parties.
15. **California Law.** This Agreement shall be governed by and the rights, duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding brought to enforce the terms and conditions of this Agreement shall be maintained in Monterey County, California.
16. **Waiver.** The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.
17. **Severability.** If any term, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect, and shall not be affected, impaired or invalidated in any way.
18. **Attorney Fees/Costs.** Should litigation be necessary to enforce any terms or provisions of this Agreement, then each party shall bear its own litigation and collection expenses, witness fees, court costs and attorney's fees.
19. **Counterparts.** This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.
20. **Incorporation of Recitals and Exhibits.** The Recitals and each exhibit attached hereto are hereby incorporated herein by reference.
21. **Non-Assignability.** Consultant may not, without the written permission of the District, use other consultants within Consultant's own firm, or outside experts to perform the services for the District.
22. **Fingerprinting.** When the Consultant is working directly with students, the Consultant shall not commence Services under this Agreement until the Consultant has submitted and the District has approved the following document:
  - DOJ Clearance Previously Received by District
  - Fingerprinting done by the organization independently (declare under perjury)- Consultant's Employee(s)
  - No direct contact or interaction with students

23. **W-9.** Consultant has provided a completed:  
 W-9 Form

24. **Type of Business Entity:**

- Corporation, State
- Individual
- Partnership
- Limited Liability Company
- Sole Proprietorship
- Limited Partnership
- Other: \_\_\_\_\_

*\*Federal Code of Regulations sections 6041 and 6209 require non-corporate recipients of \$600.00 or more to furnish their taxpayer identification number to the payer. The regulations also provide that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these regulations, the District requires your federal tax identification number or Social Security number, whichever is applicable.*

**IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date indicated below.**

**Pacific Grove Unified School District**  
Site representative or Assistant Superintendent  
**(Signed AFTER Board approval)**

**Consultant**  
**(Can sign BEFORE Board's approval)**

Signature: \_\_\_\_\_  
Name: Buck Roggeman  
Title: Director  
Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_

**Human Resources**  
**(Signed AFTER Board approval)**

Contracted work was not assigned using District's normal employment recruitment process.  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Director of Human Resources

**SCOPE OF WORK**

## Pacific Grove Unified School District

The Contractor for Pacific Grove Unified School District, **National Coalition Building Institute – Monterey County** will be responsible, in coordination with Pacific Grove Unified School District administration and staff, for the tasks and deliverables described in the Project Scope of Work. Major tasks include these:

<b>TASKS</b>	<b>Date:</b>	<b>Cost:</b>
<p><b>Provide 4 individual 90 minute diversity, equity, and inclusion training sessions for district and site level administration</b></p> <p>Participants will explore DEI concepts and practice inclusive skills and strategies through self exploration, small pair work, large group exercises, and walkthroughs of real life classroom scenarios.</p>	<p>Dates TBD</p> <p>4, 90 minute workshops</p>	<p>\$4,420</p>
<p><b>Provide training for the certificated and classified site staff for each of the 4 individual district school sites. The total time for these sessions will not exceed 4 hours.</b></p> <p>Participants will explore DEI concepts and practice inclusive skills and strategies through self exploration, small pair work, large group exercises, and walkthroughs of real life classroom scenarios.  <b>THIS TRAINING WILL BE BASED ON THE FOUNDATIONAL TRAINING ATTENDED BY DISTRICT ADMINISTRATION AND ANY RECOMMENDATIONS/EXPRESSED NEEDS OF DISTRICT ADMINISTRATION</b></p>	<p>4 workshops up to 4 hours total</p>	<p>\$3,380</p>
<b>TOTAL</b>		<b>\$7,800</b>

Cost includes coordination time with Pacific Grove Unified School District, materials, research, planning time, administration, royalty or use fees, review of drafts, debrief and follow-up conversations as needed. All amounts will be paid by Pacific Grove Unified School District upon satisfactory completion of work with receipt of invoices at the conclusion of the project.

**Expected participant outcomes/ learning objectives:**

- Learn strategies for engagement of diverse learners
- Learn strategies to create welcoming and inclusive environments inside and outside of the classroom
- Explore how to acknowledge and celebrate key social identities
- Explore and unpack implicit bias
- Understand how bias is internalized

- Learn strategies for addressing microaggressions, bias and other harmful interactions that occur in school settings



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| <input type="checkbox"/> Student Learning and Achievement                          | <input type="checkbox"/> Consent                      |
| <input type="checkbox"/> Health and Safety of Students and Schools                 | <input checked="" type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication                             | <input type="checkbox"/> Information/Discussion       |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability, and Integrity | <input type="checkbox"/> Public Hearing               |

**SUBJECT:** Forest Grove Elementary Proposed Mural

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Jon Anderson, Director of Maintenance, Operations, and Transportation

**RECOMMENDATION:**

The District Administration recommends that the Board review, discuss and approve the proposed mural at Forest Grove Elementary School.

**BACKGROUND:**

On September 15, 2023, the Forest Grove PTA proposed the idea of painting a mural on the Conex storage container located next to the FGE library as a campus beautification project. Tonight, the PTA is seeking approval for the mural. A contract with the artist will be brought to the board under consent at a future meeting contingent upon approval.

**INFORMATION:**

As we are all aware that Conex boxes do not off an element of beauty to any school campus. They are industrial grade, utilitarian metal boxes. The mural is an excellent way to turn this otherwise unsightly object into an educational work of art. The mural will depict the flora, fauna and creatures of our local Pacific Grove environment. Including the Monarch butterfly, caterpillar & chrysalis, California tiger salamander, California sister butterfly, snail, ladybug, Pacific treefrog, mushrooms, moss, grass blades with sparkling dew.

About the artist. Kim Kasner is an independent local artist who predominately makes works of art with a highly specialized technique known as “pyrography” or wood burning. Kim holds a single subject credential in Art. Her work has also been featured in chalk on our Forest Grove campus.

A slide will be shown of the artist’s rendition of the proposed mural.

**FISCAL IMPACT:**

The costs associated with the proposed mural are minimal. The Conex box was recently pressure washed and painted for the sum of \$1,500.00. This cost is attributed to normal preventative maintenance of the Conex but serves as base for the mural. The PTA will fund the painting of the mural.



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| <input type="checkbox"/> Health and Safety of Students and Schools                 | <input checked="" type="checkbox"/> Action/Discussion |
| <input type="checkbox"/> Credibility and Communication                             | <input type="checkbox"/> Information/Discussion       |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability, and Integrity | <input type="checkbox"/> Public Hearing               |

**SUBJECT:** Pacific Grove Middle School Proposed Mural

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Jon Anderson, Director of Maintenance, Operations, and Transportation

**RECOMMENDATION:**

The District Administration recommends that the Board review, discuss and approve the proposed murals for the Pacific Grove Middle School Gymnasium.

**BACKGROUND:**

In mid-August of 2023 Pacific Grove Middle School PTSA approach Principal Roach with the idea of PGMS Gymnasium improvements as an 8<sup>th</sup> grade gift. Tonight, the PTSA is seeking approval for the murals. A contract with the artist will be brought to the board under consent at a future meeting contingent upon approval.

**INFORMATION:**

The Gym gift concept primarily consists of a pair of murals. Some additional items would be refreshing the banners and including the PGMS mission statement, representing who we are as a school.

The murals would consist of the breaker wave painted at one end of the gymnasium with the word “Breakers” Prominently displayed. While the opposite end of the gymnasium will be embellished with a beautiful lighthouse and the Breakers team anthem “PG Will Shine Tonight”.

About the Artist. Bryan Gage is an artist we are already familiar with. He is a PG local and PGHS graduate. His murals can be found on the PGHS gymnasium and field house as well as multiple locations throughout the peninsula. Bryan is surely one of our Pacific Grove treasures.

**FISCAL IMPACT:**

The costs associated with the proposed mural will be minimal to the District. There will be some wall patching and preparation work which should not exceed \$2000.00. The PGMS PTSA will perform fundraising activities to fund the cost associated with the painting of the murals.



- Student Learning and Achievement
- Health and Safety of Students and Schools
- Credibility and Communication
- Fiscal Solvency, Accountability and Integrity

- Consent
- Action/Discussion
- Information/Discussion
- Public Hearing

**SUBJECT:** Monterey County School Boards Association (MCSBA) Seeking Potential New Organizations To Be Added For Consideration For The 2024 Excellence In Education Award

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Linda Adamson, Superintendent

**RECOMMENDATION:**

The Board will discuss potential new organizations to add to the attached list of nominees to consider for the 2024 Award.

**BACKGROUND/INFORMATION:**

The Monterey County School Boards Association (MCSBA) Executive Council is soliciting boards to submit new organizations to be considered for the 2024 MCSBA Excellence in Education Award recipient.

Attached is the list of past years' nominees and prior award winners. The County Board is being asked to nominate any new organizations to add to the list of nominees. The criteria for nominees are as follows:

An agency, institution, organization or collaborative entity may be eligible to receive the MCSBA Excellence in Education Award if:

- The opportunity is available and accessible to students Countywide.
- The impact on students' quality of life is transformative and significant.
- The organization highlights an unmet, countywide student need.
- The program demonstrates a commitment to exceeding expectations in pursuit of addressing the challenge.

Carolyn Swanson serves as the Pacific Grove Unified School District's representative on the MCSBA Executive Council and will bring forward recommendations of any new organizations to add to the list of nominees for consideration for the 2024 award.

**FISCAL IMPACT:**

None.

## MONTEREY COUNTY SCHOOL BOARDS ASSOCIATION 2024 "EXCELLENCE IN EDUCATION" AWARD

DRAFT

### CRITERIA:

- **Available and accessible to students countywide**
- **Transformative and significant impact on students' quality of life**
- **Highlights an unmet countywide student need**
- **Exceeds expectations**

### NOMINEES:

**All-In Monterey County:** Formed at the start of the pandemic, All-In is a group of individuals that came together to feed and clothe neighbors in need, serving individuals as well as community organizations. All-In is a non-profit that is 100% volunteer driven and 100% donation funded. Services provided are 100% free to anyone that asks, with no formal requirements to receive help, just a short form. In less than two years, they have opened two free stores, one where people can shop for food, with a drive-thru location, and a thrift store for free clothing and housewares. All-In sponsors community events such as organizing a Halloween drive-thru event, providing fire relief efforts, and facilitating vaccine clinics.

**Ariel Theater:** For over 30 years, Ariel Theater has inspired young people to understand that personal integrity, respect for others and an acceptance of responsibility for choices made are the keys to building a successful life. Ariel Theater enriches children's lives through participation in enacting stories on stage that have purpose, integrity, and a positive moral message that allows each child to become part of something larger and leads to discussions on character, responsibility and appropriate choices. They are a non-profit organization offering year-round programs, and now offer virtual participation opportunities and video streaming performances.

**California Rodeo Salinas:** For over 25 years, the California Rodeo Salinas has hosted a Special Buckaroos Rodeo inviting Monterey County special needs children to participate in becoming cowboys and cowgirls for the day, and have the opportunity to rope a steer 'dummy,' ride a stick horse, ride or pet a horse and meet professional rodeo contestants. Each child receives a contestant bag and trophy. The Rodeo also hosts a private Carnival for special needs children and provides the opportunity to experience the fun of the carnival without the crowds. Another 20+ year event benefitting local youth is the Cowboy Music & Poetry Gathering where approximately 50 students participate each year by writing poems; age categories are 8-10, 11-13 and 14-16 years. Winners attend an event to read their poems and enjoy festivities.

**Carmel Ideas Foundation/Student Ideas Festival and Festival 2 Schools:** Since 2009, thousands of middle and high school students in Monterey County have been invited to attend the Student Ideas Festival of the Pebble Beach Authors and Ideas Festival. In 2021 and 2022, the event was videotaped and sent to all schools to allow larger participation. For several years, the "Festival 2 Schools" program has brought outstanding presenters into county schools for large group assemblies. Inspirational speakers range from comedians to scientists, physicians to musicians, and even included former Secretary of State Condoleezza Rice and former U.S. Supreme Court Justice Sandra Day O'Connor. The foundation is committed to improving students' English language skills through reading, writing, speaking, and critical thinking. The Foundation has also sponsored the countywide Big Read and has donated thousands of books to Monterey County Schools.

**Door to Hope:** Since 1971, Door to Hope has provided a residential treatment center for women who are struggling with alcohol, drug addiction, and mental health needs. They provide several caring programs that help infants, children, teenagers and families that include: MCSTART program for infants exposed to trauma, alcohol and other drugs; Integrated Co-Occurring Treatment for Youth program that assists teens struggling with drug and mental health problems; Foster and Adoptive Mentors program for parents; and quality parent and early childhood education programs that provide services to thousands of at-risk children, and helps to keep families together and children out of the welfare system through the Pathways to Safety program.

**Girls Health in Girls Hands (GHGH):** An initiative of the Community Foundation for Monterey County's Women's Fund, this organization gives girls in Monterey County a voice in shaping their future and an agenda for change. Created in 2009 as a girl-led action research project to identify health information, support and services needed by pre-teen and teen girls in Monterey County. GHGH is now a multi-year, multi-agency collaborative which has served thousands of girls. Through GHGH, girls throughout Monterey County have access to more comprehensive and integrated health information, are able to develop powerful leadership skills and help influence positive changes at their schools and in their communities. Girls also participate in partner agency leadership programs that bring girls together for advocacy, capacity building, and collaboration.

**Hartnell College Mi CASA:** Mi CASA is open to all undocumented students in the community. Mi CASA provides specialized services and assistance with higher education for all Dreamer-undocumented students. Students who register to be part of Mi CASA receive additional benefits. Mi CASA Dreamers are all students without U.S. citizenship or permanent residents; that includes all AB 540, SB 68, DACAmented and all other undocumented students. Hartnell College is committed to supporting students regardless of their residency status.

**National Steinbeck Center:** The Award-winning Steinbeck Young Authors (SYA) program, which began its 19th year in the fall of 2021, has educated and inspired over 60,000 students, serving over 6,000 elementary, middle, and high school students annually. The Writers Camp motivates middle school students to discover their power of expressing themselves with written word. Steinbeck Young Authors teachers select students to attend a special Day of Writing at the Steinbeck Center, where they write an essay combining their personal life experiences and their studies of a John Steinbeck novel. They are paired with a volunteer writing coach who reviews their work with them, and then students have an opportunity to edit their essays and turn them in for a final review. A panel of experts judge the students' work. All participants are invited to celebrate their accomplishments and award recipients are acknowledged at an award ceremony. Additionally, the National Steinbeck Center hosts various educational programs and events that highlight student art displays and performing arts groups.

**Monterey County Rape Crisis Center:** The Monterey County Rape Crisis Center's (MCRCC) mission focuses on providing ongoing advocacy, support, and healing for victims and survivors of sexual assault, human trafficking and child abuse, and to prevent sexual violence through education. The MCRCC provides comprehensive programs for and presentation to high school and middle school students. The MCRCC works to educate individuals to make safe, healthy choices towards ending sexual violence. MCRCC Outreach Team works with the youth and community to raise awareness about sexual violence and offers trainings on a variety of topics, including how to identify and respond to the threat of human trafficking and sexual assault awareness. MCRCC believes no student should face academic difficulties because of a sexual assault and advocates on behalf of a survivor to support their needs and helps them to succeed in school.

**Monterey Peninsula College's EL CENTRO:** EL CENTRO helps students to increase transfer and degree completions, and narrows performance and outcome gaps among Hispanic and underrepresented students throughout Monterey County. Through a Developing Hispanic Serving Institution (HSI)-Title V grant in 2018, MPC dedicated an HSI Team to implement proven high impact practices to increase student retention and completion. EL CENTRO is the central location for the First Year Experience (FYE) Program, serving students who are part of the Jump Start/Summer Bridge program with strong academic and counseling component. EL CENTRO builds support networks amongst peers, faculty and staff. Other projects include: Teacher Preparation Program in partnership with CSU, a college-wide awareness of serving undocumented students, building a transfer culture, and supporting underrepresented students. Jump Start/FYE served students from 17 high schools in the Tri-County area, including continuation and alternative schools and participants qualified for the Monterey Peninsula College Promise (tuition-free). Participants receive a technology device to kick-start their educational success. Financial literacy services help navigate barriers to FAFSA/Dream Act application.

**Monterey Peninsula College's Evans College Incentive Program (CIP):** Created in 2015 to improve college access and degree attainment among socioeconomically disadvantaged youth. Foundation has invested \$600,000+ into 380 at-promise students, providing guidance and wraparound support to empower students to enroll full-time at MPC and grow into successful college students. Educators, counselors and youth service professionals from more than 60 school are invited to nominate high school seniors who have potential and need additional support. Students are selected based on obstacles such as unstable housing and financial need and are able to earn \$4500 in financial assistance. Students invited to MPC's "Join the Pack Day" to receive assistance with college admissions, financial aid applications and class registration. CIP provide advocate sessions focus on campus resources. To date, 39 CIP students have transferred to high education colleges and universities. MPC Foundation has raised nearly \$1million for CIP with 90% of donations given directly to students.

**Pacific Grove Museum of Natural History:** Filling a need for science education at a time that is difficult to provide laboratory classes to students, the museum supports teachers with teacher workshops, classroom field trips, classroom activity kits, and free videos. Science, history and art programs are free to all schools in the county and provide different programs for Pre-K through twelfth grade students. The museum partners with organizations such as the Monterey Art Museum, Colton Hall and the Pacific Grove Butterfly Sanctuary to create joint programs for students. The museum organizes transportation grants to pay for the bus costs for schools with students from low socioeconomic groups. Since the pandemic began, the museum has created virtual programs for students and are working with schools to provide free virtual fieldtrips.

**Partners for Peace:** For over 25 years, Partners for Peace has provided numerous Strengthening Families workshops for students and parents/caregivers raising at-promise children with difficult behaviors, to help them build strong and healthy relationships. Participants build communication and problem solving skills and receive tools to enhance youth peer resistance skills, school success, and parenting skills. Partner for Peace collaborates with school districts, Monterey County Behavioral Health, and MCOE on the Mental Health System and Support Programs. Their programs include a youth STEP UP program, providing weekly group mentoring.

**Rancho Cielo Drummond Culinary Academy:** Rancho Cielo Drummond Culinary Academy is dedicated to providing at-risk youth with an opportunity to gain classroom training, work experience and transferrable skills that help them become employable in the culinary and hospitality industry. The Rancho Cielo Drummond Culinary Academy is one of several programs



at Rancho Cielo tailored to help transform the lives of youth through learning new skills, on the job training, and professional mentorship. The goal is to train at-risk and underserved youth, aged 16-24, in the Salinas and Monterey County area in a work environment that is conducive to learning, where they feel challenged, respected, and accountable.

**Read to Me Project:** An early literacy program that prepares young children to enter kindergarten with the knowledge, vocabulary, and comprehension skills that will help them succeed in school. A shared family experience centered on reading and learning, the program provides structure and opportunity for children to be regularly read to at home by older siblings. Older students are taught about early brain development and the importance of reading through regular coaching sessions. The Project has trained and inspired thousands of students to read to young family members. Book-by-book, day-by-day, young siblings are using new words learned and are waiting at the front door for their older brothers or sisters to come home from school with another new story to be read out loud to them. The program is also online via live presentations and e-books.

**Restorative Justice Partners, Inc. (RJP):** RJP, Inc. brings the victims, offenders, families, and other key stakeholders together in a restorative justice process to help offenders understand the implications of their actions and provide the victim a voice in the restitution. RJP provides virtual guidance to educate families and help them with effective communication through various support services. Restorative Justice in Schools Program (RJ in Schools) was started in 2010 and has grown to actively serve nearly 25 schools spanning five districts and grades K-12. RJ in Schools offers professional development training for staff, peer mediation training for students, and practical tools for community building and finding solutions with one another.

**SVMH Mobile Health Clinic:** The Mobile Clinic is dedicated to improving the health of the community by increasing access to care for those in medically underserved areas, and providing preventative and primary care where it is needed. Healthcare services during its weekly community visits include: COVID vaccines and testing, primary and urgent care, health screenings, immunizations and health education. All services are currently free of charge. The mobile clinic is a state-of-the-art, 30' vehicle featuring two exam rooms, Wi-Fi, laboratory capabilities, and educational functionalities. It is staffed with a Nurse Practitioner or Physician Assistant, Medical Assistant, Licensed Clinical Social Worker or Community Health Advocate.

**Sol Treasures:** A full-time, comprehensive Art and Cultural Enrichment Center in King City, serving all of South Monterey County and now serving even more through virtual classes. Sol Treasures provides art enrichment and performance activities for students and community members. Programs include visual, music, and performing arts, providing art in the schools and after-school programs. Sol Treasures art programs serve approximately 300 individuals weekly through fourteen programs, including Children's Musical Theatre, SOL-O Youth Strings Orchestra, and art enrichment classes. Sol Treasures provides art enrichment in four school districts and four CHISPA sites.

**Special Kids Connect:** Founded in 2007 by parents of children with developmental disabilities, Special Kids Connect is currently offering virtual workshops and has resource center locations in Monterey and Salinas. Special Kids Connect supports children and families by connecting resources, empowering parents, and offering recreational programs for children that promote social skill development and inclusion in community settings. They have been instrumental in providing free resources such as diapers, tutoring, resource fairs and workshops, which allow parents to connect with other families who have children with special needs. Programs include

the Early Start Family Centers offering guidance to parents, the free STAR Toy Library with therapy tools, adaptive equipment, and a large inventory of toys and games to checkout and borrow, and the REACH Programs that offer a variety of sports and arts events such as REACH Indoor Basketball held at the Soledad YMCA and REACH Theatre held at ARIEL Theatrical.

**Sunset Cultural Center – Classroom Connections:** The Sunset Center is currently offering virtual opportunities to experience the arts through its arts-in-education program called “Classroom Connections” which brings artists and performers to schools. This unique and comprehensive program engages youth in a series of workshops and performances designed to foster imagination, confidence, and a sense of possibility. Since 2008, they have worked with close to 8,000 students. Sunset teachers visit participating classrooms to prepare students for artist visit and present a lesson of activities, then nationally touring artists visit the classroom to work with students. Next, students see a performance at the Sunset Center and finally the Sunset Center teacher returns to the classroom to lead a post-performance discussion.

**The Epicenter:** Established in 2014, The Epicenter exists to empower at-risk and system involved youth ages 16-24, enabling them to flourish by connecting them to community resources that provide opportunities for equity and hope in order to improve youth outcomes in Monterey County. The Epicenter is committed to increase the number of foster youth entering into higher education. The Epicenter is centrally located in Salinas and provides three days per week of drop-in services for any youth in need. One-on-one coaching is available, workshops are offered, and referrals are made to services countywide.

**United Way of Monterey County (UWMC):** Provides an array of assistance and opportunities to students and families throughout the County to include: *Stuff the Bus* program which provides over 4,000 new backpacks, filled with school supplies, annually to students living in homeless conditions; *Preschool Service Corps* offers tutoring activities to preschool children in support of kindergarten readiness; *Emergency Rent Assistance* program has provided millions to families through its Smart Referral Network software and 211 Call Center; *Volunteer Income Tax Assistance* helps eligible residents complete taxes and receive much-needed refunds; *211 Monterey County* provides a free information and resource helpline connecting residents to services such as home meal delivery and services, COVID vaccinations, rent and utility assistance, affordable broadband, and support services. UWMC engages with the community and focuses resources on improving lives of children and their families.

**VIDA Project Monterey County:** A collaborative program, VIDA (Virus Integrated Distribution of Aid) began in January 2021 and is reaching 7,000 each month through phone calls, information distribution and personal outreach. Over 110 Community Health Workers (CHW) in ten organizations are now available to help Monterey County residents navigate COVID-19 Resources where they live, eat, play, work and worship. Thanks to a \$4.9 million program funded by the County of Monterey in partnership with the Community Foundation for Monterey County, CHW’s are trained and equipped to deliver information about the importance of COVID-19 testing and vaccinations and assist community members with access to resources.

**Village Project:** Founded to help meet the needs of the under-served African American Community, as a result of the passage of the Mental Health Services Act (MHSA) of 2004, Village Project provides counseling services to individuals or families in need. Open to people countywide in an effort to produce positive outcomes for families and children, the Village Project partners with community organizations, schools, faith-based institutions, and other agencies in order to collectively support children and families of all cultures. Village Project created the Amanyatta

program to serve as a buffer for students of African descent as they navigate environments which often denigrate their heritage and view them negatively. The program helps increase their understanding of their history and culture and bolster self-esteem, and provides an emancipation circle where participants can share stories and feelings. Other programs include Equine Therapy, Young Ladies of Empowerment Teen Leadership Program, One Circle group to build support, and the Mae C. Johnson Education and Cultural Enrichment Academy that serves at-risk students with tutoring and enrichment activities.

**YWCA Monterey County:** A mission to eliminate racism and empower women, the YWCA has a 24-hour crisis line, domestic violence response team, human trafficking services, mental health services, trauma informed care, youth outreach and prevention services and an advocacy program that partners with schools, COVID-19 crisis assistance, suicide prevention efforts, and community training and education. YWCA provides youth empowerment through mentorship, healthy relationship modeling, professional skill development, healthy self-image, alliance building and self-confidence.

## **REQUEST FOR SECOND AWARD**

**Boys and Girls Club of Monterey County:** With a mission to inspire and empower youth of Monterey County to realize their full potential to become responsible, healthy, productive and successful citizens. They have been part of the community since 1968 and operate two Clubhouses that serve an average of 500 children a day with high-quality programs provided by trained youth development professionals. Staff and volunteers serve as trusted mentors and advocates for youth, offering every child an opportunity focused on positive expectations, recognition, and guidance in a safe and fun environment. It is their goal that every child served performs at grade level, graduates from high school, completes post-secondary education or training, and earns a livable wage as a productive, healthy member of the community.

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## **PRIOR MCSBA EXCELLENCE IN EDUCATION AWARD RECIPIENTS:**

**2023 - Greenfield Community Science Workshop**  
**2022 - Food Bank for Monterey County**  
**2021 - Sun Street Centers**  
**2020 - The First Tee Monterey County**  
**2019 - Community Human Services**  
**2018 - Monterey County Free Libraries**  
**2017 - Harmony at Home**  
**2016 - Boys & Girls Clubs of Monterey County**  
**2015 - Migrant Education Region XVI, Speech and Debate Tournament**  
**2014 - Girls Inc. of the Central Coast**  
**2013 - Panetta Institute's Monterey County Reads & Lecture Series**  
**2012 - Big Sur International Marathon's "Just Run" Program**  
**2011 - Monterey County Agricultural Education's Farm Day**  
**2010 - Silver Star Youth Program Partners**  
**2009 - Judge John Phillips (retired), Rancho Cielo**  
**2008 - Buck Roggeman (Coach/Teacher) of PG and Lee Canter**  
**2007 - District Attorney Dean Flippo, Truancy Abatement Program**

**2024 Monterey County School Boards Association (MCSBA)  
“Excellence in Education” Award**

**Nominee Solicitation and Award Selection Timeline:**

- Fall 2023: School districts to review previous nominees and recommend new nominees for Excellence in Education Award
- November 2023: Monterey County Office of Education (MCOE) to compile list of all nominees and return finalized list to school districts
- January 2024: School district boards to give input on final list of nominees, narrow list to top three candidates for award, and return to MCOE before January/February MCSBA Executive Council Meeting
- January 2024  
MCSBA Meeting: Award winner will be selected by attending MCSBA Executive Council members (*No adding to final list of nominees at meeting*)
- Spring 2024  
Award Event: MCSBA Organizational Meeting/Dinner
- *One Excellence in Education award recipient will be named and recognized at dinner event, and with an award resolution*
  - *Honorable Mention/s will be determined and recognized. Letters of recognition will be sent*
  - *A dinner event will be planned for Spring 2024 to honor award recipient and honorable mentions*
  - *At this time, event donors will not be solicited to help pay costs of dinner event and recognition*

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| <input checked="" type="checkbox"/> Student Learning and Achievement              | <input type="checkbox"/> Consent                      |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools     | <input checked="" type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication                 | <input type="checkbox"/> Information/Discussion       |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing               |

**SUBJECT:** Agreement for Consultant Services with Leadership Associates

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Linda Adamson, Superintendent

**RECOMMENDATION:**

The District Administration recommends the Board review and approve the agreement for consultant services with Leadership Associates to provide executive coaching and mentorship to the Superintendent.

**BACKGROUND:**

Per the Superintendent employment contract, the District will pay for the cost of the applicable coaching and executive advisement services.

**INFORMATION:**

The Contractor will provide executive advisement and coaching to the Superintendent from November 1, 2023 – June 30, 2024.

**AGREEMENT FOR CONSULTANT SERVICES**

THIS AGREEMENT is made this **October 2023** between **LEADERSHIP ASSOCIATES**, hereinafter called the Contractor, and **PACIFIC GROVE UNIFIED SCHOOL DISTRICT** hereinafter called the District.

The Contractor agrees to perform services for the District as follows:

**The Contractor will provide executive advisement to the Superintendent, November 1, 2023 – June 30, 2024.**

The District agrees to pay the Contractor an amount not to exceed **SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500)** for services provided. The Contractor will submit biannual invoices to the District. Payment is due within 30 days of receipt of invoice.

**Mail remittance to: Leadership Associates  
 449 W Foothill Blvd #427  
 Glendora CA 91741**

Contractor agrees to hold harmless and indemnify the District, its officers, agents, and employees with respect to all damages, costs, expenses or claims, in law or in equity, arising or asserted because of injuries to or death of person or damage to, destruction, loss, or theft of property arising out of faulty performance of the services to be performed by Contractor hereunder.

It is expressly understood and agreed to by both parties hereto that the Contractor, while engaged in carrying out and complying with any of the terms and conditions of this contract, is an independent contractor and is not an officer, agent, or employee of the aforesaid District. Either party may terminate this agreement by providing the other party with ten (10) days written notice. Upon such termination, fees will be determined on a pro rata basis.

Leadership Associates does not participate in a California public pension system. Leadership Associates and the District understand that the work/services provided should not be considered creditable toward the STRS earnings limit as the work is not normally performed by employees of the District and requires less than 24 months (496 business days). REF. CA Education Code § 26135.7 (2014)

CONTRACTOR:  
 LEADERSHIP ASSOCIATES, LLC  
 Taxpayer ID#: 68-038 3653

DISTRICT:  
 PACIFIC GROVE UNIFIED SCHOOL DISTRICT

By Betty Hall

By \_\_\_\_\_

Name Betty Hall, Contracts Administrator

Name \_\_\_\_\_

Date October 30, 2023

Date \_\_\_\_\_

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| <input checked="" type="checkbox"/> Student Learning and Achievement              | <input type="checkbox"/> Consent                      |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools     | <input checked="" type="checkbox"/> Action/Discussion |
| <input checked="" type="checkbox"/> Credibility and Communication                 | <input type="checkbox"/> Information/Discussion       |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing               |

**SUBJECT:** Board Calendar/Future Meetings

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Linda Adamson, Superintendent

**RECOMMENDATION:**

The Administration recommends that the Board review and possibly modify the schedule of meeting dates on the attached calendar and determine, given information from the Administration, whether additional Board dates or modifications need to be established.

**BACKGROUND:**

The Board has approved Bylaw 9320, which states that regular Board meetings be held on the first and third Thursday of each month, from August through June. At the annual organizational meeting held in December, Trustees approve the meeting calendar as presented. The calendar is reviewed at each Board meeting.

**INFORMATION:**

Changes to the Board meeting dates must be approved by a majority vote of the Trustees.

## Board Meeting Calendar August-December 2023

*Closed session times vary. Open session begins at 6:30 p.m.*

Thursday, August 3	<b>Regular Board Meeting</b> ✓ Quarterly Facilities Project Updates* ✓ Review of Legal Services Costs
Thursday, August 17	<b>Regular Board Meeting</b> ✓ Student Enrollment Update ✓ Property Tax Report
Thursday, September 7	<b>Regular Board Meeting</b> ✓ Quarterly District Safety Update* (Superintendent Report) ✓ CSBA Policy Update ✓ Cultural Proficiency/Equity Presentation
Thursday, September 14 Closed session 5:30 p.m.	<b>Special Board Meeting</b> ✓ Unaudited Actuals ✓ Board Goals Discussion
Thursday, September 21 Closed session: 5:30 p.m. Open session: 6:30 p.m.	<b>Regular Board Meeting</b> ✓ Williams Uniform Complaint Report ✓ Resolution for the GANN Limit for 2023-2024
Monday, October 2 Closed session: 5:30 p.m. No open session	<b>Special Board Meeting- Closed Session</b> ✓ Candidate selection- Superintendent
Thursday, October 5 Closed session: 5:30 p.m. Open session: 6:30 p.m.	<b>Regular Board Meeting</b> ✓ Week of the School Administrator ✓ Board Goals check-in
Tuesday, October 10 Closed session: 9am-5pm No open session	<b>Special Board Meeting- Closed Session</b> ✓ Candidate interviews- Superintendent
Thursday, October 12 Closed session: 5:30 p.m. Open session: 6:30 p.m.	<b>Special Board Meeting- Closed Session</b> ✓ Negotiations- Superintendent
Thursday, October 26 Closed session: 5:30 p.m. Open session: 6:30 p.m.	<b>Regular Board Meeting</b> ✓ Quarterly District Safety Update (Superintendent Report) ✓ Budget Revision #1 on 2023-24 working budget (preliminary First Interim) ✓ CAASPP/ELPAC Review of Data
Thursday, November 2 Closed session: 5:30 p.m. Open session: 6:30 p.m.	<b>Regular Board Meeting</b>
Thursday, November 16 Closed session: 5:30 p.m. Open session: 6:30 p.m.	<b>Regular Board Meeting</b> ✓ Intent Form Due (to serve as Board President/Clerk) ✓ Review of Special Education Contracts ✓ PGHS Course Bulletin Information/Discussion ✓ CSBA Policy Update
Thursday, December 7 Closed session: 5:30 p.m. Open session: 6:30 p.m.	<b>Regular Board Meeting</b> ✓ District Goals Update ✓ Annual Cultural Proficiency Implementation Plan ✓ Quarterly Facilities Project Updates



<p>Thursday, December 14 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Organizational Meeting</b></p> <ul style="list-style-type: none"><li>✓ Election of 2023-24 Board President and Clerk</li><li>✓ First Interim Report</li><li>✓ PGHS Course Bulletin Action/Discussion</li><li>✓ Williams Uniform Complaint Report</li><li>✓ LCAP Update</li><li>✓ Employee Recognition</li><li>✓ CSBA Policy Update</li></ul>
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## Board Meeting Calendar January-June 2024

*Closed session times vary. Open session begins at 6:30 p.m.*

<p>Thursday, January 11 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Superintendent Goals- midyear check-in</li> <li>✓ Preliminary Enrollment Projection for 2024-25</li> <li>✓ Property Tax Update</li> </ul>
<p>Thursday, January 25 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ CSBA Policy Update</li> <li>✓ School Accountability Report Cards</li> <li>✓ School Resource Officer Contract</li> <li>✓ Resolution recognizing February as Black History Month</li> <li>✓ Approve Aug.- Dec. 2024-25 Board Meeting Calendar</li> </ul>
<p>Thursday, February 8 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Report on Governor's Budget Proposal</li> <li>✓ Budget Development Calendar</li> <li>✓ Possible Personnel Action Presented as Information (RIF)</li> <li>✓ Preliminary Review of Site Master Schedules</li> <li>✓ 2023-24 Audit Report</li> <li>✓ Quarterly Facilities Project Updates*</li> <li>✓ Resolution recognizing March as Women's History Month</li> </ul>
<p>Thursday, March 7 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Second Interim</li> <li>✓ TRAN Resolution</li> <li>✓ Williams/Valenzuela Uniform Complaint Report</li> <li>✓ Board considers legislative action at local and state levels</li> </ul>
<p>Thursday, March 21 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Board Goals Study Session</li> </ul>
<p>Thursday, April 4 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Review of Strategic Plan and LCAP (as needed)</li> <li>✓ Quarterly District Safety Update (Superintendent Report)</li> <li>✓ District Goals Update</li> </ul>
<p>Thursday, April 18 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Review of Strategic Plan and LCAP (as needed)</li> <li>✓ Begin Superintendent Evaluation</li> <li>✓ CSBA Policy Update</li> <li>✓ Resolution recognizing May as Asian American Pacific Islander Heritage Month</li> </ul>
<p>Thursday, May 9 Closed session: 5:30 p.m. Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Continue Superintendent Evaluation</li> <li>✓ Board Goals for 2024-25</li> <li>✓ Review of Site Master Schedules</li> <li>✓ California Day of the Teacher</li> <li>✓ Week of the CSEA Employee</li> </ul>

<p>Thursday, May 23          Closed session: 5:30 p.m.          Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Complete Superintendent's Evaluation</li> <li>✓ 2024-25 Board Goals</li> <li>✓ Review Governor's Revised Budget</li> <li>✓ Suspensions/Expulsions Annual Report</li> <li>✓ Retiree Recognition</li> <li>✓ 2024-25 Budget Public Hearing</li> <li>✓ LCAP Public Hearing</li> <li>✓ Resolution recognizing June as LGBTQ+ Month</li> </ul>
<p>Thursday, June 6          Closed session: 5:30 p.m.          Open session: 6:30 p.m.</p>	<p><b>Regular Board Meeting</b></p> <ul style="list-style-type: none"> <li>✓ Williams/Valenzuela Uniform Complaint Report</li> <li>✓ 2024-25 Budget Public Adoption</li> <li>✓ LCAP and Local Indicators Adoption</li> <li>✓ Approval of Contracts and Purchase Orders for 2024-25</li> <li>✓ Resolution recognizing Juneteenth</li> </ul>

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| <input type="checkbox"/> Student Learning and Achievement                     | <input type="checkbox"/> Consent                           |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion                 |
| <input type="checkbox"/> Credibility and Communication                        | <input checked="" type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity        | <input type="checkbox"/> Public Hearing                    |

**SUBJECT:** Board Policy Updates

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Linda Adamson, Superintendent

**RECOMMENDATION:**

The District Administration recommends the Board review the Board Policy, Administrative Regulation, and Board Bylaw updates recently reviewed by the Board Policy Committee on November 6, 2023.

**BACKGROUND:**

The Board Policy Committee contains two Trustees (President Carolyn Swanson and Clerk Jennifer McNary) who meet with Administrators responsible for whatever policies are up for review/discussion. The Board Policy Committee reviews the updates provided by CSBA (explanation below) as well as any Board requested policies or Administrative recommendations. The following updates will be reviewed as Information/Discussion, and will return to the subsequent meeting as Consent for final Board approval.

CSBA employs several full-time staff to keep its sample policy manual updated. It updates approximately 100 polices every year to stay up to date with changes in the law and publishes these updates in four bundles called “policy update packets.” These are issued four times a year: March, June, September, and December, as well as any special updates as needed. Subscribers to GAMUT Policy Plus receive announcements every time CSBA issues a policy update packet and can access the packet by logging into their proprietary site.

CSBA encourages districts to review each update packet once it’s issued to see which policies the district may need to update. Districts can review a “guide sheet” that lists the changes that CSBA has made as well as the text in the policies themselves to determine which policies they want to update. Once they determine this, they can prepare drafts of the new policies to send to their board for review and adoption. By reviewing each CSBA policy update packet and taking action accordingly, districts can ensure that they policy manual is always accurate and up-to-date. CSBA encourages districts to establish a consistent process for reviewing, processing, and approving update packets so that they never fall behind on their policies.

**INFORMATION:**

At the November 6, 2023 Board Policy Committee meeting, the committee reviewed the CSBA policy updates from June 2023, as well as Board requested and Administrative recommended updates.

**MARCH 2023 CSBA POLICY UPDATES**

## Board Policy 0420.41 - Charter School Oversight

- Reviewed by Pacific Grove Adult Education Principal
- No recommended changes

## Exhibit(1) 0420.41 - Charter School Oversight

- Reviewed by Pacific Grove Adult Education Principal
- No recommended changes
- New adoption

## Board Policy 4112.2 – Certification

- Reviewed by Director of Human Resources Claudia Arellano
- No recommended changes

## Administrative Regulation 4112.2 – Certification

- Reviewed by Director of Human Resources Claudia Arellano
- No recommended changes

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

- Reviewed by Director of Human Resources Claudia Arellano and Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Board Policy 4140/4240/4340 - Bargaining Units

- Reviewed by Director of Human Resources Claudia Arellano
- No recommended changes
- New adoption

## Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave

- Reviewed by Director of Human Resources Claudia Arellano
- No recommended changes

## Administrative Regulation 4261.1 - Personal Illness/Injury Leave

- Reviewed by Director of Human Resources Claudia Arellano
- No recommended changes

## Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves

- Reviewed by Director of Human Resources Claudia Arellano
- No recommended changes
- New adoption

## Administrative Regulation 4161.8/4261.8/4361.8

- Reviewed by Director of Human Resources Claudia Arellano
- No recommended changes
- New adoption

## Board Policy 5117 - Interdistrict Attendance

- Reviewed by Assistant Superintendent Joshua Jorn
- No recommended changes

## Board Policy 5141.5 - Mental Health

- Reviewed by Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Board Policy 5141.6 - School Health Services

- Reviewed by Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Administrative Regulation 5141.6 - School Health Services

- Reviewed by Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Policy 5145.6 - Parent/Guardian Notifications

- Reviewed by Assistant Superintendent Joshua Jorn and Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Exhibit(1) 5145.6 - Parent/Guardian Notifications

- Reviewed by Assistant Superintendent Joshua Jorn and Director of Student Services Yolanda Cork-Anthony
- No recommended changes
- New adoption

## Board Policy 5148 - Child Care and Development

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman and Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Administrative Regulation 5148 - Child Care and Development

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman and Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Board Policy 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities

- Reviewed by Assistant Superintendent Joshua Jorn and Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

- Reviewed by Assistant Superintendent Joshua Jorn and Director of Student Services Yolanda Cork-Anthony
- No recommended changes

## Board Policy 6173.4 - Education for American Indian Students

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes
- New adoption

## Board Policy 6174 - Education for English Learners

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes

## Administrative Regulation 6174 - Education for English Learners

- Reviewed by Director of Curriculum and Special Projects Buck Roggeman
- No recommended changes

## Board Bylaw 9322 - Agenda/Meeting Materials

- Reviewed by Assistant Superintendent Joshua Jorn
- No recommended changes

**ADDITIONAL POLICIES FOR REVIEW**

## Regulation 1325- Advertising and Promotion

- Reviewed by Assistant Superintendent Joshua Jorn
- No recommended changes
- New adoption to support policy

## Regulation 5117- Interdistrict Attendance

- Reviewed by Assistant Superintendent Joshua Jorn
- Updates to senior privilege

## Policy 9324- Minutes and Recordings

- Reviewed by Assistant Superintendent Joshua Jorn
- Updates to recording and minutes requirements and practices

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Policy 0420.41: Charter School Oversight****Status: ADOPTED**

**Original Adopted Date:** 10/01/2013 | **Last Revised Date:** 06/01/2022~~2023~~ | **Last Reviewed Date:** 06/01/2022~~2023~~

CSBA NOTE: The following optional policy may be revised to reflect district practice. The Governing Board is obligated to monitor the performance of any charter school it authorizes in order to ensure the school's compliance with legal requirements and progress toward meeting measurable outcomes specified in the charter. Information about the school's performance is necessary when determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, SBE is required to designate, in consultation with the petitioner, either the Board or the County Board as the chartering authority.

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

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

CSBA NOTE: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends more frequent visits, perhaps two or three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school.

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

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 47604, if a charter school operates as or is operated by a nonprofit public benefit corporation, the Board is entitled to a single representative on the board of directors of the nonprofit public benefit corporation. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends that the district consult with legal counsel and consider any potential conflict of interest that may arise from having an individual Board member vote as a member of the charter board of directors on issues on which the Board will need to provide oversight. CSBA's guide suggests that an alternative approach may be for the district to



designate its charter school contact, appointed pursuant to Education Code 47604.32, to attend meetings of the charter school board.

The Superintendent or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

### Waivers

CSBA NOTE: A charter school is not authorized to submit general waiver requests to SBE on its own behalf, unless an exception applies. Rather, a charter school may submit a waiver request through the district. A general waiver request form is available on the California Department of Education's (CDE) web site.

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

### Provision of District Services

CSBA NOTE: The following optional section may be revised to reflect district practice. CSBA's publication, "Charter Schools: A Guide for Governance Teams," recommends one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization.

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

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

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

### Material Revisions to Charter

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

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

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

CSBA NOTE: The Board shall have the authority Pursuant to determine whether Education Code 47607, a district may deny a proposed change in expansion of an existing charter school operations constitutes constituting a material revision on the basis of community impact and/or fiscal impact of the approved proposed material revision, as described below. If a finding is made that, due to any of the conditions specified below, the district is not positioned to absorb the fiscal impact of the proposed expansion, the charter school requesting the expansion is subject to a rebuttable presumption of denial of the request for expansion.

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

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

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

### Location of Charter Schools

CSBA NOTE: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school must be located within the geographic boundaries of the authorizing district. However, Education Code 47605 permits the location of some charter schools outside of the authorizing district's boundaries under specified conditions. For example, a charter school in operation before October 1, 2019, on a federally recognized California Indian tribe is exempted from the geographic restrictions of Education Code 47605.1. For information about geographic and site requirements for new charter schools, see AR 0420.4 – Charter School Authorization.

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

### Monitoring Charter School Performance

CSBA NOTE: The district has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607. See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools.

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

CSBA NOTE: Education Code 47605 requires that measurable student outcomes for all students of the charter school, including numerically significant student subgroups as defined in Education Code 52052, be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52060; see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when the subgroup consists of at least 30 students (or at least 15 foster youth or homeless students-) in the school.

Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary, Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. In addition, charter schools are included in the California School Dashboard, which reports the status of school performance on multiple state and local indicators and is intended to assist schools and districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status program, which uses modified methods of measurement for accountability indicators when appropriate.

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

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

## Fees/Charges for Supervisorial Oversight

CSBA NOTE: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisorial oversight of the school. Education Code 47613 provides that the costs of supervisorial oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see the section "Technical Assistance/Intervention" below. CSBA's publication, "Charter Schools: A Guide for Governance Teams," suggests that supervisorial oversight activities also might include site visits and site visit protocols, development of memorandums of understanding, reviews of performance data and financial reports, review of governance procedures, monitoring of teacher credentialing and assignments, facilities compliance, and legal auditing.

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

1. Actual costs up to one percent of the charter school's revenue if
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities
1. \_\_\_\_\_ If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities cost costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.
2. ~~Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities~~
3. 3.\_\_\_\_\_ Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

## Technical Assistance/Intervention

CSBA NOTE: Education Code 47607.3 establishes criteria for the provision of technical assistance to charter schools including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the Board that the charter school has failed or is unable to implement the CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter; see BP 0420.43 - Charter School Revocation.

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

1. 1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605:(c). This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. 2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.
3. 3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

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

CSBA NOTE: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of the CCEE or continues to demonstrate persistent or acute inadequate performance.

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

## Complaints

CSBA NOTE: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures for addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or

intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures.

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

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

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

### School Closure

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities; (2) notifications to specified persons and entities; (3) provision of information about students' grade level, course completion, and district of residence; (4) transfer and maintenance of student and personnel records; (5) completion of an independent final audit; ~~and~~ (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed; (7) completion and filing of any annual reports required pursuant to Education Code 47604.33; and (8) identification of funding for the activities identified in Items #1-7.

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify CDE when a charter school ceases operation for any reason. CSBA's, "Charter Schools: A Guide for Governance Teams," recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or an MOU, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

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

### Policy Reference 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.

<b>State</b>	<b>Description</b>
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. <a href="#">And Prof.</a> Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on <del>web site</del> <a href="#">website</a>
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act

Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction



Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
<u>Ed. Code 49010</u>	<u>Pupil fees</u>
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
<u>Ed. Code 49428.5</u>	<u>Employment of medical personnel</u>
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families

Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
<a href="#"><u>Ed. Code 56521.1-56521.2</u></a>	<a href="#"><u>Emergency Interventions</u></a>
Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information, and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000 - 7930.170 <a href="#"><u>215</u></a>	California Public Records Act

Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
<a href="#"><u>Attorney General Opinion</u></a>	<a href="#"><u>79 Ops.Cal.Atty.Gen. 155 (1996)</u></a>
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Department of Education Publication	California School Accounting Manual
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School; (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
<a href="#"><u>California Department of Education Publication</u></a>	<a href="#"><u>Model Youth Suicide Prevention Policy (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)</u></a>
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999

Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller
Website	California Student Aid Commission
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

**Cross References**

<b>Code</b>	<b>Description</b>
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Exhibit 0420.41-E(1): Charter School Oversight****Status: ADOPTED**

Original Adopted Date: 07/01/2017 | Last Revised Date: 06/01/2022~~2023~~ | Last Reviewed  
Date: 06/01/2022~~2023~~

**REQUIREMENTS FOR CHARTER SCHOOLS**

CSBA NOTE: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

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

**Governance**

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code ~~6250-6270~~[7920.000- 7930.215](#)), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)
3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006; Government Code 1099)

**Operations**

4. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education

Code 47604)

5. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

#### **Admission/Enrollment**

6. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
7. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

CSBA NOTE: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and must determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However, as indicated in the California Office of Administrative Hearings ruling in *Student v. Horizon Instructional Systems Charter School*, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

8. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
9. Admit all students who wish to attend the charter school, according to the following criteria and procedures:
  - a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area. (Education Code 47605)

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

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code

47614.5: (Education Code 47605)

- c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (~~Education Code 47605~~)  
Preferences shall not result in limited enrollment access for students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, students experiencing homelessness, foster youth, students who are economically disadvantaged, or on the basis of nationality, race, ethnicity, or sexual orientation. Mandatory parental volunteer hours shall not be the basis of a preference or a criterion for admission or continued enrollment. (Education Code 47605)
10. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, ~~homeless~~experiencing homelessness, economically disadvantaged, or a foster youth. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its ~~web site~~website the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)
11. Comply with the requirements of Education Code 48850-48859 regarding enrollment, identification, and placement of ~~homeless children~~students experiencing homelessness and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431-11435)
12. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
13. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

### **Nondiscrimination**

14. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
15. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7
16. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school ~~web site~~website or on the ~~web site~~website of the charter operator (Education Code



221.61)

17. If the charter school offers competitive athletics, annually post on the school's ~~web site~~[website](#) or on the ~~web site~~[website](#) of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
18. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)
19. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

#### **Tuition and Fees**

20. Not charge tuition (Education Code 47605)

CSBA NOTE: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory ["Pupil Fees, Deposits, and Other Charges,"](#) because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools.

21. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools ([Education Code 49010, 49011](#))

Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

#### **School Plans School Plans**

[CSBA NOTE: Pursuant to Education Code 52064.3, as added by AB 181 \(Ch. 52, Statutes of 2022\), by January 31, 2025, charter schools that are identified by CDE as needing an improvement plan pursuant to 34 CFR 300.600-300.647 are required to complete an Individuals with Disabilities Education Act Addendum adopted by SBE relating to improvements in services for students with disabilities. See BP 0460 - Local Control and Accountability Plan for more information.](#)

22. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the

template adopted by the State Board of Education (SBE). As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians and as appropriate, an Individuals with Disabilities Education Act Addendum, based on the ~~template~~templates developed by the SBE. (Education Code 47604.33, 47606.5, 52064, 52064.1, 52064.3)

23. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)
24. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)
25. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

### Curriculum and Instruction

CSBA NOTE: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

26. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
- ~~27.~~ If the charter school offers a kindergarten program, also offer a transitional kindergarten (TK) program to students in accordance with Education Code 48000
- ~~28.~~27. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)
- ~~29.~~28. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)

- ~~30.~~29. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)
- ~~31.~~30. If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)
- ~~32.~~31. If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)
- ~~33.~~32. If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school with the planned date, time, and location of the fair (Labor Code 3074.2)

CSBA NOTE: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

- ~~34.~~33. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)
- ~~35.~~34. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)
- ~~36.~~35. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, ~~homeless~~ student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school (Education Code 51225.2)
- ~~37.~~36. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

### Special Education

~~38.~~ 37. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

~~39.~~ 38. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:

- a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)
- b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

### High School Graduation

~~41.~~ 39. Exempt a foster youth, homeless student experiencing homelessness, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

40. In accordance with Education Code 51225.31, exempt an eligible student with disabilities from all coursework and other requirements adopted by the charter school board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma (Education Code 51225.31)

~~42.~~ 41. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)

~~43.~~ 42. Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

### Student Expression

~~44.~~ 43. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

CSBA NOTE: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

~~45.44.~~ Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

### Staffing

~~46.45.~~ Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required. (Education Code 47605, 47605.4)

~~47.46.~~ If the charter school offers TK, require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position by August 1, 2023, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)

~~48.47.~~ Review potential misassignments and vacant positions in the charter school, including data from CTC, respond to the County Superintendent of Schools when necessary to show that an employee is legally authorized for an assignment, and correct any misassignments if notified by the County Superintendent that an assignment is not legally authorized (Education Code 44258.9)

~~49.48.~~ Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies (Education Code 44830.1, 45122.1, 45125.1)

~~50.49.~~ Report to CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

~~51.50.~~ If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 (Education Code 47610)

~~52.51.~~ Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

~~53.52.~~ If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation

with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)

### Parent/Guardian Involvement

- ~~54.~~53. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
- ~~55.~~54. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)
- ~~56.~~55. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

### Nutrition

- ~~57.~~56. Provide breakfast and/or lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility. If the charter school participates in the National School Lunch Program ([NSLP](#)) and School Breakfast Program ([SBP](#)) and is a ~~very~~ high poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service. (Education Code 49501.5, 49564.3)
- ~~58.~~57. ~~Not~~If the charter school participates in the NSLP or SBP, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

### Student Health

- ~~59.~~58. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years (Education Code 215)

CSBA NOTE: Pursuant to Education Code 49428.5, as added by AB 748 (Ch. 431, Statutes of 2022), each school serving students in any of grades 6-12 is required to create a poster that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. See 5141.5 – Mental Health

59. Each charter school that serves students in any of grades 6-12 shall create and prominently display an age appropriate and culturally relevant poster that identifies approaches and resources about student mental health. (Education Code 49428.5)
60. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards (Education Code 215.5)

61. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)
62. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
63. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)
64. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)
65. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of cardiopulmonary resuscitation training throughout the duration of the event (Education Code 35179.6)
66. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)
67. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

### **Student Conduct/Discipline**

68. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention [on the charter school's website](#), and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)
69. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)

70. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)
71. Neither recommend for expulsion a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)
72. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

### **Student and Parent/Guardian Records**

73. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)
74. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)
75. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
76. If the charter school serves high school students, submit to the Student Aid Commission (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)
77. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update, and reissue if requested, a former student's records to include the student's updated legal name or gender. (Education Code 49062.5, 49070)

### **Facilities**

78. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
  - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.



- b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
79. If the charter school serves students in any of grades 6-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

### Finance

80. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)
81. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
82. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)
83. Annually prepare and submit financial reports to the Board and the County Superintendent in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
  - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
  - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
  - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
  - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)
84. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

## Accountability

**85.** Annually adopt a school accountability report card (Education Code [33126](#), 47612; California Constitution, Article 16, Section 8.5)

85.

### 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
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on <del>web site</del> <a href="#">website</a>
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy

Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992

Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
<a href="#">Ed. Code 49010</a>	<a href="#">Pupil fees</a>
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
<a href="#">Ed. Code 49428.5</a>	<a href="#">Employment of medical personnel</a>
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods

Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
<a href="#"><u>Ed. Code 56521.1-56521.2</u></a>	<a href="#"><u>Emergency Interventions</u></a>
Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs

Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000 - 7930.170 <del>215</del>	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
<u>Attorney General Opinion</u>	<u>79 Ops.Cal.Atty.Gen. 155, 157 (1996)</u>
CA Department of Education Publication	California School Accounting Manual

CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
<a href="#"><u>California Department of Education Publication</u></a>	<a href="#"><u>Model Youth Suicide Prevention Policy (https://www.cde.ca.gov/ls/mh/documents/modelpolicy.docx)</u></a>
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller
Website	California Student Aid Commission
Website	National Association of Charter School Authorizers

Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

**Cross References**

<b>Code</b>	<b>Description</b>
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.42	Charter School Renewal
0420.43	Charter School Revocation
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
7160	Charter School Facilities
7160	Charter School Facilities



**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Policy 4112.2: Certification****Status: ADOPTED**

Original Adopted Date: 11/01/2008 | Last Revised Date: 03/06/01/20202023 | Last Reviewed Date: 07/06/01/20162023

CSBA NOTE: Under the authority granted by Education Code 44252, the Commission on Teacher Credentialing (CTC) establishes standards and procedures for the issuance and renewal of multiple subject, single subject, education specialist, and other credentials, certificates, and permits and approves applications. Pursuant to Education Code 44251, a preliminary credential is generally valid for five years, during which time the employee must complete the requirements for the clear credential in order to continue to serve in a certificated position. The clear credential must be renewed every five years, but renewal does not require completion of additional coursework or service requirements.

All candidates for a teaching credential must demonstrate proficiency in the subject matter area of the intended credential as specified in Education Code 44259. To implement statutory changes to the subject matter competence requirements pursuant to AB 130 (Ch. 44, Statutes of 2021), CTC has adopted 5 CCR 80096, which includes revisions based on the Office of Administrative Law's feedback; see CTC Coded Correspondence 22-06 for more information on the regulation.

Assignment to certain positions within the district may require additional qualifications. For example, see AR 4112.22 - Staff Teaching English Learners, AR 4112.23 - Special Education Staff, and BP/AR 4113 - Assignment.

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and competency in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

### **Priorities for Hiring Based on Unavailability of Credentialed Teacher**

CSBA NOTE: To the extent possible, the district must hire a "fully prepared" teacher who holds a clear or preliminary teaching credential in the subject or setting of the assignment. The Governing Board may authorize a fully credentialed teacher to serve in an assignment outside the area authorized by the credential if specified criteria are met; see BP/AR 4113 - Assignment and CTC's Credential Information Guide. ~~When the district is unable to hire a fully credentialed teacher,~~ "Assignment Resources," available on its web site. Education Code 44225.7 permits the district to hire a candidate ~~without those credentials~~ who is not a fully credentialed teacher in accordance with the hiring hierarchy provided in ~~items~~ Items #1-3 below if the Board has adopted an annual resolution that it has made reasonable efforts to recruit a fully prepared teacher for the

assignment.

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment or, when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, and the Board adopts a resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

CSBA NOTE: Pursuant to Education Code 44225.7, if a credentialed teacher is not available, priority for employment must be given to an individual who is enrolled in an approved ~~intern~~internship program, as provided in ~~item~~Item #1 below. CTC Coded Correspondence 13-01 clarifies that such an individual must possess a CTC-issued intern credential.

1. 1. A candidate who enrolls in an approved ~~intern~~internship program in the region of the district and possesses an intern credential

CSBA NOTE: Pursuant to Education Code 44225.7, next priority for filling a position should be for a candidate who is scheduled to complete preliminary credential requirements within six months, as provided in ~~item~~Item #2 below. CTC Coded Correspondence 13-01 clarifies that such an individual must qualify for and obtain a provisional internship permit (PIP) or short-term staff permit (STSP).

Pursuant to 5 CCR 80021-80021.1, the district may employ persons with a PIP when the district has conducted a diligent search but has been unable to recruit a credentialed teacher, or an STSP when needed to immediately staff classrooms based on unforeseen circumstances. Each of these options requires the district to provide orientation, training, and/or guidance; see the accompanying administrative regulation.

2. 2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is granted a provisional internship permit (PIP) or short-term staff permit issued by the CTC

CSBA NOTE: 5 CCR 80021.1 requires that a notice of intent to employ a person with a PIP be made public as described in the following paragraph. A copy of the agenda item and the Superintendent or designee's verification of the ~~Governing~~ Board's favorable action must be included as part of the application to the CTC along with other required verifications; see the accompanying administrative regulation.

3. 3. The Board shall take action to approve, as an ~~action item~~ at an open Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

CSBA NOTE: Pursuant to Education Code 44225.7, when the district is unable to recruit a credentialed teacher or a teacher who meets the qualifications specified in ~~items~~Items #1-2 above, it may request CTC to approve the assignment of a person who does not meet those criteria. According to CTC Coded Correspondence 13-01, such an individual would need to qualify for a "variable term waiver." For further information about variable term waivers, see 5 CCR 80125 and CTC's "Waiver Requests Guidebook and 5 CCR 80125."

4. 3. An individual who has been granted a credential waiver by the CTC

CSBA NOTE: Pursuant to 5 CCR 80023.2, 80026, and 80027-80027.1, the Board must annually approve a Declaration of Need for Fully Qualified Educators prior to hiring a person with an emergency permit or a limited assignment permit to teach outside the area of certification. The form for the Declaration of Need is available on CTC's web site. Pursuant to 5 CCR 80026, the Declaration of Need must be approved at a regularly scheduled public Board meeting and is valid for up to 12 months, expiring on June 30 following its submission to CTC.

~~Prior~~ Annually, the Board shall, prior to requesting that the CTC issue an emergency permit or a limited assignment permit, ~~the Board shall annually~~ approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled open Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in ~~items~~ Items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits and limited assigned permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. It shall also specify each subject to be listed on the General Education Limited Assignment Single Subject Teaching Permits and the target language on Emergency Bilingual Permits. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

### **National Board for Professional Teaching Standards Certification**

CSBA NOTE: The following optional section may be revised to reflect district practice. The National Board for Professional Teaching Standards (NBPTS) offers teachers a voluntary, rigorous advanced certification process to improve their practice as educators. Districts can encourage teacher participation by coordinating a cohort of teachers through school or district-based programs, their county office of education, or the NBPTS Resource Center at Stanford University or other NBPTS support networks. A list of current NBPTS support networks can be found on the NBPTS web site.

Additionally, the California NBPTS provides grants to districts through the NBPTS Incentive Program, for the purpose of providing incentives to teachers who have attained certification from NBPTS and agree to teach at a high-priority school for at least five years, and teachers who initiate the process of pursuing a NBPTS certification when teaching at a high-priority school. Pursuant to Education Code 44395, as amended by AB 181 (Ch. 52, Statutes of 2022), grants for teachers who have attained certification will be disbursed from the California Department of Education (CDE), and funds that are unused for teachers initiating the program are required to be applied to future candidates; see CDE's web site for more information.

Districts and schools may use U.S. Department of Education grant funds (e.g., Title I, Part A; Title II, Part A; Individuals with Disabilities Education Act, Part B), as well as district resources for beginning teachers, for costs associated with teachers pursuing, achieving, and maintaining National Board certification.

The Superintendent or designee shall promote a career continuum that includes participation of district teachers in professional learning that supports their completion of advanced certification awarded by the National Board for Professional Teaching Standards (NBPTS). The Superintendent or designee may coordinate a cohort of teachers through school or district programs or other available networks.

With Board approval and funding, and consistent with the collective bargaining agreement and applicable law, the Superintendent may provide an incentive program for teacher participation in NBPTS certification, which may include:

1. 1. Defraying, subsidizing, or reimbursing the registration, certification, or maintenance fees for NBPTS certification
2. 2. Providing bonuses, step increases, or differential pay for teachers who maintain their certification and continue to teach in the district, with priority given to teachers at Title I schools and schools serving a majority of low-income students
3. 3. Providing substitute teachers to provide release time for participating teachers
4. 4. Providing stipends for teacher participation that match other professional development stipends
5. 5. Compensating mentor teachers who support other teachers' professional learning aligned to NBPTS standards

### Parental Notifications

CSBA NOTE: The following section is for use by districts that receive federal Title I funds, and may be used or adapted by other districts at their discretion.

20 USC 6312 requires districts receiving federal Title I funds to provide the following annual notification to parents/guardians of students in any school receiving Title I funds. Such districts may choose to provide the same notification to all schools, regardless of whether ~~or not~~ they receive Title I funds.

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

- 1. 1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
- 2. 2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
- 3. 3. Is teaching in the field of discipline of the teacher's certification

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

**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.

<b>State</b>	<b>Description</b>
5 CCR 80001-80674.6 <u>80694</u>	Commission on Teacher Credentialing
Ed. Code 32340-32341	Unlawful issuance of a credential
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 44066	Limitations on certification requirements
Ed. Code 44200-44418	Teacher credentialing
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44300-44302	Emergency permit
Ed. Code 44325-44328	District interns
Ed. Code 44330-44355	Certificates and credentials
<u>Ed. Code 44395</u>	<u>National Board for Professional Teaching Standards Certification Incentive Program</u>
Ed. Code 44420-44440	Revocation and suspension of credentials
Ed. Code 44450-44468	University internship program
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills
Ed. Code 56060-56063	Substitute teachers in special education
Ed. Code 8295-8305	Child development program; personnel qualifications

<b>Federal</b>	<b>Description</b>
20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.61	Parent notification regarding teacher qualifications
<b>Management Resources</b>	<b>Description</b>
<a href="#">Commission on Teacher Credentialing Publication</a>	<a href="#">Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency, Coded Correspondence 22-06, October 21, 2022</a>
Commission on Teacher Credentialing Publication	Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021
Commission on Teacher Credentialing Publication	Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022
Commission on Teacher Credentialing Publication	Waiver Requests Guidebook, 2015
<del>Commission on Teacher Credentialing Publication</del>	<del>Credential Information Guide</del>
Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), <a href="#">October</a> 2009
Commission on Teacher Credentialing Publication	CL-667 Basic Skills Requirement
Commission on Teacher Credentialing Publication	CL-856 Provisional Internship Permit
Commission on Teacher Credentialing Publication	CL-858 Short-Term Staff Permit
Commission on Teacher Credentialing Publication	Subject Matter Authorization Guideline Book, December 2019
Commission on Teacher Credentialing Publication	Supplementary Authorization Guideline Book, December 2019
<del>Commission on Teacher Credentialing Publication</del>	<del>The Administrator's Assignment Manual, 2021</del>
Court Decision	Association of Mexican-American Educators ( <a href="#">AMAE</a> ) et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 (2000) 231 F.Supp. 1534 <a href="#">3d</a> <a href="#">572</a>
Nat'l Board for Prof. Teaching Stds.	Using Federal Funds for National Board Activities: An Action-

Publication	Planning Guide
Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, CA NBPTS Certification Incentive Program
Website	<a href="https://nbrc.stanford.edu/">National Board Resource Center (https://nbrc.stanford.edu/)</a>
Website	National Board for Professional Teaching Standards
Website	<a href="https://oal.ca.gov/">Office of Administrative Law (https://oal.ca.gov/)</a>
Website	<a href="https://www.ctc.ca.gov/">Commission on Teacher Credentialing (https://www.ctc.ca.gov/)</a>
Website	CSBA
Website	U.S. Department of Education

**Cross References**

<b>Code</b>	<b>Description</b>
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
3580	District Records
3580	District Records
4111	Recruitment And Selection
4112	Appointment And Conditions Of Employment
4112.21	Interns
4112.21	Interns
4112.22	Staff Teaching English Learners
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113	Assignment
4113	Assignment

4114	Transfers
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
4131.1	Teacher Support And Guidance
4131.1	Teacher Support And Guidance
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.3	Professional Leaves
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4261.11	Industrial Accident/Illness Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4317.14	Postretirement Employment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards



4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.8	Family Care And Medical Leave
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6146.1	High School Graduation Requirements
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
6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6170.1	Transitional Kindergarten
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6183	Home And Hospital Instruction
6200	Adult Education
6200	Adult Education

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Regulation 4112.2: Certification****Status: ADOPTED**

Original Adopted Date: 07/01/2011 | Last Revised Date: 06/01/2022~~2023~~ | Last Reviewed Date: 06/01/2022~~2023~~

**Verification of Credentials**

CSBA NOTE: The following optional section may be revised to reflect district practice. Pursuant to Education Code 44330, 44332.5, and 44857, each person employed in a position requiring certification qualifications must register a valid credential not later than 60 days after beginning employment in the district or not later than 60 days after renewing a credential. Pursuant to Education Code 44332.5, a district with over 10,000 average daily attendance (ADA) may provide for the registration of its own certificated employees' credentials. If it does not do so, or if the district has 10,000 ADA or less, certificated employees' credentials must be registered with the county office of education (COE). ~~The following section may be revised to reflect district practice.~~

~~The Commission on Teacher Credentialing (CTC) does not provide credentials in a paper format.~~

Pursuant to 5 CCR 80001, the official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from CTC's web site. ~~For all other certificated staff~~ Since CTC does not provide credentials in a paper format, the district must obtain verification of its employees' certification through CTC's online service and may print the displayed information.

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

CSBA NOTE: Pursuant to Education Code 44332, 44332.5, and 44332.6, an individual may be employed while CTC is processing the application if the individual holds a temporary certificate issued by a district with over 10,000 ADA or the COE, indicating that the individual has passed the state assessment of teachers' basic skills and completed a criminal record check. Education Code 44332, 44332.5, and 44332.6 require the district or COE, prior to issuing a temporary certificate, to obtain a certificate of clearance (fingerprint clearance) from CTC to satisfy the criminal record check requirement.

The Superintendent or designee shall verify that any person who is employed by the district while CTC is processing the application for certification possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

**Basic Skills Proficiency**

CSBA NOTE: Education Code 44830 provides that a district cannot employ an individual in a position requiring certification unless that person has met the basic skills proficiency requirement or is exempted from the requirement by law. Such exemptions are specified in Education Code 44252 and 44830. Unless exempted, persons who have been granted a credential by CTC have met the basic skills proficiency requirement as a condition of obtaining the credential.

The district shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

CSBA NOTE: According to CTC leaflet CL-667, "Basic Skills Requirement", the basic skills proficiency requirement may be met as reflected in Items #1-8, below.

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. 1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)
2. 2. Passage of the California Subject Examinations for Teachers: Multiple Subjects plus Writing Skills Examination
3. 3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)
4. 4. Achieving a qualifying score on the Scholastic Aptitude Test or the American College Test (Education Code 44252)
5. 5. Achieving a qualifying score on College Board Advanced Placement Examinations
6. 6. Passage of a basic skills examination from another state

CSBA NOTE: Pursuant to Education Code 44252, as amended by AB 130 (Ch. 44, Statutes of 2021), a person is exempt from the basic skills proficiency test requirement by earning at least a letter grade of B in qualifying coursework determined by a credential preparation program, or determined by CTC for an applicant not enrolled in a California credential preparation program. "Qualifying coursework" means a course or courses taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Pursuant to Education Code 44203, as amended by AB 320 (Ch. 663, Statutes of 2021), the definition of a "regionally accredited institution" includes an institution of higher education that held preaccreditation status at the time the degree of an applicant for a credential was conferred if the institution achieved full accreditation status within five years of earning preaccreditation status in addition to an institution of higher education that

has already been designated as regionally accredited. CTC is proposing emergency regulations to implement the statutory changes to subject matter competence requirements enacted by AB 130; see CTC Coded Correspondence 21-06 for more information on the proposed regulations.

7. 7. Qualifying coursework (Education Code 44252)

CSBA NOTE: Pursuant to Education Code 44252, as amended by AB 130 and AB 167 (Ch. 252, Statutes of 2021), a person is exempt from the basic skills proficiency test requirement if a credential preparation program or CTC determines that an applicant has demonstrated proficiency through a combination of coursework, as described in Item #7, above, passage of a component or components of the basic skills proficiency test, and scores described in Items #3 and 4, above.

8. 8. Qualifying coursework and exams (Education Code 44252)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by CTC unless the teacher has completed a basic skills proficiency test in another state, passed a basic skills proficiency test developed and administered by the district, by cooperating districts or by the county office of education (COE), or is otherwise exempted by law. The district shall develop a basic skills proficiency test, which shall be at least equivalent to the district test required for high school graduation, for purposes of assessing out-of-state prepared teachers pending completion of the basic skills requirement. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

CSBA NOTE: Pursuant to Education Code 44252 and 44830, persons holding or applying for a "designated subjects special subjects" credential must be assessed with a district basic skills proficiency test, unless their credential requires possession of a bachelor's degree in which case they are required to meet the state basic skills proficiency requirement. When such persons are employed by a consortium of districts or a joint powers agreement, the test may instead be established by the boards of those entities.

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a district proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The district may charge a fee to persons being tested to cover the costs of developing, administering, and grading the district proficiency test. (Education Code 44252, 44830)

### Short-Term Staff Permit

CSBA NOTE: 5 CCR 80021 establishes the short-term staff permit (STSP) to immediately fill teacher vacancies based on unforeseen circumstances. Pursuant to 5 CCR 80021, CTC will issue the STSP to an individual only once and for no more than one year. The STSP will expire no later than July 1, unless the STSP is for a summer school assignment in which case the STSP will expire no later than September 1.

The district may request that CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. 1. Enrollment adjustments requiring the addition of another teacher
2. 2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. 3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. 4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. 5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to CTC: (5 CCR 80021)

1. 1. Verification that the district has conducted a local recruitment for the permit being requested
2. 2. Verification that the district has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit
3. 3. Written justification for the permit signed by the Superintendent or designee

CSBA NOTE: 5 CCR 80021 provides that a holder of the STSP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). 5 CCR 80021 provides that all STSPs will also include an English learner authorization allowing the holder to provide services in English language development (ELD) ~~or~~ **and** specially designed academic instruction in English (SDAIE); see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the STSP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction

delivered in the primary language, in addition to ELD and SDAIE.

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

### Provisional Internship Permit

CSBA NOTE: 5 CCR 80021.1 establishes the provisional internship permit (PIP) to staff classrooms when appropriately credentialed teachers cannot be found after a diligent search. 5 CCR 80021.1 provides that the PIP will be issued for one calendar year and may not be renewed.

Before requesting that CTC issue a provisional internship permit (PIP), the district shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the district shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. 1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.
2. 2. Orientation, guidance, and assistance ~~shall~~will be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience.

3. 3. The district ~~shall~~will assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. 4. The district ~~shall~~will assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter

competence requirement related to the permit.

5. 5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at an open Governing Board meeting which shall state states the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. 6. The candidate has been apprised of steps to earn a credential and enroll in an interninternship program.

CSBA NOTE: 5 CCR 80021.1 provides that a holder of the PIP is authorized to provide the same service as a holder of the preliminary or clear credential of the same type (i.e., multiple subject, single subject, education specialist). In addition, 5 CCR 80021.1 provides that all PIPs will include an English learner authorization allowing the holder to provide services in ELD or and SDAIE; see AR 4112.22 - Staff Teaching English Learners. Upon request by the district and verification of the applicant's target-language proficiency, the PIP may instead include a bilingual authorization allowing the holder to provide instruction for primary language development or content instruction delivered in the primary language, in addition to ELD and SDAIE.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

### Teaching Permit for Statutory Leave

CSBA NOTE: 5 CCR 80022 establishes the Teaching Permit for Statutory Leave (TPSL), which authorizes the holder to serve as the interim teacher of record when a teacher takes a statutory leave. The applicable statutory leaves are specified in 5 CCR 80022 and, as clarified by CTC Coded Correspondence 16-10, exclude administrative leave. The TPSL is valid for one calendar year from the first day of the month immediately following the date of issuance, but may be renewed on an annual basis provided that the holder completes additional requirements as specified and the district verifies that it will provide continued mentoring and support.

Qualifications required for the TPSL include possession of a bachelor's or higher degree, completion of the basic skills requirement unless exempted by state law or regulations, completion of the subject-matter requirement for the authorization, and 45 hours of preservice preparation in the content areas listed in 5 CCR 80022. The design and delivery of the preservice preparation are at the discretion of the district and, as described in CTC Coded Correspondence 16-10, may include existing training and development programs, new preparation courses or modules, and/or partnerships with the COE, neighboring districts, colleges and universities, or private companies. CTC does not accredit or oversee any TPSL preparation. The following paragraph may be revised to

reflect district practice.

Whenever there is an anticipated need for the district to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, [administrative leave related to dismissal and suspension proceedings](#), [military leave](#), or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may request that CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to CTC, the district shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

A request for the TPSL shall only be submitted if the district has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The district shall verify to CTC that it will provide the interim teacher: (5 CCR 80022)

1. [1.](#) An orientation to the assignment before or during the first month of service in the statutory leave assignment
2. [2.](#) An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment
3. [3.](#) Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

CSBA NOTE: The TPSL authorizes the interim teacher of record to serve for the full length of the statutory leave. CTC Coded Correspondence 16-10 clarifies that, when more than one acceptable leave is taken consecutively, the holder of the TPSL may continue to serve as the interim teacher of record for the entire length of those leaves.

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the district is continuing to provide mentoring in accordance with ~~items~~ [items](#) #2-3 above. (5 CCR 80022)



## Long-Term Emergency Permits

CSBA NOTE: Pursuant to Education Code 44225.7, the district may request that CTC grant an applicant a one-year emergency permit (in accordance with Education Code 44300; and 5 CCR 80023-80026.6) when a "fully prepared teacher," defined as a teacher who has completed a teacher preparation program, is unavailable to the district. Emergency permits may only be issued for the resource specialist permit (5 CCR 80024.3.1), teacher librarian services permit (5 CCR 80024.6), crosscultural, language and academic development permit (CLAD) (5 CCR 80024.8), and bilingual authorization permit (5 CCR 80024.7).

Pursuant to 5 CCR 80023.1, an emergency permit may be renewed for up to two additional one-year periods (for a maximum of three years of service).

In order to request an emergency permit, the district must first demonstrate that it has made reasonable efforts to recruit candidates who are enrolled in an intern program or are scheduled to complete preliminary credential requirements within six months and must submit a Declaration of Need for Fully Qualified Educators; see the accompanying Board policy.

As necessary, the Superintendent or designee may request that CTC issue an emergency resource specialist permit, emergency teacher librarian services permit, emergency crosscultural language and academic development permit (CLAD), or emergency bilingual authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

## Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit (ETK)

CSBA NOTE: Pursuant to Education Code 44300, as amended by AB 210 (Ch. 62, Statutes of 2022), the district may request a one-year early childhood education (ECE) emergency specialist permit that authorizes the teaching of all subjects in a self-contained transitional kindergarten (TK) general education classroom. Applicants for an ECE emergency specialist permit must meet the following qualifications and possess a baccalaureate or higher degree from a regionally accredited institution of higher education, hold a valid CTC-issued child development permit at the teacher or higher level, and satisfy subject matter requirements in accordance with Education Code 44300. For more information regarding staffing requirements for TK, see BP 6170.1 – Transitional Kindergarten.

If, after conducting a diligent search, the district has been unable to recruit a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship,

district internship, or other alternative routes established by CTC, the Superintendent or designee may request CTC to issue a one-year early childhood education (ECE) emergency specialist permit that authorizes the teacher to teach all subjects in a self-contained transitional kindergarten (TK) general education classroom. (Education Code 44300)

The request to CTC shall include the following justifications for the need for the ECE emergency specialist permit: (Education Code 44300)

1. Annual documentation that the district has adopted in policy and practice a process for conducting a diligent search as defined in Education Code 44300
2. A Declaration of Need for Fully Qualified Educators based on the documentation set forth in Item #1, and adopted by the Board at a regularly scheduled Board meeting
3. Verification that the district will provide the required orientation, mentoring, and support
4. The Board's receipt, at a regularly scheduled Board meeting, of a report on the orientation, mentoring, and support described in Item #3

The district may request CTC to renew the ECE emergency specialist permit for one additional year provided the following occurs: (Education Code 44300)

1. The applicant verifies current enrollment in a commission-approved teacher preparation program that will result in a credential authorizing teaching TK
2. The district submits a Declaration of Need for Fully Qualified Educators in the same manner as described in Item #2, above
3. The district verifies that the applicant continues to successfully serve in the assignment on the basis of the ECE emergency specialist permit
4. The district verifies continued orientation, mentoring, and support, with reporting to the Board in the same manner as described in Item #3, above

## Substitute Teaching Permits

The district may employ a person whose credential or permit authorizes substitute teaching services, provided that:

CSBA NOTE: Pursuant to Education Code 44300, as amended by SB 1397 (Ch. 335, Statutes of 2022), CTC is required, until July 1, 2024, to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute permit. This waiver may not be used to satisfy the basic skills proficiency requirement for any other teaching credential, permit, or certificate.

1. 1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSP, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)

CSBA NOTE: Pursuant to 5 CCR 80025.1, an emergency career substitute teaching permit requires the individual to possess a baccalaureate or higher degree from a regionally accredited institution of higher education and pass the CBEST unless exempted by state law or regulations. In addition, pursuant to Education Code 44300.5, as added by AB 1876 (Ch. 113, Statutes of 2022), the district must verify that either the applicant has completed three consecutive years of at least 90 days per year of day-to-day substitute teaching in the district in the three years immediately preceding the application, that the applicant has completed at least 90 days per year of day-to-day substitute teaching accumulated from one or more districts participating in a consortium with the district in the three years immediately preceding the application, or if the COE is responsible for the assignment of day-to-day substitutes for the districts in its jurisdiction, that the applicant has completed three consecutive years of at least 90 days per year of day-to-day substitute teaching accumulated from one or more districts in the county requesting the permit in the three years immediately preceding the date of application.

2. 2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. 3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. 4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

CSBA NOTE: 5 CCR 80025 and 80025.5 require the district to have a Statement of Need on file before employing a person with an emergency substitute permit pursuant to ~~item~~Item #1 or 4 above. The CTC form for the CTC's Statement of Need may be found in form is available on CTC's online, "Credential Information Guide," which may be accessed only by employers web site.

Before employing a person with an emergency substitute permit pursuant to ~~item~~Item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

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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.

<b>State</b>	<b>Description</b>
5 CCR 80001- <del>80674.6</del> <a href="#">80694</a>	Commission on Teacher Credentialing
Ed. Code 32340-32341	Unlawful issuance of a credential
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 44066	Limitations on certification requirements
Ed. Code 44200-44418	Teacher credentialing
Ed. Code 44250-44277	Credentials and assignment of teachers
Ed. Code 44300-44302	Emergency permit
Ed. Code 44325-44328	District interns
Ed. Code 44330-44355	Certificates and credentials
<a href="#">Ed. Code 44395</a>	<a href="#">National Board for Professional Teaching Standards Certification Incentive Program</a>
Ed. Code 44420-44440	Revocation and suspension of credentials
Ed. Code 44450-44468	University internship program
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills
Ed. Code 56060-56063	Substitute teachers in special education
Ed. Code 8295-8305	Child development program; personnel qualifications
<b>Federal</b>	<b>Description</b>
20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.61	Parent notification regarding teacher qualifications
<b>Management Resources</b>	<b>Description</b>
<a href="#">Commission on Teacher Credentialing Publication</a>	<a href="#">Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency, Coded Correspondence 22-06, October 21, 2022</a>
Commission on Teacher Credentialing Publication	Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021
Commission on Teacher Credentialing Publication	Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022
Commission on Teacher Credentialing Publication	Waiver Requests Guidebook, 2015
Commission on Teacher Credentialing Publication	Credential Information Guide

Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), <a href="#">October</a> 2009
Commission on Teacher Credentialing Publication	CL-667 Basic Skills Requirement
Commission on Teacher Credentialing Publication	CL-856 Provisional Internship Permit
Commission on Teacher Credentialing Publication	CL-858 Short-Term Staff Permit
Commission on Teacher Credentialing Publication	Subject Matter Authorization Guideline Book, December 2019
Commission on Teacher Credentialing Publication	Supplementary Authorization Guideline Book, December 2019
Commission on Teacher Credentialing Publication	<del>The Administrator's Manual, 2021</del>
Court Decision	Association of Mexican-American Educators ( <a href="#">AMAE</a> ) et al. v. State of California and the Commission on Teacher Credentialing, <del>(1993) 836</del> <a href="#">(2000) 231 F.Supp. 1534</a> <a href="#">3d 572</a>
Nat'l Board for Prof. Teaching Stds. Publication	Using Federal Funds for National Board Activities: An Action-Planning Guide
Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, CA NBPTS Certification Incentive Program
Website	<a href="https://nbrc.stanford.edu/">National Board Resource Center (https://nbrc.stanford.edu/)</a>
Website	National Board for Professional Teaching Standards
Website	<a href="https://oal.ca.gov/">Office of Administrative Law (https://oal.ca.gov/)</a>
Website	<a href="https://www.ctc.ca.gov/">Commission on Teacher Credentialing (https://www.ctc.ca.gov/)</a>
Website	CSBA
Website	U.S. Department of Education

## Cross References

<b>Code</b>	<b>Description</b>
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
3580	District Records
3580	District Records
4111	Recruitment And Selection
4112	Appointment And Conditions Of Employment
4112.21	Interns
4112.21	Interns
4112.22	Staff Teaching English Learners
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113	Assignment
4113	Assignment
4114	Transfers
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
4131.1	Teacher Support And Guidance
4131.1	Teacher Support And Guidance
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.3	Professional Leaves

4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4261.11	Industrial Accident/Illness Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4317.14	Postretirement Employment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.8	Family Care And Medical Leave
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6146.1	High School Graduation Requirements
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

6158	Independent Study
6158	Independent Study
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6170.1	Transitional Kindergarten
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6183	Home And Hospital Instruction
6200	Adult Education
6200	Adult Education



**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Exhibit 4112.9-E(1): Employee Notifications****Status: ADOPTED**

Original Adopted Date: 05/01/2016 | Last Revised Date: ~~03/06/01/2022~~[2023](#) | Last Reviewed Date: ~~03/06/01/2022~~[2023](#)

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

**I. To All Employees**

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

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

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

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

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

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

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21

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

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

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

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures  
Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: To be included in AR 5141.21

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

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

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

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

When/Whom to Notify: To all employees

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

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

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

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

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

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

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

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

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

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

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

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

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

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

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in

districts with 25 or more employees

Education or Other Legal Code: Labor Code 230.1

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

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

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

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

Subject: Amount of sick leave available

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

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

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

Education or Other Legal Code: Labor Code 2800.2

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

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

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

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

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

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

Education or Other Legal Code: Labor Code 3551

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

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

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

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

Education or Other Legal Code: Labor Code 6409.6

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

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

When/Whom to Notify: Prior to beginning employment

Education or Other Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

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

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

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

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

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

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

When/Whom to Notify: To all employees ~~working with homeless families~~  
~~Education or Other Legal Code: 42 USC 11432~~  
~~Board Policy/Administrative Regulation #: AR 6173~~  
~~Subject: Duties of district liaison for homeless students~~

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

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

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

## **II. To Certificated Employees**

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Education or Other Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Education or Other Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Education or Other Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Education or Other Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Education or Other Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Education or Other Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter

Education or Other Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15

Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

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

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

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

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

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

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

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

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

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

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

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

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

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

Education or Other Legal Code: Education Code 44954  
 Board Policy/Administrative Regulation #: BP 4121  
 Subject: District's decision not to reelect employee for following school year

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

Education or Other Legal Code: Education Code 44955.5  
 Board Policy/Administrative Regulation #: BP 4117.3  
 Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

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

Education or Other Legal Code: Education Code 49079  
 Board Policy/Administrative Regulation #: AR 4158/4258/4358  
 Subject: Student has committed specified act that constitutes ground for suspension or expulsion

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

Education or Other Legal Code: Education Code 48201  
 Board Policy/Administrative Regulation #: AR 4158/4258/4358  
 Subject: Student has committed specified act that constitutes ground for suspension or expulsion

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

Education or Other Legal Code: 5 CCR 80303  
 Board Policy/Administrative Regulation #: AR 4117.7/4317.7  
 Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

### **III. To Classified Employees**

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

Education or Other Legal Code: Education Code 45113  
 Board Policy/Administrative Regulation #: AR 4218  
 Subject: Notice of charges, right to hearing, timeline for requesting hearing

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

Education or Other Legal Code: Education Code 45117  
 Board Policy/Administrative Regulation #: AR 4217.3  
 Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

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

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

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

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

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

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

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

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

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

Education or Other Legal Code: Education Code 45192, 45195

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

Subject: Exhaustion of leave, opportunity to request additional leave

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

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

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

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

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

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

Education or Other Legal Code: 49 CFR 382.113, 382.601

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

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



When/Whom to Notify: To school bus drivers, prior to operating school bus  
 Education or Other Legal Code: 49 CFR 382.303  
 Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42  
 Subject: Post accident information, procedures, and instruction

#### **IV. To Administrative/Supervisory Personnel**

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract  
 Education or Other Legal Code: Education Code 35031  
 Board Policy/Administrative Regulation #: BP 2121, BP 4312.1  
 Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position  
 Education or Other Legal Code: Education Code 44896  
 Board Policy/Administrative Regulation #: AR 4313.2  
 Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year  
 Education or Other Legal Code: Education Code 44951  
 Board Policy/Administrative Regulation #: AR 4313.2  
 Subject: Notice that employee may be released or reassigned the following school year

#### **V. To Individual Employees Under Special Circumstances**

When/Whom to Notify: In the event of a breach of security of district records to affected employees  
 Education or Other Legal Code: Civil Code 1798.29  
 Board Policy/Administrative Regulation #: BP 3580  
 Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file  
 Education or Other Legal Code: Education Code 44031  
 Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6  
 Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector  
 Education or Other Legal Code: Education Code 49414  
 Board Policy/Administrative Regulation #: AR 5141.21  
 Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline  
 Education or Other Legal Code: Government Code 3304  
 Board Policy/Administrative Regulation #: AR 3515.3  
 Subject: Decision to impose discipline, including the date that discipline will be imposed

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

Education or Other Legal Code: Government Code 20997

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

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

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

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

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

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

Education or Other Legal Code: Government Code 54963

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

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

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

Education or Other Legal Code: Labor Code 230

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

Subject: Accommodations and leave for victims of domestic violence

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

Education or Other Legal Code: Labor Code 3553, 5401

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

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

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

Education or Other Legal Code: Penal Code 11105, 11105.2

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

Subject: Copy of DOJ notification

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

Education or Other Legal Code: 8 CCR 3204

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

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

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemical chemicals are present, upon initial assignment and upon new within 15 working days after receiving a monitoring result related to an employee exposure situation determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: ~~Location~~ [Contents of 8 CCR 5191, including location](#) and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

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

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

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

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

Education or Other Legal Code: 38 USC 4334

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

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

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

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

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

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

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

Education or Other Legal Code: 29 CFR 825.300

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

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

[When/Whom to Notify: To all employees working with families experiencing homelessness](#)

[Education or Other Legal Code: Education Code 48851.3, 42 USC 11432](#)

[Board Policy/Administrative Regulation #: AR 6173](#)

[Subject: Duties of district liaison for homeless students and availability of training and services](#)

#### **Policy Reference UPDATE Service**

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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.

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

Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
<u>Ed. Code 48851.3</u>	<u>Education of students in foster care and students who are homeless</u>
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B

H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
<b>Federal</b>	<b>Description</b>
29 CFR 825.300	Family and Medical Leave Act; notice requirement
<a href="#"><u>34 CFR 100</u></a>	<a href="#"><u>Nondiscrimination under programs receiving federal assistance</u></a>
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
<a href="#"><u>20 USC 2354</u></a>	<a href="#"><u>Local application for career and technical education programs</u></a>
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

**Management Resources**  
Website

**Description**  
CSBA District and County Office of Education Legal Services

**Cross References**

<b>Code</b>	<b>Description</b>
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check

4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
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**CSBA Sample District Policy Manual**  
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**Policy 4140: Bargaining Units****Status: ADOPTED**

Original Adopted Date: 11/01/2011 | Last Revised Date: ~~09/06/01/2022~~[2023](#) | Last Reviewed Date: ~~09/06/01/2022~~[2023](#)

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

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

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

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

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

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

wearing of union buttons that support the union's position in collective bargaining.

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

### Formation of Bargaining Units

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

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

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

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

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

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

*Management employee* means ~~any~~ an employee ~~who has~~ in a position having significant responsibilities for formulating district policies or administering district programs, ~~and whose position is.~~ Management positions shall be designated as a management position by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

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

### Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district 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. Pursuant to Government Code 3551.5, as added by SB 931 (Ch. 823, Statutes of 2022), any district found by PERB to be in violation of this prohibition may be subject to civil penalties of \$1,000 for each affected employee, up to a maximum of \$100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization.

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, 3551.5)

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 CSBA's District and County Office of Education Legal Services or the district's district 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.~~ to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. 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~~ rights under the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

### Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other

means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's 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 issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

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

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

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

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

Upon the request of an exclusive representative scheduling, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

Within seven days of an exclusive representative's request to schedule 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. If

such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

## 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~~7928.300, 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~~7928.300, 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* Los Angeles County Employee Relations Commission, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

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

7928.300)

However, the Superintendent or designee shall not disclose the: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions; ~~nor disclose the home address, home~~

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6207 to protect victims of domestic violence, sexual



assault, and stalking. This type of protection has been extended, pursuant to Government Code 6215 and 6215.2, as amended by SB 1131 (Ch. 554, Statutes of 2022), to employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 ~~or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the~~
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers 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~~ if the alleged violation ~~that~~ involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation 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,~~ To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees ~~to ensure that the list is complete and contains accurate information.~~ at the beginning of each school year, or more often as appropriate.

## 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.

<b>State</b>	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
<del>8 CCR 34020</del>	<del>Petition to rescind organizational security arrangement</del>
<del>8 CCR 34055</del>	<del>Reinstatement of organizational security arrangement</del>
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 <del>position</del> <u>and confidential positions</u> ; 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 <del>6254.3</del> <a href="#">6215-6216</a>	Disclosure of employee contact information to employee organization <a href="#">Address confidentiality for individuals who face threats or violence because of work for a public entity</a>
Gov. Code 6503.5	Joint powers agencies; <a href="#">agreement</a>
<a href="#">Gov. Code 7920.200-7930.215</a>	<a href="#">Public Records Act</a>
<a href="#">Gov. Code 7928.300</a>	<a href="#">Personal information of agency employee</a>
<b>Federal</b>	<b>Description</b>
8 CFR <del>33015-33490</del>	Recognition of exclusive representative; proceedings
8 CFR <del>33700-33710</del>	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, <a href="#">Los Angeles County Employee Relations Commission</a> (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services
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**

<b>Code</b>	<b>Description</b>
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
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4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
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4143	Negotiations/Consultation
4151	Employee Compensation
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4219.1	Civil And Legal Rights
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4241	Collective Bargaining Agreement
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9321-E(2)	Closed Session

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Regulation 4161.1: Personal Illness/Injury Leave****Status: ADOPTED**

Original Adopted Date: 03/01/2017 | Last Revised Date: ~~03/06/01/2019~~2023 | Last Reviewed Date: ~~03/06/01/2019~~2023

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

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

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

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

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

**Use of Sick Leave**

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

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)
3. Personal necessity (Education Code 44981)

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

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

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child; if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

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

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; ~~12945.6~~; 29 USC 2612; 29 CFR 825.112)

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



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

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

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

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

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

CSBA NOTE: The following paragraph is optional.

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

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

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

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

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

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

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

### **Additional Leave for Disabled Military Veterans**

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

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

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

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

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

### **Notification of Absence**

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

An employee shall notify the ~~district~~ Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day

preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

### Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

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

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

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

#### OPTION 1:

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

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

#### OPTION 1 ENDS HERE

#### OPTION 2:

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

#### OPTION 2 ENDS HERE

## Absence Beyond Five-Month Period/Reemployment List

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

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

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

## Parental Leave

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

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

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

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

CSBA NOTE: Pursuant to Education Code 44977.5, the district is required to provide differential pay to a certificated employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. ~~As amended by AB 2012 (Ch.~~

994, Statutes of 2018), Education Code 44977.5 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

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

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

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

### Verification Requirements

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

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

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

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

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

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

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

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

### Healthy Workplaces, Healthy Families Act Requirements

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

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

- a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
  3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
  4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

#### **Policy Reference 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.

<b>State</b>	<b>Description</b>
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Ed. Code 44976	Transfer of leave rights when school is transferred to another district
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 44978	Sick leave; certificated employees
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list
Ed. Code 44978.2	Leave for military service -connected disability
Ed. Code 44979	Transfer of accumulated sick leave to another district

Ed. Code 44980	Transfer of <del>accumulate</del> <u>accumulated</u> sick leave to a county office of education
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44983	Compensation during leave; certificated employees
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 44986	Leave of absence; state disability benefits
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
Lab. Code 233	<del>Illness of child, parent, spouse or domestic partner</del> <u>Leave to attend to family illness</u>
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
<b>Federal</b>	<b>Description</b>
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
<b>Management Resources</b>	<b>Description</b>
Court Decision	Veguez v. Governing Board of Long Beach Unified School District; (2005) 127 Cal.App.4th 406
Website	CSBA District and County Office of Education Legal Services

**Cross References**

<b>Code</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan
2121	Superintendent's Contract
4032	Reasonable Accommodation
4112.2	Certification
4112.2	Certification



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

4213.5	Working Remotely
4219.41	Employees With Infectious Disease
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257.1	Work-Related Injuries
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
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4261.9	Catastrophic Leave Program
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4317.11	Preretirement Part-Time Employment
4319.41	Employees With Infectious Disease
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357.1	Work-Related Injuries
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave

4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

## Regulation 4161.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 09/06/01/20222023 | Last Reviewed Date: 09/06/01/20222023

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

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

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult CSBA's 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 Pursuant to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.27, as amended added by AB 1033 1949 (Ch. 327767, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) 2022, districts are required to provide up to five days of bereavement leave. Thus, to ensure consistency, for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the definition bereavement leave. Education Code 44985 and 45194 grant three days, or five days if out-of-state travel is required, of paid bereavement leave for certificated and classified employees upon the death of a member of the employee's "immediate family." Government Code 12945.7, as added by AB 1949, potentially expands the length of this leave. Education Code 44985 and 45194 grant bereavement leave for a member of the employee's "immediate family" below includes "mother-in-law" and father-in-law," as permitted by law. , the definition of which is more expansive than a "family member," pursuant to Government Code 12945.7. Any bereavement leave taken under the Education Code and/or Government Code runs concurrently and not consecutively.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal

leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. Additionally, Government Code 12945.7, as added by AB 1949, makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

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

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: , as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

**CSBA NOTE:** Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2 includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" includes "parent-in-law" as permitted by law.

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

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

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

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

### Personal Necessity

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

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to

districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

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

Acceptable reasons for the use of personal necessity leave include:

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

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

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.

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

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

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

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

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

5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

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

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

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

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

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

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

### Leave to Perform Legal Duties

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

Pursuant to Education Code 44037, it is unlawful for the district, or personnel commission **for merit districts**, to (1) adopt any rule, regulation, or policy that encourages classified employees to seek

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

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

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

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

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

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

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

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

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

### **Leaves for Crime Victims for Judicial Proceedings**

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

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

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



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

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

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

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

### **Leaves for Victims of Crime or Abuse**

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

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

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

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

agency) or any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf.

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

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

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

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

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

### Personal Leave for Child-Related Activities

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

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

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

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
  - a. A request by the school or child care provider that the child be picked up
  - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
  - c. Behavioral or discipline problems
  - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
  - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

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

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

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

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

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

### **Service on Education Boards and Committees**

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

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

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

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

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

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

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

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

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

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

## Religious Leave

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should

delete this section. However, the district should consult CSBA's 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.

<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.

Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45194	Bereavement leave of absence; classified
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity; classified
Ed. Code 45210	Service as officer of employee organization; classified
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
<a href="#"><u>Gov. Code 12945.7</u></a>	<a href="#"><u>Bereavement leave</u></a>
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	<del>Illness of child, parent, spouse or domestic partner</del> <a href="#"><u>Leave to attend to family illness</u></a>
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
<b>Federal</b>	<b>Description</b>
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
<b>Management Resources</b>	<b>Description</b>
Court Decision	Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services

Website	California Department of Industrial Relations
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association

## Cross References

Code	Description
2121	Superintendent's Contract
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4143	Negotiations/Consultation
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4243	Negotiations/Consultation
4258	Employee Security
4258	Employee Security
4261	Leaves
4261	Leaves



4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4340	Bargaining Units
4358	Employee Security
4358	Employee Security
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave
5148	Child Care And Development
5148	Child Care And Development

## Regulation 4161.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 07/01/2015 | Last Revised Date: 06/01/2022~~2023~~ | Last Reviewed Date: 06/01/2022~~2023~~

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

### Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

*Child* means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1041 (Ch. 748, Statutes of 2022), a designated person, as defined below, is added to the class of people an employee may take leave to care for under CFRA. A designated person may be identified by the employee at the time of the employee's requests for the leave, and the district may limit employees to one designated person per 12-month period.

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

*Eligible employee*, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes 1041, a ~~parent-in-law~~ "designated person," as defined above, is included in the definition of "parent" "eligible family member" for purposes of CFRA leave.

*Eligible family member* means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

*Employee disabled by pregnancy* means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

*Parent* means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

*Serious health condition* means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

*Spouse* means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

### Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

## Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

~~OPTION 1: The 12-month period shall coincide with the calendar year. (29 CFR 825.200)~~

~~OPTION 2: The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)~~

~~OPTION 3: The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)~~

**OPTION 4:** The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult [CSBA's District and County Office of Education Legal Services or district legal counsel](#) as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

### Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

**OPTION 1:** During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

#### **OPTION 1 ENDS HERE**

~~**OPTION 2:** During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)~~

#### **OPTION 2 ENDS HERE**

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

### Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member-

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child-

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

### Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an

employee's refusal to provide further information, [CSBA's District and County Office of Education Legal Services of district](#) legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

### **Certification of Health Condition**



CSBA NOTE: Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, expands the CFRA leave an eligible employee may take to include caring for a designated person with a serious health condition. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period.

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

### **Certification of Health Condition**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the

eligible family member during a period of the treatment or supervision

- b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
  5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with [CSBA's District and County Office of Education Legal Services or district](#) legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

### **Certification for PDL**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the

appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

### Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

### Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

### **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

### **Military Family Leave Resulting from Qualifying Exigencies**

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as

a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

*Covered active duty* means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's [DOL's](#), "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its ~~web site~~ [website](#).

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with ~~regards~~ [regard](#) to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

### **Military Caregiver Leave**

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

*Child of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

*Parent of a covered servicemember* means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

*Next of kin* means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

*Outpatient status* means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

*Serious injury or illness* means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating;
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
  - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
  - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
  - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA, leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

## Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the ~~web sites~~ [websites](#) of the California [Civil Rights](#) Department of Fair Employment and Housing and the DOL.



Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
  - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

## Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

**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.

<b>State</b>	<b>Description</b>
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Fam. Code 300	Definition of marriage
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair employment and Housing Act: discrimination prohibited
<b>Federal</b>	<b>Description</b>
1 USC 7	Definition of marriage and spouse
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
<b>Management Resources</b>	<b>Description</b>
Court Decision	Faust v. California Portland Cement Company; (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines; (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor; (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

Website	U.S. Department of Labor, FMLA
Website	California Civil Rights Department

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program

4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Exhibit 4212.9-E(1): Employee Notifications****Status: ADOPTED**

Original Adopted Date: 05/01/2016 | Last Revised Date: ~~03/06/01/2022~~[2023](#) | Last Reviewed Date: ~~03/06/01/2022~~[2023](#)

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

**I. To All Employees**

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

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

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

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

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

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

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21

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

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

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

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures  
Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: To be included in AR 5141.21

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

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

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

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

When/Whom to Notify: To all employees

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

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

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

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

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

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

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

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

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

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

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

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

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

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

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in

districts with 25 or more employees

Education or Other Legal Code: Labor Code 230.1

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

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

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

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

Subject: Amount of sick leave available

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

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

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

Education or Other Legal Code: Labor Code 2800.2

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

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

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

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

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

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

Education or Other Legal Code: Labor Code 3551

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

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

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

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

Education or Other Legal Code: Labor Code 6409.6

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

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

When/Whom to Notify: Prior to beginning employment

Education or Other Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

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



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

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

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

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

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

When/Whom to Notify: To all employees ~~working with homeless families~~  
~~Education or Other Legal Code: 42 USC 11432~~  
~~Board Policy/Administrative Regulation #: AR 6173~~  
~~Subject: Duties of district liaison for homeless students~~

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

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

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

## **II. To Certificated Employees**

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Education or Other Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Education or Other Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Education or Other Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Education or Other Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Education or Other Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Education or Other Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter

Education or Other Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121

Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15

Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

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

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

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

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

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

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

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

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

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

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

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

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

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

Education or Other Legal Code: Education Code 44954  
 Board Policy/Administrative Regulation #: BP 4121  
 Subject: District's decision not to reelect employee for following school year

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

Education or Other Legal Code: Education Code 44955.5  
 Board Policy/Administrative Regulation #: BP 4117.3  
 Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

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

Education or Other Legal Code: Education Code 49079  
 Board Policy/Administrative Regulation #: AR 4158/4258/4358  
 Subject: Student has committed specified act that constitutes ground for suspension or expulsion

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

Education or Other Legal Code: Education Code 48201  
 Board Policy/Administrative Regulation #: AR 4158/4258/4358  
 Subject: Student has committed specified act that constitutes ground for suspension or expulsion

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

Education or Other Legal Code: 5 CCR 80303  
 Board Policy/Administrative Regulation #: AR 4117.7/4317.7  
 Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

### **III. To Classified Employees**

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

Education or Other Legal Code: Education Code 45113  
 Board Policy/Administrative Regulation #: AR 4218  
 Subject: Notice of charges, right to hearing, timeline for requesting hearing

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

Education or Other Legal Code: Education Code 45117  
 Board Policy/Administrative Regulation #: AR 4217.3  
 Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

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

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

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

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

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

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

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

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

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

Education or Other Legal Code: Education Code 45192, 45195

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

Subject: Exhaustion of leave, opportunity to request additional leave

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

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

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

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

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

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

Education or Other Legal Code: 49 CFR 382.113, 382.601

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

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

When/Whom to Notify: To school bus drivers, prior to operating school bus  
 Education or Other Legal Code: 49 CFR 382.303  
 Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42  
 Subject: Post accident information, procedures, and instruction

#### **IV. To Administrative/Supervisory Personnel**

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract  
 Education or Other Legal Code: Education Code 35031  
 Board Policy/Administrative Regulation #: BP 2121, BP 4312.1  
 Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position  
 Education or Other Legal Code: Education Code 44896  
 Board Policy/Administrative Regulation #: AR 4313.2  
 Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year  
 Education or Other Legal Code: Education Code 44951  
 Board Policy/Administrative Regulation #: AR 4313.2  
 Subject: Notice that employee may be released or reassigned the following school year

#### **V. To Individual Employees Under Special Circumstances**

When/Whom to Notify: In the event of a breach of security of district records to affected employees  
 Education or Other Legal Code: Civil Code 1798.29  
 Board Policy/Administrative Regulation #: BP 3580  
 Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file  
 Education or Other Legal Code: Education Code 44031  
 Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6  
 Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector  
 Education or Other Legal Code: Education Code 49414  
 Board Policy/Administrative Regulation #: AR 5141.21  
 Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline  
 Education or Other Legal Code: Government Code 3304  
 Board Policy/Administrative Regulation #: AR 3515.3  
 Subject: Decision to impose discipline, including the date that discipline will be imposed

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

Education or Other Legal Code: Government Code 20997

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

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

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

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

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

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

Education or Other Legal Code: Government Code 54963

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

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

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

Education or Other Legal Code: Labor Code 230

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

Subject: Accommodations and leave for victims of domestic violence

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

Education or Other Legal Code: Labor Code 3553, 5401

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

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

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

Education or Other Legal Code: Penal Code 11105, 11105.2

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

Subject: Copy of DOJ notification

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

Education or Other Legal Code: 8 CCR 3204

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

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

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemical chemicals are present, upon initial assignment and upon new within 15 working days after receiving a monitoring result related to an employee exposure situation determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: ~~Location~~ [Contents of 8 CCR 5191, including location](#) and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

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

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

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

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

Education or Other Legal Code: 38 USC 4334

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

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

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

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

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

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

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

Education or Other Legal Code: 29 CFR 825.300

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

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

[When/Whom to Notify: To all employees working with families experiencing homelessness](#)

[Education or Other Legal Code: Education Code 48851.3, 42 USC 11432](#)

[Board Policy/Administrative Regulation #: AR 6173](#)

[Subject: Duties of district liaison for homeless students and availability of training and services](#)

#### **Policy Reference UPDATE Service**

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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.



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

Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
<a href="#"><u>Ed. Code 48851.3</u></a>	<a href="#"><u>Education of students in foster care and students who are homeless</u></a>
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B

H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
<b>Federal</b>	<b>Description</b>
29 CFR 825.300	Family and Medical Leave Act; notice requirement
<a href="#"><u>34 CFR 100</u></a>	<a href="#"><u>Nondiscrimination under programs receiving federal assistance</u></a>
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
<a href="#"><u>20 USC 2354</u></a>	<a href="#"><u>Local application for career and technical education programs</u></a>
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

**Management Resources**  
Website

**Description**  
CSBA District and County Office of Education Legal Services

**Cross References**

<b>Code</b>	<b>Description</b>
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
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3514	Environmental Safety
3514.1	Hazardous Substances
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3514.2	Integrated Pest Management
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3580	District Records
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4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check

4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
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4154	Health And Welfare Benefits
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4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
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4217.3	Layoff/Rehire
4219.11	Sexual Harassment
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4219.43	Universal Precautions
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4261.5	Military Leave
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4312.1	Contracts
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4312.5	Criminal Record Check
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4312.6	Personnel Files
4315	Evaluation/Supervision

4317.14	Postretirement Employment
4317.7	Employment Status Reports
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9321-E(1)

Closed Session

9321-E(2)

Closed Session



**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

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

Original Adopted Date: 11/01/2011 | Last Revised Date: ~~09/06/01/2022~~[2023](#) | Last Reviewed Date: ~~09/06/01/2022~~[2023](#)

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

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

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

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

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

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

wearing of union buttons that support the union's position in collective bargaining.

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

### Formation of Bargaining Units

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

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

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

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

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

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

*Management employee* means ~~any~~ an employee ~~who has~~ in a position having significant responsibilities for formulating district policies or administering district programs, ~~and whose position is.~~ Management positions shall be designated as a management position by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

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

### Membership

CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district 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. Pursuant to Government Code 3551.5, as added by SB 931 (Ch. 823, Statutes of 2022), any district found by PERB to be in violation of this prohibition may be subject to civil penalties of \$1,000 for each affected employee, up to a maximum of \$100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization.

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, 3551.5)

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 CSBA's District and County Office of Education Legal Services or the district's district 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.~~ to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. 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~~ rights under the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

### Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other

means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's 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 issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

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

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

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

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

Upon the request of an exclusive representative scheduling, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

Within seven days of an exclusive representative's request to schedule 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. If

such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

### 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~~7928.300, 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~~7928.300, 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* Los Angeles County Employee Relations Commission, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

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

7928.300)

However, the Superintendent or designee shall not disclose the: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions; ~~nor disclose the home address, home~~

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6207 to protect victims of domestic violence, sexual

assault, and stalking. This type of protection has been extended, pursuant to Government Code 6215 and 6215.2, as amended by SB 1131 (Ch. 554, Statutes of 2022), to employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 ~~or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the~~
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers 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~~ if the alleged violation ~~that~~ involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation 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,~~ To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees ~~to ensure that the list is complete and contains accurate information.~~ at the beginning of each school year, or more often as appropriate.

## 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
<del>8 CCR 34020</del>	<del>Petition to rescind organizational security arrangement</del>
<del>8 CCR 34055</del>	<del>Reinstatement of organizational security arrangement</del>
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 <del>position</del> <u>and confidential positions</u> ; 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 <del>6254.3</del> <a href="#">6215-6216</a>	Disclosure of employee contact information to employee organization <a href="#">Address confidentiality for individuals who face threats or violence because of work for a public entity</a>
Gov. Code 6503.5	Joint powers agencies; <a href="#">agreement</a>
<a href="#">Gov. Code 7920.200-7930.215</a>	<a href="#">Public Records Act</a>
<a href="#">Gov. Code 7928.300</a>	<a href="#">Personal information of agency employee</a>
<b>Federal</b>	<b>Description</b>
8 CFR <del>33015-33490</del>	Recognition of exclusive representative; proceedings
8 CFR <del>33700-33710</del>	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, <a href="#">Los Angeles County Employee Relations Commission</a> (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services
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**

<b>Code</b>	<b>Description</b>
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(1)	Closed Session
9321-E(2)	Closed Session

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Regulation 4261.1: Personal Illness/Injury Leave****Status: ADOPTED**

Original Adopted Date: 03/01/2017 | Last Revised Date: 03/06/01/2019 ~~2023~~ | Last Reviewed Date: 03/06/01/2019 ~~2023~~

CSBA NOTE: The following administrative regulation is subject to collective bargaining. ~~Twelve~~ Education Code 45191 provides a minimum of 12 days of paid personal illness or injury leave (sick leave) per year ~~is the minimum prescribed by Education Code 45191~~ for classified employees ~~employed~~ working five days a week, in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

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

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

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

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

## Use of Sick Leave

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

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

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

CSBA NOTE: Although Education Code 45193 does not expressly provide classified employees leave for miscarriage, in order to treat employees consistently, the Board may grant leave to classified employees for miscarriage as provided for certificated employees pursuant to Education Code 44965 and 44978.

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 45193)
3. Personal necessity as specified in (Education Code 45207)

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

4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child; ~~if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed.~~ For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

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

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2; ~~12945.6~~; 29 USC 2612; 29 CFR 825.112)

CSBA NOTE: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit ~~them~~an employee to use sick leave, in an amount not less than the sick leave

that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in ~~items #7-8 below~~ Items #7-8 below. Pursuant to Labor Code 233, designation of sick leave taken under this provision is at the sole discretion of the employee. Labor Code 233 does not extend the maximum period of leave to which an employee is entitled under CFRA or FMLA, regardless of whether the employee receives sick leave compensation during that leave.

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

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

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

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

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

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

CSBA NOTE: The following paragraph is optional.

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

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

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

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

### **Additional Leave for Disabled Military Veterans**

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

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

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

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

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

## Notification of Absence

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

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

## Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

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

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

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

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

### OPTION 1:

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

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

### OPTION 1 ENDS HERE



**OPTION 2:**

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

**OPTION 2 ENDS HERE****Parental Leave**

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

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

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

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

CSBA NOTE: Pursuant to Education Code 45196.1, the district is required to provide differential pay to a classified employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. ~~As amended by AB 2012 (Ch. 994, Statutes of 2018),~~ Education Code 45196.1 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

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

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50

percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

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

### Extension of Leave

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

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

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

### Verification Requirements

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

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

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

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

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

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

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

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

### **Short-Term and Substitute Employees**

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

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

**OPTION 1:**

~~Except for a retired annuitant who is not reinstated to the retirement system, short term or substitute employees who work for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)~~

**OPTION 1 ENDS HERE**

**OPTION 2:**

~~Except for a retired annuitant who is not reinstated to the retirement system, short term or substitute employees who work for 30 or more days within a year of their employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of their employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)~~

**OPTION 2 ENDS HERE**

**OPTION 3:**

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

**OPTION 3 ENDS HERE**

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

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

CSBA NOTE: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, a district is not required to inquire into the purposes for which an employee uses paid leave.

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

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care

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

### Healthy Workplaces, Healthy Families Act Requirements

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

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

#### Policy Reference 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.

<b>State</b>	<b>Description</b>
Ed. Code 45103	Classified service in districts not incorporating the merit system
Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45191	Personal illness and injury leave; classified employees
Ed. Code 45191.5	Leave for military service <del>connected</del> disability
Ed. Code 45193	Leave of absence for pregnancy <del>re; use of sick leave under certain circumstance</del>
Ed. Code 45195	Additional leave
Ed. Code 45196	Salary deductions during sick leave; classified employees
Ed. Code 45196.1	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 45202	Transfer of accumulated sick leave and other benefits
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	<del>Illness of child, parent, spouse or domestic partner</del> <a href="#">Leave to attend to family illness</a>
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
<b>Federal</b>	<b>Description</b>
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
<b>Management Resources</b>	<b>Description</b>
Court Decision	California School Employees Association v. Colton Joint Unified School District; (2009) 170 Cal.App.4th 957
Court Decision	California School Employees Association v. Tustin Unified School District; (2007) 148 Cal.App.4th 510
Website	CSBA District and County Office of Education Legal Services

## Cross References

<b>Code</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan
4032	Reasonable Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4119.41	Employees With Infectious Disease
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161	Leaves
4161	Leaves
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely

4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.41	Employees With Infectious Disease
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4319.41	Employees With Infectious Disease
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave



- 4361.8 Family Care And Medical Leave
- 4361.9 Catastrophic Leave Program
- 4361.9 Catastrophic Leave Program

## Regulation 4261.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 09/06/01/20222023 | Last Reviewed Date: 09/06/01/20222023

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

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

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult CSBA's 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 Pursuant to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.27, as amended added by AB 1033 1949 (Ch. 327767, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) 2022, districts are required to provide up to five days of bereavement leave. Thus, to ensure consistency, for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the definition bereavement leave. Education Code 44985 and 45194 grant three days, or five days if out-of-state travel is required, of paid bereavement leave for certificated and classified employees upon the death of a member of the employee's "immediate family." Government Code 12945.7, as added by AB 1949, potentially expands the length of this leave. Education Code 44985 and 45194 grant bereavement leave for a member of the employee's "immediate family" below includes "mother-in-law" and father-in-law," as permitted by law. , the definition of which is more expansive than a "family member," pursuant to Government Code 12945.7. Any bereavement leave taken under the Education Code and/or Government Code runs concurrently and not consecutively.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal

leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. Additionally, Government Code 12945.7, as added by AB 1949, makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

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

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: , as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

**CSBA NOTE:** Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2 includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" includes "parent-in-law" as permitted by law.

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

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

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

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

### Personal Necessity

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

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to

districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

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

Acceptable reasons for the use of personal necessity leave include:

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

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

~~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.~~

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

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

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

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

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

5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

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

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

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

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

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

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

### Leave to Perform Legal Duties

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

Pursuant to Education Code 44037, it is unlawful for the district, or personnel commission **for merit districts**, to (1) adopt any rule, regulation, or policy that encourages classified employees to seek

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

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

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

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

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

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

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

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

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

### **Leaves for Crime Victims for Judicial Proceedings**

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

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

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

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

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

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

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

### **Leaves for Victims of Crime or Abuse**

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

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

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

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

agency) or any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf.

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

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

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

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

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

### Personal Leave for Child-Related Activities

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

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

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



1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
  - a. A request by the school or child care provider that the child be picked up
  - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
  - c. Behavioral or discipline problems
  - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
  - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

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

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

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

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

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

### **Service on Education Boards and Committees**

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

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

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

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

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

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

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

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

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

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

### Religious Leave

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should

delete this section. However, the district should consult CSBA's 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.

<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.

Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45194	Bereavement leave of absence; classified
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity; classified
Ed. Code 45210	Service as officer of employee organization; classified
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
<a href="#"><u>Gov. Code 12945.7</u></a>	<a href="#"><u>Bereavement leave</u></a>
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	<del>Illness of child, parent, spouse or domestic partner</del> <a href="#"><u>Leave to attend to family illness</u></a>
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
<b>Federal</b>	<b>Description</b>
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
<b>Management Resources</b>	<b>Description</b>
Court Decision	Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services

Website	California Department of Industrial Relations
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association

## Cross References

Code	Description
2121	Superintendent's Contract
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4143	Negotiations/Consultation
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4243	Negotiations/Consultation
4258	Employee Security
4258	Employee Security
4261	Leaves
4261	Leaves

4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4340	Bargaining Units
4358	Employee Security
4358	Employee Security
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave
5148	Child Care And Development
5148	Child Care And Development

## Regulation 4261.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 07/01/2015 | Last Revised Date: 06/01/2022~~2023~~ | Last Reviewed Date: 06/01/2022~~2023~~

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

### Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

*Child* means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1041 (Ch. 748, Statutes of 2022), a designated person, as defined below, is added to the class of people an employee may take leave to care for under CFRA. A designated person may be identified by the employee at the time of the employee's requests for the leave, and the district may limit employees to one designated person per 12-month period.

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)



*Eligible employee*, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes 1041, a ~~parent-in-law~~ "designated person," as defined above, is included in the definition of "parent" "eligible family member" for purposes of CFRA leave.

*Eligible family member* means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

*Employee disabled by pregnancy* means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

*Parent* means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

*Serious health condition* means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

*Spouse* means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

### Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

## Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

**OPTION 1:** ~~The 12-month period shall coincide with the calendar year. (29 CFR 825.200)~~

**OPTION 2:** ~~The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)~~

**OPTION 3:** ~~The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)~~

**OPTION 4:** The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult [CSBA's District and County Office of Education Legal Services or district legal counsel](#) as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

### Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

~~**OPTION 1:** During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)~~

### **OPTION 1 ENDS HERE**

**OPTION 2:** During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

### **OPTION 2 ENDS HERE**

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

### Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member-

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child-

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

### Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an

employee's refusal to provide further information, [CSBA's District and County Office of Education Legal Services of district](#) legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

### **Certification of Health Condition**

CSBA NOTE: Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, expands the CFRA leave an eligible employee may take to include caring for a designated person with a serious health condition. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period.

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

### **Certification of Health Condition**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the

eligible family member during a period of the treatment or supervision

- b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
  5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with [CSBA's District and County Office of Education Legal Services or district](#) legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

### **Certification for PDL**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the



appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

### **Release to Return to Work**

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

### **Rights to Reinstatement**

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

### **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

### **Military Family Leave Resulting from Qualifying Exigencies**

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as

a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

*Covered active duty* means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's [DOL's](#), "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its ~~web site~~ [website](#).

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with ~~regards~~ [regard](#) to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

### **Military Caregiver Leave**

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

*Child of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

*Parent of a covered servicemember* means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

*Next of kin* means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

*Outpatient status* means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

*Serious injury or illness* means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating;
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
  - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
  - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
  - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA, leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

## Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the ~~web sites~~ [websites](#) of the California [Civil Rights](#) Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
  - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

## Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.



The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

**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.

<b>State</b>	<b>Description</b>
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Fam. Code 300	Definition of marriage
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair employment and Housing Act: discrimination prohibited
<b>Federal</b>	<b>Description</b>
1 USC 7	Definition of marriage and spouse
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
<b>Management Resources</b>	<b>Description</b>
Court Decision	Faust v. California Portland Cement Company; (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines; (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor; (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

Website U.S. Department of Labor, FMLA  
 Website California Civil Rights Department

**Cross References**

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program

4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.2	Personal Leaves
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.4	Health Examinations
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Exhibit 4312.9-E(1): Employee Notifications****Status: ADOPTED**

Original Adopted Date: 05/01/2016 | Last Revised Date: ~~03/06/01/2022~~[2023](#) | Last Reviewed Date: ~~03/06/01/2022~~[2023](#)

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

**I. To All Employees**

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

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

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

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

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

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

When/Whom to Notify: Annually  
Education or Other Legal Code: Education Code 49414  
Board Policy/Administrative Regulation #: AR 5141.21

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

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

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

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures  
Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: To be included in AR 5141.21

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

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

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

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

When/Whom to Notify: To all employees

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

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

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

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

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

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

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

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

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

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

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

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

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

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

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in

districts with 25 or more employees

Education or Other Legal Code: Labor Code 230.1

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

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

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

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

Subject: Amount of sick leave available

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

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

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

Education or Other Legal Code: Labor Code 2800.2

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

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

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

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

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

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

Education or Other Legal Code: Labor Code 3551

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

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

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

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

Education or Other Legal Code: Labor Code 6409.6

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

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

When/Whom to Notify: Prior to beginning employment

Education or Other Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

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

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

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

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

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

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

When/Whom to Notify: To all employees ~~working with homeless families~~  
~~Education or Other Legal Code: 42 USC 11432~~  
~~Board Policy/Administrative Regulation #: AR 6173~~  
~~Subject: Duties of district liaison for homeless students~~

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

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

##

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

## **II. To Certificated Employees**

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Education or Other Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Education or Other Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees

Education or Other Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Education or Other Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee

Education or Other Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Education or Other Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter

Education or Other Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121



Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15

Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year

Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

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

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

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

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

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

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

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

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

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

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

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

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

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

Education or Other Legal Code: Education Code 44954  
 Board Policy/Administrative Regulation #: BP 4121  
 Subject: District's decision not to reelect employee for following school year

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

Education or Other Legal Code: Education Code 44955.5  
 Board Policy/Administrative Regulation #: BP 4117.3  
 Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

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

Education or Other Legal Code: Education Code 49079  
 Board Policy/Administrative Regulation #: AR 4158/4258/4358  
 Subject: Student has committed specified act that constitutes ground for suspension or expulsion

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

Education or Other Legal Code: Education Code 48201  
 Board Policy/Administrative Regulation #: AR 4158/4258/4358  
 Subject: Student has committed specified act that constitutes ground for suspension or expulsion

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

Education or Other Legal Code: 5 CCR 80303  
 Board Policy/Administrative Regulation #: AR 4117.7/4317.7  
 Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

### **III. To Classified Employees**

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

Education or Other Legal Code: Education Code 45113  
 Board Policy/Administrative Regulation #: AR 4218  
 Subject: Notice of charges, right to hearing, timeline for requesting hearing

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

Education or Other Legal Code: Education Code 45117  
 Board Policy/Administrative Regulation #: AR 4217.3  
 Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

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

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

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

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

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

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

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

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

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

Education or Other Legal Code: Education Code 45192, 45195

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

Subject: Exhaustion of leave, opportunity to request additional leave

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

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

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

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

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

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

Education or Other Legal Code: 49 CFR 382.113, 382.601

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

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

When/Whom to Notify: To school bus drivers, prior to operating school bus  
 Education or Other Legal Code: 49 CFR 382.303  
 Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42  
 Subject: Post accident information, procedures, and instruction

#### **IV. To Administrative/Supervisory Personnel**

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract  
 Education or Other Legal Code: Education Code 35031  
 Board Policy/Administrative Regulation #: BP 2121, BP 4312.1  
 Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position  
 Education or Other Legal Code: Education Code 44896  
 Board Policy/Administrative Regulation #: AR 4313.2  
 Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year  
 Education or Other Legal Code: Education Code 44951  
 Board Policy/Administrative Regulation #: AR 4313.2  
 Subject: Notice that employee may be released or reassigned the following school year

#### **V. To Individual Employees Under Special Circumstances**

When/Whom to Notify: In the event of a breach of security of district records to affected employees  
 Education or Other Legal Code: Civil Code 1798.29  
 Board Policy/Administrative Regulation #: BP 3580  
 Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file  
 Education or Other Legal Code: Education Code 44031  
 Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6  
 Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector  
 Education or Other Legal Code: Education Code 49414  
 Board Policy/Administrative Regulation #: AR 5141.21  
 Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline  
 Education or Other Legal Code: Government Code 3304  
 Board Policy/Administrative Regulation #: AR 3515.3  
 Subject: Decision to impose discipline, including the date that discipline will be imposed

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

Education or Other Legal Code: Government Code 20997

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

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

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

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

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

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

Education or Other Legal Code: Government Code 54963

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

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

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

Education or Other Legal Code: Labor Code 230

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

Subject: Accommodations and leave for victims of domestic violence

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

Education or Other Legal Code: Labor Code 3553, 5401

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

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

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

Education or Other Legal Code: Penal Code 11105, 11105.2

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

Subject: Copy of DOJ notification

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

Education or Other Legal Code: 8 CCR 3204

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

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

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemical chemicals are present, upon initial assignment and upon new within 15 working days after receiving a monitoring result related to an employee exposure situation determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: ~~Location~~ [Contents of 8 CCR 5191, including location](#) and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

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

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

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

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

Education or Other Legal Code: 38 USC 4334

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

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

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

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

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

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

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

Education or Other Legal Code: 29 CFR 825.300

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

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

[When/Whom to Notify: To all employees working with families experiencing homelessness](#)

[Education or Other Legal Code: Education Code 48851.3, 42 USC 11432](#)

[Board Policy/Administrative Regulation #: AR 6173](#)

[Subject: Duties of district liaison for homeless students and availability of training and services](#)

#### **Policy Reference UPDATE Service**

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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.

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

Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
<u>Ed. Code 48851.3</u>	<u>Education of students in foster care and students who are homeless</u>
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B



H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications re: workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
<b>Federal</b>	<b>Description</b>
29 CFR 825.300	Family and Medical Leave Act; notice requirement
<a href="#"><u>34 CFR 100</u></a>	<a href="#"><u>Nondiscrimination under programs receiving federal assistance</u></a>
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
<a href="#"><u>20 USC 2354</u></a>	<a href="#"><u>Local application for career and technical education programs</u></a>
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

**Management Resources**  
Website

**Description**  
CSBA District and County Office of Education Legal Services

**Cross References**

<b>Code</b>	<b>Description</b>
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check

4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision

4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
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4357	Employee Safety
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4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
<u>6178</u>	<u>Career Technical Education</u>
9310	Board Policies
9321	Closed Session

9321-E(1)

Closed Session

9321-E(2)

Closed Session

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Policy 4340: Bargaining Units****Status: ADOPTED**

Original Adopted Date: 11/01/2011 | Last Revised Date: 09/06/01/20222023 | Last Reviewed Date: 09/06/01/20222023

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

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

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

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

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

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

wearing of union buttons that support the union's position in collective bargaining.

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

### Formation of Bargaining Units

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

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

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

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

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

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

*Management employee* means ~~any~~ an employee ~~who has~~ in a position having significant responsibilities for formulating district policies or administering district programs, ~~and whose position is.~~ Management positions shall be designated as a management position by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

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

### Membership



CSBA NOTE: Government Code 3550 prohibits districts from deterring or discouraging district 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. Pursuant to Government Code 3551.5, as added by SB 931 (Ch. 823, Statutes of 2022), any district found by PERB to be in violation of this prohibition may be subject to civil penalties of \$1,000 for each affected employee, up to a maximum of \$100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization.

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, 3551.5)

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's District and County Office of Education Legal Services or the district's district 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: to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. 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 rights under the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

### Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other

means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's 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 issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

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

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

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

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

Upon the request of an exclusive representative scheduling, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

Within seven days of an exclusive representative's request to schedule 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. If

such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

### 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~~7928.300, 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~~7928.300, 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* Los Angeles County Employee Relations Commission, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

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

(Government Code 3558, ~~6254.3~~)

7928.300)

However, the Superintendent or designee shall not disclose the: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions; ~~nor disclose the home address, home~~

CSBA NOTE: The Safe at Home address confidentiality program has been in existence pursuant to Government Code 6207 to protect victims of domestic violence, sexual

assault, and stalking. This type of protection has been extended, pursuant to Government Code 6215 and 6215.2, as amended by SB 1131 (Ch. 554, Statutes of 2022), to employees who face threats of violence, or violence or harassment from the public because of the employee's work for the district.

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 ~~or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the~~
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers 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~~ if the alleged violation ~~that~~ involves the provision of an inaccurate or incomplete list of employees, Government Code 3558 allows the district 20 calendar days to cure the alleged violation 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,~~ To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees ~~to ensure that the list is complete and contains accurate information.~~ at the beginning of each school year, or more often as appropriate.

## 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.

<b>State</b>	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
<del>8 CCR 34020</del>	<del>Petition to rescind organizational security arrangement</del>
<del>8 CCR 34055</del>	<del>Reinstatement of organizational security arrangement</del>
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 <del>position</del> <u>and confidential positions</u> ; 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 <del>6254.3</del> <a href="#">6215-6216</a>	Disclosure of employee contact information to employee organization <a href="#">Address confidentiality for individuals who face threats or violence because of work for a public entity</a>
Gov. Code 6503.5	Joint powers agencies; <a href="#">agreement</a>
<a href="#">Gov. Code 7920.200-7930.215</a>	<a href="#">Public Records Act</a>
<a href="#">Gov. Code 7928.300</a>	<a href="#">Personal information of agency employee</a>
<b>Federal</b>	<b>Description</b>
8 CFR <del>33015-33490</del>	Recognition of exclusive representative; proceedings
8 CFR <del>33700-33710</del>	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, <a href="#">Los Angeles County Employee Relations Commission</a> (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services
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**

<b>Code</b>	<b>Description</b>
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(1)	Closed Session
9321-E(2)	Closed Session

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Regulation 4361.1: Personal Illness/Injury Leave****Status: ADOPTED**

Original Adopted Date: 03/01/2017 | Last Revised Date: ~~03/06/01/2019~~2023 | Last Reviewed Date: ~~03/06/01/2019~~2023

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

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

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

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces, Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

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

**Use of Sick Leave**

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

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)
3. Personal necessity (Education Code 44981)

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

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

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child; if the district employs 50 or more employees within 75 miles of the worksite where the employee requesting the leave is employed. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.6 extends the right to parental leave to an eligible employee who is not covered by FMLA or CFRA when the district employs 20-49 employees within 75 miles of the worksite where the employee requesting the leave is employed.

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

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; ~~12945.6~~; 29 USC 2612; 29 CFR 825.112)

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

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

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

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

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

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

CSBA NOTE: The following paragraph is optional.

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

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

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

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

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

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

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

### **Additional Leave for Disabled Military Veterans**

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

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

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

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

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

### **Notification of Absence**

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

An employee shall notify the ~~district~~ Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day

preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

### Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

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

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

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

#### OPTION 1:

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

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

#### OPTION 1 ENDS HERE

#### OPTION 2:

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

#### OPTION 2 ENDS HERE

## Absence Beyond Five-Month Period/Reemployment List

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

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

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

## Parental Leave

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

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

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

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

CSBA NOTE: Pursuant to Education Code 44977.5, the district is required to provide differential pay to a certificated employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. ~~As amended by AB 2012 (Ch.~~

994, Statutes of 2018), Education Code 44977.5 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

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

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

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

### Verification Requirements

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

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

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



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

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

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

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

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

### **Healthy Workplaces, Healthy Families Act Requirements**

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

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days

- b. The number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
  3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
  4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

**Policy Reference 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.

<b>State</b>	<b>Description</b>
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Ed. Code 44976	Transfer of leave rights when school is transferred to another district
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 44978	Sick leave; certificated employees
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list
Ed. Code 44978.2	Leave for military service -connected disability
Ed. Code 44979	Transfer of accumulated sick leave to another district
Ed. Code 44980	Transfer of <del>accumulate</del> <u>accumulated</u> sick leave to a county office of education

Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44983	Compensation during leave; certificated employees
Ed. Code 44984	Required rules for industrial accident and illness leave
Ed. Code 44986	Leave of absence; state disability benefits
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
Lab. Code 233	<del>Illness of child, parent, spouse or domestic partner</del> <a href="#">Leave to attend to family illness</a>
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
<b>Federal</b>	<b>Description</b>
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
<b>Management Resources</b>	<b>Description</b>
Court Decision	Veguez v. Governing Board of Long Beach Unified School District; (2005) 127 Cal.App.4th 406
Website	CSBA District and County Office of Education Legal Services

**Cross References**

<b>Code</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan
2121	Superintendent's Contract
4032	Reasonable Accommodation
4112.2	Certification
4112.2	Certification
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers

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

4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257.1	Work-Related Injuries
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
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4312.42	Drug And Alcohol Testing For School Bus Drivers
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4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely
4317.11	Preretirement Part-Time Employment
4319.41	Employees With Infectious Disease
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357.1	Work-Related Injuries
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave

- 4361.8 Family Care And Medical Leave
- 4361.9 Catastrophic Leave Program
- 4361.9 Catastrophic Leave Program

## Regulation 4361.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 09/06/01/20222023 | Last Reviewed Date: 09/06/01/20222023

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

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

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult CSBA's 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 Pursuant to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.27, as amended added by AB 1033 1949 (Ch. 327767, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) 2022, districts are required to provide up to five days of bereavement leave. Thus, to ensure consistency, for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the definition bereavement leave. Education Code 44985 and 45194 grant three days, or five days if out-of-state travel is required, of paid bereavement leave for certificated and classified employees upon the death of a member of the employee's "immediate family." Government Code 12945.7, as added by AB 1949, potentially expands the length of this leave. Education Code 44985 and 45194 grant bereavement leave for a member of the employee's "immediate family" below includes "mother-in-law" and father-in-law," as permitted by law. , the definition of which is more expansive than a "family member," pursuant to Government Code 12945.7. Any bereavement leave taken under the Education Code and/or Government Code runs concurrently and not consecutively.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal

leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. Additionally, Government Code 12945.7, as added by AB 1949, makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

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

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: , as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

**CSBA NOTE:** Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2 includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" includes "parent-in-law" as permitted by law.

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

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

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

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

### Personal Necessity

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

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to



districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

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

Acceptable reasons for the use of personal necessity leave include:

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

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

~~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.~~

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

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

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

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

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

5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

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

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

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

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

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

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

### Leave to Perform Legal Duties

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

Pursuant to Education Code 44037, it is unlawful for the district, or personnel commission **for merit districts**, to (1) adopt any rule, regulation, or policy that encourages classified employees to seek

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

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

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

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

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

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

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

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

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

### **Leaves for Crime Victims for Judicial Proceedings**

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

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

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

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

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

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

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

### Leaves for Victims of Crime or Abuse

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

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

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

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

agency) or any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf.

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

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

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

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

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

### Personal Leave for Child-Related Activities

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

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

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

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
  - a. A request by the school or child care provider that the child be picked up
  - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
  - c. Behavioral or discipline problems
  - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
  - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

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

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

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

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

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

### **Service on Education Boards and Committees**

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

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

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

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

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

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

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

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

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

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

## Religious Leave

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should

delete this section. However, the district should consult CSBA's 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.

<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.

Ed. Code 45190	Leaves of absence and vacations; classified
Ed. Code 45194	Bereavement leave of absence; classified
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity; classified
Ed. Code 45210	Service as officer of employee organization; classified
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
<a href="#"><u>Gov. Code 12945.7</u></a>	<a href="#"><u>Bereavement leave</u></a>
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	<del>Illness of child, parent, spouse or domestic partner</del> <a href="#"><u>Leave to attend to family illness</u></a>
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
<b>Federal</b>	<b>Description</b>
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
<b>Management Resources</b>	<b>Description</b>
Court Decision	Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services

Website	California Department of Industrial Relations
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association

## Cross References

Code	Description
2121	Superintendent's Contract
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4143	Negotiations/Consultation
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4243	Negotiations/Consultation
4258	Employee Security
4258	Employee Security
4261	Leaves
4261	Leaves

4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4340	Bargaining Units
4358	Employee Security
4358	Employee Security
4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave
5148	Child Care And Development
5148	Child Care And Development

## Regulation 4361.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 07/01/2015 | Last Revised Date: 06/01/2022~~2023~~ | Last Reviewed Date: 06/01/2022~~2023~~

CSBA NOTE: The following optional administrative regulation addresses mandatory subjects of bargaining. The laws referenced in this regulation provide minimum amounts of leave which the district must grant its employees if more generous benefits are not provided as part of its collective bargaining agreement. Any covered subject that is already addressed in the district's collective bargaining agreements should be deleted from this administrative regulation.

Both federal and state law provide for family care and medical leave (29 USC 2601-2654, the Family and Medical Leave Act of 1993 (FMLA), and Government Code 12945.1-12945.2, the California Family Rights Act (CFRA)). However, these laws do not always provide identical rights or operate in the same manner. For example, pregnancy as a "serious health condition" is covered under FMLA but not under CFRA. Instead, under state law, an employee who is disabled due to pregnancy, childbirth, or a related medical condition is entitled to pregnancy disability leave (PDL) pursuant to Government Code 12945. Where there is a difference between state and federal law, the law that grants the greatest benefits generally controls. In those situations, the district should consult CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted as needed.

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

### Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

*Child* means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1041 (Ch. 748, Statutes of 2022), a designated person, as defined below, is added to the class of people an employee may take leave to care for under CFRA. A designated person may be identified by the employee at the time of the employee's requests for the leave, and the district may limit employees to one designated person per 12-month period.

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

*Eligible employee*, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

CSBA NOTE: Pursuant to Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes 1041, a ~~parent-in-law~~ "designated person," as defined above, is included in the definition of "parent" "eligible family member" for purposes of CFRA leave.

*Eligible family member* means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

*Employee disabled by pregnancy* means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

*Parent* means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

*Serious health condition* means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

*Spouse* means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

### Eligibility/Purposes of Leave

CSBA NOTE: Government Code 12945.2 and 29 USC 2611-2612 require a district to grant family care and medical leave to an eligible employee for any of the reasons stated below. These requirements apply to all public agencies regardless of the number of employees.

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position

CSBA NOTE: Pursuant to 29 CFR 825.126, FMLA military family leave is available to any eligible employee for a qualifying exigency while the employee's spouse, child, or parent who is a military member is on covered active duty during deployment to a foreign country. Government Code 12945.2 provides exigency leave under CFRA for an employee whose registered domestic partner is on active duty. For requirements related to qualifying exigency leave, see the section "Military Family Leave Resulting from Qualifying Exigencies" below.

4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)

CSBA NOTE: Pursuant to 29 CFR 825.127, military caregiver leave is available to any eligible employee who is a family member of a covered servicemember with a serious injury or illness. For requirements related to military caregiver leave, see the section on "Military Caregiver Leave" below.

5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

CSBA NOTE: Under federal law, pregnancy as a "serious health condition" is covered as part of FMLA leave. However, disability due to pregnancy is explicitly excluded from coverage under CFRA (2 CCR 11093). Instead, pursuant to Government Code 12926 and 12945, any California employee who is "disabled because of pregnancy, childbirth, or related medical conditions" is entitled to unpaid PDL of up to four months if the employer has five or more employees. Therefore, such an employee is entitled to up to four months of PDL and an additional 12 weeks of CFRA leave following the birth of the child.

Additionally, pursuant to 2 CCR 11037, PDL is not subject to eligibility requirements for other FMLA and CFRA leaves, such as minimum hours worked or length of service.

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

## Terms of Leave

CSBA NOTE: Pursuant to Government Code 12945.2, leaves common to CFRA and FMLA run concurrently so that total leave to which an employee is entitled would not be more than 12 work weeks.

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

CSBA NOTE: To determine the 12-month period in which the leave entitlement occurs, the district may use any of the methods identified in 29 CFR 825.200 and specified in options #1-4 below. However, a district may choose not to use any of these options and may instead choose some other fixed 12-month period. Whichever option is selected, it must be applied uniformly to all employees. If the district fails to select a method for calculating the 12-month period, the method that provides the most beneficial outcome for the employee will be used. Pursuant to 2 CCR 11090, if the district decides to change the calculation method, it must provide at least 60 days' notice to all employees.

**OPTION 1:** ~~The 12-month period shall coincide with the calendar year. (29 CFR 825.200)~~

**OPTION 2:** ~~The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)~~

**OPTION 3:** ~~The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)~~

**OPTION 4:** The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

CSBA NOTE: 2 CCR 11042 clarifies that the four months of PDL to which an employee is entitled means the number of days or hours that the employee would normally work within the four calendar months. For employees who work 40 hours per week, PDL leave is defined as 17-1/3 weeks, 122 days, or 693 hours.

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)



CSBA NOTE: While leaves common to CFRA and FMLA run concurrently, PDL is separate and distinct from CFRA leave. Consequently, pursuant to 2 CCR 11046, an employee who is "disabled by pregnancy" may be entitled to up to four months of PDL, followed by 12 work weeks of CFRA leave for the birth of the child (baby bonding). Determining which leaves run concurrently is a complex endeavor and districts should consult [CSBA's District and County Office of Education Legal Services or district legal counsel](#) as needed.

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

CSBA NOTE: Although 29 USC 2612 allows the district to limit the aggregate number of work weeks of leave to which two parents may be entitled when both parents work for the district, such leave is covered under both FMLA and CFRA and state law prevails since it provides greater rights to employees.

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

### Use/Substitution of Paid Leave

CSBA NOTE: The district may require employees (Option 1) or employees may elect (Option 2) to use paid leave during an otherwise unpaid portion of CFRA or FMLA leave or PDL. Pursuant to 2 CCR 11044 and 11092, the district may only require an employee to use sick leave if the leave is for the employee's own serious health condition or for PDL, unless mutually agreed to by the district and the employee.

~~**OPTION 1:** During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)~~

### **OPTION 1 ENDS HERE**

**OPTION 2:** During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

### **OPTION 2 ENDS HERE**

CSBA NOTE: The following paragraph is for use with either option above.

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

### Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

CSBA NOTE: Pursuant to 2 CCR 11090, the minimum duration of CFRA parental leave for the birth, adoption, or foster care placement of a child is generally two weeks. However, the district must grant a request for CFRA leave of less than two weeks duration on any two occasions and may grant additional requests.

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.

CSBA NOTE: Pursuant to 2 CCR 11041, the district must accommodate the transfer request of a pregnant employee to the same extent that it accommodates transfer requests for other temporarily disabled employees.

2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

### Request for Leave

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, an employee is required to notify the district of the need to take PDL or family care and medical leave. The employee must provide at least verbal notice sufficient to make the district aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave. However, the employee does not need to assert rights under CFRA or FMLA or even mention CFRA or FMLA to meet the notice requirement, but must state the reason the leave is needed. If there is a question about whether leave is FMLA/CFRA qualifying or if the district is considering denying CFRA leave based on an

employee's refusal to provide further information, [CSBA's District and County Office of Education Legal Services of district](#) legal counsel should be consulted.

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11091 require the district to provide an employee with notice of the designation of leave as either qualifying for CFRA or FMLA protection. See section entitled "Notifications" below for further requirements of this "designation notice" as well as other required notifications.

Pursuant to 2 CCR 11091, an employee has the obligation to respond to questions designed to determine whether an absence is potentially CFRA qualifying. If the district is unable to determine whether requested leave is CFRA qualifying because of an employee's refusal to respond to its inquiries, the employee may be denied CFRA protection.

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

CSBA NOTE: Pursuant to 2 CCR 11091, the district may require an employee to provide at least 30 days advance notice of the need for family care and medical leave, if the need is foreseeable. If the district requires such advance notice from employees, then the district's notification of FMLA/CFRA rights must so specify; see section below entitled "Notifications."

Pursuant to 2 CCR 11050, an employee requesting PDL is required to provide the district at least 30 days advance notice if the need for PDL is foreseeable.

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

### **Certification of Health Condition**

CSBA NOTE: Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, expands the CFRA leave an eligible employee may take to include caring for a designated person with a serious health condition. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period.

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

### **Certification of Health Condition**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for family care and medical leave for an employee's own serious health condition or to care for the employee's eligible family member with a serious health condition. In order to help avoid claims of discrimination, the district should generally treat all such employees uniformly; thus, districts using this section should request a medical certification from all such employees.

Districts requiring written medical certification from employees may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11097.

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

CSBA NOTE: Item #3 below addresses an eligible employee's request for leave to care for an eligible family member. In such a case, 2 CCR 11087 provides that the health care provider's certification need not identify the serious health condition involved. The U.S. Department of Labor (DOL) provides a form, "Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act," that districts may use for this purpose to avoid unauthorized disclosure of the serious health condition.

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the

eligible family member during a period of the treatment or supervision

- b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
  5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

CSBA NOTE: Government Code 12940 and other provisions of the California Genetic Information Nondiscrimination Act of 2011 prohibit an employer from making a non-job related inquiry into an employee's genetic information. A district which believes that an employee's leave may require obtaining this information should consult with [CSBA's District and County Office of Education Legal Services or district](#) legal counsel.

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

### **Certification for PDL**

CSBA NOTE: The following optional section is for use by districts that require an employee to submit a medical certification of the need for leave along with the request for PDL. Districts requiring written medical certification from employees who request reasonable accommodation, transfer, or disability leave because of pregnancy may develop their own form, utilize one provided by the employee's health care provider, or use the form provided in 2 CCR 11050.

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the

appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

### Release to Return to Work

CSBA NOTE: The following optional section is for use by districts that choose to require a return-to-work certification and may be modified to list the specific positions for which certification is required. Pursuant to 2 CCR 11091, the district may require an employee to submit a return-to-work certification from the employee's health provider, stating that the employee is able to return to work. However, this requirement may only be made if the district has a uniformly applied practice of requiring such releases when employees return to work after illness, injury, or disability, any fitness-for-duty examination is job related and consistent with business necessity, and the practice is not forbidden by its collective bargaining agreement. 2 CCR 11050 has similar requirements when an employee is returning to work after PDL.

Pursuant to 29 CFR 825.312, when the health care provider certifies that the employee is able to resume work, the district may also require the health care provider to address the employee's ability to perform the essential functions of the job. If such a requirement is imposed, then the district must provide the employee with a list of the employee's essential job functions with the "designation notice"; see section entitled "Notifications" below.

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

### Rights to Reinstatement

CSBA NOTE: Pursuant to Government Code 12945.2, 2 CCR 11043 and 11089, and 29 USC 2614, an employee on PDL or family care and medical leave has the right to be reinstated to the same or a comparable position upon return from such leave. However, such an employee has no greater right to reinstatement or other benefits than the employee would have if employment had been continuous.

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

### **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

CSBA NOTE: Pursuant to 2 CCR 11044 and 11092, the time that the district maintains and pays for group health coverage during PDL shall not be used to meet its obligation to pay for 12 weeks of group health coverage during leave taken under CFRA, even where the district designates the PDL as FMLA or CFRA leave. The entitlements to employer-paid group health coverage during PDL and during CFRA are two separate and distinct entitlements.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

### **Military Family Leave Resulting from Qualifying Exigencies**

CSBA NOTE: The following optional section reflects 29 USC 2611 and 2612 which authorize an eligible employee to take up to 12 work weeks of unpaid FMLA leave to attend to an "exigency" arising out of the fact that the employee's spouse, child, or parent is on active duty or on call to active duty status in the National Guard or Reserves, or is a member of the regular Armed Forces on deployment to a foreign country. Pursuant to Government Code 12945.2, an employee may take unpaid leave under CFRA to attend to an exigency involving the employee's registered domestic partner.

Pursuant to 29 CFR 825.200, an employee is entitled to 12 work weeks of qualifying exigency leave during each 12-month period established by the district; see section entitled "Terms of Leave" above. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee may take all 12 weeks of FMLA leave entitlement as

a qualifying exigency leave or take a combination of the 12 weeks of leave for both qualifying exigency leave and other FMLA leave, such as leave for a serious health condition.

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

*Covered active duty* means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign county includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

CSBA NOTE: Pursuant to 29 CFR 825.126, a "qualifying exigency" may include "other events" agreed to by the district and the employee. As an example of such other event, DOL's [DOL's](#), "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," and the California Department of Human Resources', "Questions and Answers - Military Family Leave - FMLA," list leave to spend time with the military member either prior to or post deployment or to attend to household emergencies that would normally have been handled by the military member.

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)



CSBA NOTE: The district may require the employee to provide certification of the qualifying exigency containing the information specified in 29 CFR 825.309. A form has been developed by DOL for this purpose and is available on its ~~web site~~ [website](#).

The following paragraph is optional and should be deleted by those districts that do not require such documentation. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request certification from all employees requesting such leave.

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to use paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in the section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with ~~regards~~ [regard](#) to FMLA/CFRA leave is also applicable to qualified exigency leave.

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

### **Military Caregiver Leave**

CSBA NOTE: 29 USC 2612 and 29 CFR 825.127 authorize an eligible employee to take up to 26 work weeks of unpaid military caregiver leave, as defined below, during a single 12-month period. According to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," if an employee does not use the entire 26-week entitlement in a single 12-month period, unused weeks cannot be carried over into another 12-month period. However, the employee may qualify for nonmilitary FMLA leave.

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

*Child of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

*Parent of a covered servicemember* means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

*Next of kin* means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

*Outpatient status* means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

CSBA NOTE: 29 USC 2611 defines "serious injury or illness" for active members of the Armed Forces and for veterans, as provided below. Pursuant to 29 CFR 825.127, a veteran's injury or illness will qualify as a "serious injury or illness" for the purpose of this leave, only if one of the four conditions listed in Item #2 below is present.

*Serious injury or illness* means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating;
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
  - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
  - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
  - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

CSBA NOTE: As is the case for other types of FMLA/CFRA leave, 29 CFR 825.302 requires the employee, when the need for the leave is foreseeable, to provide 30 days advance notice to the district before the leave is to begin.

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

CSBA NOTE: 29 CFR 825.310 authorizes the district to require employees to provide certification of the need for the leave, which is to be completed by an authorized health care provider of the covered servicemember.

The following paragraph is optional. In order to help avoid claims of discrimination, the district should generally treat all employees uniformly; thus, districts using this paragraph should request a medical certification from all employees requesting such leave.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

CSBA NOTE: Pursuant to 29 CFR 825.127, an employee may take up to a total of 26 work weeks of leave for both regular FMLA and military caregiver leave during the 12-month leave entitlement period. However, the employee may not take more than 12 weeks for regular FMLA leave. For example, according to DOL's, "Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers," an employee could take 12 weeks of FMLA leave to care for a newborn child and 14 weeks of military caregiver leave but could not take 16 weeks to care for a newborn and 10 weeks of military caregiver leave. If the leave qualifies as both military caregiver leave and leave to care for a family member with a serious health condition, 29 CFR 825.127 specifies that the district must first designate the leave as military caregiver leave.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

CSBA NOTE: Pursuant to 29 USC 2612 and 29 CFR 825.207, the district has the option to require or give employees discretion to substitute paid leave when taking FMLA/CFRA leave; see Options 1 and 2 in section entitled "Use/Substitution of Paid Leave" above. Whichever option is selected by the district with regard to FMLA/CFRA, leave is also applicable to military caregiver leave.

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

## Notifications

CSBA NOTE: Both 29 CFR 825.300 and 2 CCR 11095 require employers to provide general notification to employees of their rights under the FMLA/CFRA as well as specific notifications when an employee has requested leave, as detailed below. 2 CCR 11049 contains similar notice requirements for PDL purposes. Samples of notices which describe an employee's rights are available on the ~~web sites~~ [websites](#) of the California [Civil Rights](#) Department of Fair Employment and Housing and the DOL.

Pursuant to 2 CCR 11095, the district must translate the notice into every language that is spoken by at least 10 percent of the district's employees at any facility.

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

CSBA NOTE: Pursuant to 2 CCR 11050 and 11091, a district may require an employee, when the need for the leave is foreseeable, to provide at least 30 days advance notice before the leave is to begin; see the section entitled "Request for Leave" above. 2 CCR 11049 and 11091 specify that districts requiring such notice from employees must give them "reasonable advance notice" of their obligation and that incorporation of the requirement into the general notice satisfies the "advance notice" requirement.

The following optional paragraph is for use by districts that require employees to provide advance notice.

2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
  - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

CSBA NOTE: Item #4b below is for use by districts that require medical certification to the effect that the employee is able to resume work. See the section entitled "Release to Return to Work" above.

- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

CSBA NOTE: 29 CFR 825.300 requires the designation notice to specify whether the district requires paid leave to be used during an otherwise unpaid family care and medical leave, whether the district requires an employee to present release to return to work certification, and whether that certification must address the employee's ability to perform the essential functions of the job. See the sections entitled "Use/Substitution of Paid Leave" and "Release to Return to Work" above. The following paragraph should be revised to reflect district practice.

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

## Records

CSBA NOTE: Government Code 12946, 29 USC 2616, and 29 CFR 825.500 require districts to maintain records of, among other things, applications, dates, and personnel and employment action related to family care and medical leave. Pursuant to 42 USC 2000ff-1, any individually identifiable genetic information possessed by the district must be treated as a confidential medical record of the employee involved.

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

**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.

<b>State</b>	<b>Description</b>
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Fam. Code 300	Definition of marriage
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair employment and Housing Act: discrimination prohibited
<b>Federal</b>	<b>Description</b>
1 USC 7	Definition of marriage and spouse
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
<b>Management Resources</b>	<b>Description</b>
Court Decision	Faust v. California Portland Cement Company; (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines; (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor; (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

Website U.S. Department of Labor, FMLA  
 Website California Civil Rights Department

**Cross References**

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
0470	COVID-19 Mitigation Plan
1113	District And School Web Sites
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
2121	Superintendent's Contract
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4033	Lactation Accommodation
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4117.3	Personnel Reduction
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program

4212.4	Health Examinations
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4217.3	Layoff/Rehire
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
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4261.1	Personal Illness/Injury Leave
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4361.9	Catastrophic Leave Program



**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Policy 5117: Interdistrict Attendance****Status: ADOPTED**

Original Adopted Date: 12/01/2015 | Last Revised Date: ~~12/06/01/2019~~2023 | Last Revised Date: 06/01/2023

CSBA NOTE: The Education Code provides a number of options under which a district may enroll a student whose parent/guardian does not reside within district boundaries. Under an "interdistrict attendance permit" or "reciprocal agreement" pursuant to Education Code 46600-46610, a student may attend school in a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Alternatively, pursuant to Education Code 48300-48317, as amended by AB 185 (Ch. 571, Statutes of 2022), the Governing Board may, until July 1, 2028, declare the district to be a "school district of choice" willing to accept a specific number of interdistrict transfers into the district through a random selection process (Option 2 below). In order to maintain the integrity of the random selection process, it is recommended that a school district of choice not also accept transfers under the interdistrict attendance permit option except when extraordinary circumstances exist, as provided in Option 2 below. Districts that wish to use both sources of authority should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

In addition to these options, pursuant to Education 48345, as added by SB 941 (Ch. 711, Statutes of 2022), the Board is authorized, until July 1, 2029, to enter into an agreement with other local educational agencies (LEA) to offer courses and coursework to students from another LEA who have been impacted by disruptions or cancellations to specified courses, or teacher shortages to such courses. See the section "Instruction Collaboration Agreements" below.

Pursuant to Education Code 48204, a district may authorize a student whose parent/guardian is employed within district boundaries to attend a school in the district (Allen bill transfer); see AR 5111.1 - District Residency.

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

**~~OPTION 1: Interdistrict Attendance Agreements and Permits~~**

CSBA NOTE: The following section is for use by districts that have entered into an agreement with one or more other districts to accept student transfers through interdistrict attendance permits pursuant to Education Code 46600-46610. Districts selecting this option should also select Option 1 in the accompanying administrative regulation.

~~The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)~~

CSBA NOTE: Education Code 46600 requires that the interdistrict attendance agreement specify the terms and conditions under which individual permits may be granted or denied. In addition, pursuant to Education Code 46600, students who have been granted an interdistrict attendance

permit must be allowed to continue to attend the school without having to reapply unless the agreement between the two districts contains specific agreed-upon standards for reapplication; see the accompanying administrative regulation. Districts also may include in the agreement the agreed-upon standards for revocation of students' interdistrict attendance. Examples of conditions that may result in revocation include falsification of information stated on the permit application, unsatisfactory attendance, continual disruption, or poor academic achievement.

~~The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)~~

CSBA NOTE: Pursuant to Education Code 46600, it is the responsibility of the ~~superintendent~~ Superintendent or designee of the district of residence, subject to ~~board~~ Board policies of the district of residence and terms of the agreement, to issue an individual permit verifying the district's approval of an interdistrict transfer out of the district. The permit shall become valid when endorsed by the ~~board's~~ Board's designee in the district of proposed enrollment.

See the accompanying administrative regulation for procedures to follow when the permit is denied.

~~Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.~~

#### **OPTION 1 ENDS HERE**

#### **OPTION 2: School District of Choice Program**

CSBA NOTE: The following section is for use by districts that elect to participate in the school district of choice program pursuant to Education Code 48300-48317. Pursuant to Education Code 48301, such a district must register as a school district of choice with the Superintendent of Public Instruction and County Board of Education before enrolling students under this option. Districts selecting this option should also select Option 2 in the accompanying administrative regulation.

[Pursuant to Education Code 48315, as amended by AB 185 \(Ch. 571, Statutes of 2022\), the school district of choice program has been extended until July 1, 2028.](#)

The Board has designated the district as a "school district of choice" and shall accept students who reside within other California school districts who wish to attend a district school.

The Board shall, by resolution, annually establish the number of students who will be accepted into the district through this program based on recommendations by the Superintendent or designee as to the number of transfer students the district will be able to accept and the schools, grades, and programs that will be able to accept the students. Once established, the district shall accept all students who apply to transfer into the district until the district is at maximum capacity, as required pursuant to Education Code 48301.

CSBA NOTE: Education Code 48301 requires a random, unbiased process for selecting students who will be admitted through the school district of choice program and prohibits consideration of certain characteristics and factors in making the selections. Pursuant to Education Code 48301, family income may only be considered to the extent necessary to determine enrollment priority pursuant to Education Code 48306; see the accompanying administrative regulation.

Students shall be admitted to district schools through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether ~~or not~~ a student should be enrolled based upon the student's academic or athletic performance, physical condition, proficiency in English, any of the individual characteristics set forth in Education Code 200, or family income. (Education Code 48301)

If the number of transfer applications exceeds the number of transfers the Board has elected to accept, approval for transfer shall be determined by a random drawing held in public at a regularly scheduled Board meeting. (Education Code 48301)

CSBA NOTE: Because the school district of choice program requires a random selection process, it is recommended that participating districts not admit students through the interdistrict attendance permit process described in Option 1 above except under extraordinary circumstances. Such circumstances might include approving interdistrict attendance permits for students who are victims of an act of bullying. Such students are given priority for interdistrict attendance permits pursuant to Education Code 46600; see the accompanying administrative regulation.

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits, pursuant to Education Code 46600-46610, except under extraordinary circumstances.

The Superintendent or designee shall keep an accounting of all requests for admittance through the school district of choice program and a record of their disposition, including, but not limited to, all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred into and out of the district pursuant to this program
3. The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the district of residence for each student transferred into or out of the district pursuant to this program
4. The number of students transferred into or out of the district pursuant to this program who are classified as English learners or students with disabilities

CSBA NOTE: Education Code 48311 authorizes, but does not require, a school district of choice to provide transportation to participating students to the extent that the district provides transportation assistance to other students. See section on "Transportation" below. Item #5 may be deleted by districts that do not provide transportation.

5. As applicable, the number of students described in ~~items~~ **Items** #3 and 4 above who are provided transportation assistance to a district school or program, and the total number of

students provided transportation assistance, pursuant to the school district of choice program

The information specified in Items #1-5 above shall be reported by the Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-5 above. No later than October 15 of each year, the Superintendent or designee shall provide the same information for the current school year, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, and the Superintendent of Public Instruction. (Education Code 48313)

The district's compliance with specified program requirements shall be reviewed as part of the annual district audit conducted pursuant to Education Code 41020. (Education Code 48301)

### **OPTION2 ENDS HERE**

#### **Instruction Collaboration Agreements**

CSBA NOTE: Pursuant to Education Code 48345, as added by SB 941, the Board may enter into an instruction collaboration agreement (ICA) with school districts, county offices of education or charter schools to offer the same or similar corresponding individual courses and coursework to students from another LEA who have been impacted by teacher shortages, disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes, or disruptions or cancellations in dual language immersion programs.

The Superintendent or designee may, with board approval, enter into an instruction collaboration agreement (ICA) with another school district, county office of education or charter school to offer the same or similar courses and coursework to students who have been impacted by any of the following: (Education Code 48345)

1. Disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes
2. Disruptions or cancellations in dual language immersion programs
3. Teacher shortages in STEM classes or dual language immersion programs

Prior to accepting students for classes for any of the reasons specified in Items #1-3 above, the Superintendent or designee shall, with Board Approval, determine the maximum number of students that the district can accept for these purposes. The district shall accept students who apply until the district is at maximum capacity.

Students shall be admitted to this program through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, whether a student should be authorized to participate in the course or coursework based upon the student's current academic or athletic performance, proficiency in English, physical condition, any of the individual characteristics specified in Education Code 200, or family income. If the number of applicants exceeds the number of seats available, the approval for participation shall be determined by a random public drawing at a regularly scheduled Board meeting. (Education Code 48345)

The Superintendent or designee shall publicly post information, including, but not limited to, applicable forms and timelines for submission pursuant to the ICA, to ensure that students and their families are aware of the opportunities to participate. (Education Code 48345)

CSBA NOTE: Pursuant to Education Code 48345, as added by SB 941, the average daily attendance attributable to a student participating in the ICA shall remain with the LEA of origination for purposes of state apportionment.

When negotiating the ICA, the Superintendent or designee shall collaborate with the other participating LEA(s) to agree upon an appropriate shared cost structure. (Education Code 48345)

**Transportation**

CSBA NOTE: The following optional section is for use by all districts and should be revised to reflect district practice. Districts are not required to provide transportation or transportation assistance to students admitted under an interdistrict attendance permit pursuant to Education Code 46600-46610, except that Education Code 46600, as amended by AB 1127 (Ch. 781, Statutes of 2019), requires the district of enrollment to provide transportation assistance to a student who is eligible for free or reduced price meals and is either a child of an active military duty parent/guardian or a victim of an act of bullying, as defined in Education Code 48900.

Pursuant to Education Code 48311, a school district of choice is authorized, but not required, to provide transportation assistance to the extent that the district otherwise provides transportation assistance to students.

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

In addition, upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for any interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

**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.

<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 31	Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin
Ed. Code 41020	Requirement for annual audit
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48300-48317	Student attendance alternatives; school district of choice program

Ed. Code 48345

Local educational agency instruction collaboration agreements

Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48915.1	Expelled individuals; enrollment in another district
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52317	Regional Occupational Center/Program; enrollment of students; interdistrict attendance
Ed. Code 8151	Apprentices; exemption from interdistrict attendance agreement

**Management Resources**

**Description**

Attorney General Opinion	84 Ops.Cal.Atty.Gen. 198 (2001)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 132 (2004)
Court Decision	Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275
Court Decision	Walnut Valley Unified School District v. the Superior Court of Los Angeles County; (2011) 192 Cal.App.4th 234
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

**Cross References**

<b>Code</b>	<b>Description</b>
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3540	Transportation
3541	Transportation Routes And Services

3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5112.2	Exclusions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5116	School Attendance Boundaries
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5119	Students Expelled From Other Districts
5131.2	Bullying
5131.2	Bullying
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5148	Child Care And Development
5148	Child Care And Development
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
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

7160	Charter School Facilities
7160	Charter School Facilities
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session



Policy 5141.5: Mental Health

Status: ADOPTED

Original Adopted Date: 05/01/2020 | Last Reviewed Date: 05/06/01/2020/2023

~~CSBA NOTE:~~ CSBA NOTE: The U.S. Surgeon General's, "Social Connection Advisory," emphasizes the critical role that social connection plays in individual and societal health and well-being, and provides recommendations for how to address the consequences when there is a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, which include (1) developing a strategic plan for school connectedness and social skills with benchmark tracking, (2) building social connection into the health curriculum, (3) implementing socially based educational techniques, and (4) creating a supportive school environment.

In its advisory, "Social Media and Youth Mental Health," the U.S. Surgeon General describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.

Education Code 215 requires all governing boards to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components; see BP/AR 5141.52 - Suicide Prevention. The following optional policy is intended to address broader mental health issues facing students and may be revised to reflect district practice.

The Governing Board recognizes that students' emotional well-being and mental health ~~contribute~~are critical to their ability to perform to their full academic and personal potential. The Superintendent or designee shall develop strategies and services to reduce the stigma associated with mental illness, facilitate access to mental health services, and help students build ~~students'~~ resiliency skills, ~~help students~~ including digital resilience, increase social connections, and cope with life challenges; and ~~reduce the stigma associated with mental illness.~~

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

CSBA NOTE: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

Education Code 51925, as added by SB 224 (Ch. 675, Statutes of 2021), requires districts that offer health education courses to middle or high school students to include mental health instruction, as specified. Pursuant to Education Code 51929, as added by SB 244, the California

Department of Education (CDE) is required to, by January 1, 2024, develop a plan to expand mental health instruction.

The district shall provide instruction to students that promotes their healthy mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework and shall include, but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors, developing coping skills, and identifying resources that may provide assistance.

### Information and Training

CSBA NOTE: Pursuant to Education Code 49428.15, as added by SB 14 (Ch. 672, Statutes of 2021), CDE is required to, subject to budget appropriations, recommend best practices and identify evidence-based and evidence-informed training programs for schools to address student behavioral health, including staff and student training on recognizing the signs and symptoms of behavioral health disorders, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, and has identified such a training program, "Youth Mental Health First Aid," which is available on its website.

The Superintendent or designee shall provide school staff with information and training to recognize the early signs and symptoms of an emerging mental health condition or behavioral health disorder, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, safely deescalate crisis situations involving students with a behavioral health disorder, and link students with effective services, referrals, and supports. Such training shall also provide instruction on how to maintain student privacy and confidentiality. Behavioral health information and training may also be provided to parents/guardians, students, and families. (Education Code 49428.15)

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention team(s) to respond to mental health concerns in the school setting.

CSBA NOTE: Each district school is required to notify students and parents/guardians at least twice per school year with information regarding how to access student mental health services on campus and/or in the community, in accordance with Education Code 49428.

At least twice per school year, the Superintendent or designee shall ensure that each school provides notice regarding how to initiate access to student mental health services on campus and/or in the community. The notification shall be in at least two of the following methods: (Education Code 49428)

1. Distributing the information, electronically or in hardcopy, in a letter to parents/guardians, and in a school publication or other document to students
2. Including the information, at the beginning of the school year, in the parent handbook for parents/guardians and in student orientation materials or a student handbook
3. Posting the information on the school's website or social media

Parents/guardians and students shall each receive two notices on how to initiate access to student mental health services, which may be delivered by different methods. (Education Code 494280)

CSBA NOTE: Pursuant to Education Code 49428.5, as added by AB 748 (Ch. 431, Statutes of 2022), each school site serving students in any of grades 6-12 is required to create a poster, as specified below, that identifies approaches and resources about student mental health, and prominently display such poster in public areas that are accessible to and commonly frequented by students at each school site. Pursuant to Education Code 49428.5, as added by AB 748, CDE is required to develop a model mental health poster.

Each school site that serves students in any of grades 6-12 shall create an age appropriate and culturally relevant poster that identifies approaches and shares resources about student mental health, and that includes the following information: (Education Code 49428.5)

1. Identification of common behaviors of those struggling with mental health or who are in a mental health crisis, including, but not limited to, anxiety, depression, eating disorders, emotional dysregulation, bipolar episodes, and schizophrenic episodes
2. A list of, and contact information for, school site-specific resources, including, but not limited to, counselors, wellness centers, and peer counselors
3. A list of, and contact information for, community resources, including, but not limited to, suicide prevention, substance abuse, child crisis, nonpolice mental health hotlines, public behavioral health services, and community mental health centers
4. A list of positive coping strategies to use when dealing with mental health, including, but not limited to, meditation, mindfulness, yoga, breathing exercises, grounding skills, journaling, acceptance, and seeking therapy
5. A list of negative coping strategies to avoid, including, but not limited to, substance abuse or self-medication, violence and abuse, self-harm, compulsivity, dissociation, catastrophizing, and isolating

The poster shall be displayed in English and any primary language spoken by 15 percent or more of the students at the school site and be no smaller than 8.5 by 11 inches and at least 12-point font. The poster shall be prominently and conspicuously displayed in public areas that are accessible to, and commonly frequented by, students at each school site such as bathrooms, locker rooms, classrooms, classroom hallways, gymnasiums, auditoriums, cafeterias, wellness centers, and offices. Additionally, at the beginning of each school year the poster shall be distributed online to students through social media, websites, portals, and learning platforms. (Education Code 49428.5)

### **Mental Health Counseling and Referrals**

CSBA NOTE: Pursuant to Education Code 49428.1, as added by AB 309 (Ch. 662, Statutes of 2021), CDE is required to develop model referral protocols for addressing student mental health concerns and to post the model referral protocols on its website.

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual's credential. As needed, students and their parents/guardians may be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

CSBA NOTE: Pursuant to Education Code 49429, as amended by AB 167 (Ch. 252, Statutes of 2021), CDE, in consultation with the State Department of Health Care Services and appropriate stakeholders, is required to develop, subject to budget appropriations, guidelines for the use of

[telehealth technology in schools, including mental health and behavioral health services to students on school campuses, by December 31, 2022. See also 5141.6 - School Health Services.](#)

[Mental health and behavioral health services for students on campus may be provided by way of telehealth technology. \(Education Code 49429\)](#)

CSBA NOTE: Pursuant to 28 CFR 35.108, a student should be evaluated in accordance with Section 504 of the Rehabilitation Act (29 USC 794) if the student has a disability, including a mental impairment, that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. See BP/AR 6164.6 - Identification and Education Under Section 504. Districts also have an affirmative, ongoing duty to actively and systematically seek out, identify, locate, and evaluate all children with disabilities who may be in need of special education and related services (Education Code 56171, 56300-56385; 20 USC 1412; 34 CFR 300.111). See BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

### Funding Resources

CSBA NOTE: In addition to using district funds for mental health programs or services, districts may apply for grant funds administered by the county mental health agency or other sources.

The Mental Health Services Act, established by Proposition 63 in 2004, provides funding, personnel, and other resources to support county mental health programs, including, but not limited to, prevention and early intervention programs. Funding may be allocated for outreach to families and others to recognize the early signs of potentially severe and disabling mental illnesses, access and linkage to medically necessary care for children with severe mental illness, reduction in stigma and discrimination against people with mental illness, and strategies to reduce negative outcomes that may result from untreated mental illness.

Welfare and Institutions Code 5886; as added by [SB 75 \(Ch. 51, Statutes of 2019\)](#); establishes [established](#) the Mental Health Student Services Act, a competitive grant program to award funds to county mental health or behavioral health departments for the purpose of creating mental health partnerships with school districts, charter schools, and county offices of education

The Superintendent or designee shall explore potential funding sources for district programs and services that support student's mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

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### **Policy Reference Disclaimer:**

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Ed. Code 215-216	Student suicide prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 49060-49079	Student records
<a href="#">Ed. Code 49428.1</a>	<a href="#">Student mental health referral protocols</a>
<a href="#">Ed. Code 49428.15</a>	<a href="#">Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health</a>
<a href="#">Ed. Code 49428.5</a>	<a href="#">Student mental health poster</a>
Ed. Code 49600	Responsibilities of school counselors
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
<a href="#">Ed. Code 51925-51929</a>	<a href="#">Mandatory mental health education</a>
Ed. Code 56171	Duty to identify and assess children in private schools who need special education services
Ed. Code 56300-56385	Identification and referral; assessment, instructional planning
W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5840-5840.8	Prevention and early intervention programs
W&I Code 5850-5883	Mental Health Services Act
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	Individuals with Disabilities Education Act
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve
<a href="#">California Department of Education Publication</a>	<a href="https://www.cde.ca.gov/ls/mh/ec49428.15.asp">Youth Behavioral Health Training Programs (https://www.cde.ca.gov/ls/mh/ec49428.15.asp)</a>
CDC and Prevention Publication	School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009
<a href="#">US Department of Education Publication</a>	<a href="https://oese.ed.gov/files/2023/04/23-0083.BSCA-FAQs.pdf">Bipartisan Safer Communities Act Stronger Connections Grant Program, Frequently Asked Questions, April 2023 (https://oese.ed.gov/files/2023/04/23-0083.BSCA-FAQs.pdf)</a>

[US Dept of Health and Human Services Publication](#)

[Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023](#)  
(<https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf>)

[US Department of Health and Human Services](#)

[Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023](#)

Nat. Child Traumatic Stress Network  
Publication

Child Trauma Toolkit for Educators, 2008

Website

CSBA District and County Office of Education Legal Services

Website

National Child Traumatic Stress Network

Website

National Council for Behavioral Health, Mental Health First Aid

Website

Suicide Prevention Lifeline

Website

Suicide Prevention Resource Center

Website

Substance Abuse and Mental Health Services Administration

Website

American Association of Suicidology

Website

American Foundation for Suicide Prevention

Website

American Psychological Association

Website

California Department of Health Care Services, Mental Health Services

Website

Centers for Disease Control and Prevention, Mental Health

Website

National Association of School Psychologists

Website

National Institute for Mental Health

Website

California Department of Education, Mental Health

Website

American School Counselor Association

[Website](#)

[Office of the Surgeon General](#)  
(<https://www.hhs.gov/surgeongeneral/index.html>)

**Cross References**

**Code**

**Description**

0470

COVID-19 Mitigation Plan

3515.3

District Police/Security Department

3515.3

District Police/Security Department

3515.31

School Resource Officers

4131

Staff Development

5141.22

Infectious Diseases

PGUSD

5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
<u>5141.6</u>	<u>School Health Services</u>
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6164.5	Student Success Teams
6164.5	Student Success Teams

## Policy 5141.6: School Health Services

Status: ADOPTED

Original Adopted Date: 11/01/2008 | Last Revised Date: ~~10/06/01/2018~~2023 | Last Reviewed Date: ~~10/06/01/2018~~2023

CSBA NOTE: The following optional policy should be revised to reflect district practice. This policy addresses the provision of health services at or near school sites (e.g., a school-based or school-linked health center or mobile van) through the employment of or contract with health care professionals or community health centers. ~~Districts maintaining or planning to establish school health services are encouraged to review CSBA's policy brief entitled Expanding Access to School Health Services: Policy Considerations for Governing Boards, including by way of telehealth.~~

Pursuant to Education Code 49419, the California Department of Education (CDE) has created an Office of School-Based Health Programs to assist districts with current CDE health-related programs, and to provide technical assistance, outreach, and information to districts on allowable services and submission of claims. School-based health programs provide resources, support, and information to address the physical, mental, and/or behavioral health needs of school communities, including students and staff. For more information, see CDE's website.

The 2022 Bipartisan Safer Communities Act (P.L. 117-159), which amended the Protecting Access to Medicare Act of 2014 (42 USC 1396a), requires the Secretary of Health and Human Services (CalHHS) to publish best practices to support the delivery of services to students covered under Medicaid and the Children's Health Insurance Program (CHIP) via telehealth in schools, including mental health and substance use disorder services. See the section entitled "Medi-Cal Billing" in the accompanying administrative regulation.

Other CSBA sample policies and/or administrative regulations address specific health requirements and services for students. For example, see BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions, AR 5141.24 - Specialized Health Care Services, BP/AR 5141.3 - Health Examinations, ~~and~~ AR 5141.32 - Health Screening for School Entry, and BP 5141.5 - Mental Health.

The Governing Board recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The Board further recognizes that schools are uniquely positioned to increase health equity and to help ensure that all students have access to necessary health care services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses, and may utilize telehealth as a delivery mechanism to increase access to health care services in schools.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district, including preventative programming and intervention strategies to address students' physical, mental, and behavioral health needs.



CSBA NOTE: School health centers are generally funded by a combination of insurance reimbursements; state, federal, and county grants; district funds; subsidies from community clinics or hospitals; and/or private donations.

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

The Board may prioritize school health services to schools serving students with the greatest need, including schools with medically underserved populations and/or a high percentage of low-income and uninsured children and youth.

School health services shall be provided under the supervision of a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

If a school nurse is employed by the school or district, ~~he/she~~ the nurse shall be involved in planning and implementing the school health services as appropriate.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The California Department of Education's ([CDE](#)), "[Health Framework for California Public Schools,](#)" recommends a coordinated school health approach which integrates health services, health education, physical education, parent/community involvement, nutrition services, psychological and counseling services, a safe and healthy school environment, and health promotion for staff.

[Welfare and Institutions Code 5961-5961.5 established the Children and Youth Behavioral Health Initiative, which was created to enhance, expand, and redesign the systems that support behavioral health for students under age 25, with the goal of delivering equitable, appropriate, timely, and accessible behavioral health services and supports. More information and resources are available on CalHHS' website.](#)

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

CSBA NOTE: The following optional paragraph is for use by districts that choose to engage in outreach and enrollment efforts to encourage eligible students' participation in no-cost or low-cost health coverage programs.

Education Code 49557.2 authorizes the district to include on the application for free and reduced-price meals information about the Medi-Cal program and a student's potential eligibility. Pursuant to Education Code 49558, districts may release information on the free and reduced-price meals application to the local agency that determines eligibility under the Medi-Cal program, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information. See BP/AR 3553 - Free and Reduced Price Meals.

To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs.

and local health initiatives. Such strategies may include, but are not limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law.

## Consent and Confidentiality

CSBA NOTE: Parent/guardian consent is generally required prior to providing health services to a minor student. However, Family Code 6920-~~6929~~6930 specify exceptions under which minors do not need parent/guardian consent prior to receiving services, including an exception for a minor age 12 years or older to consent to medical care related to the prevention of a sexually transmitted disease, for medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, or for medical care related to an injury caused by intimate partner violence. In addition, Health and Safety Code 124260 allows a minor age 12 or older to consent to outpatient mental health services if, in the opinion of a professional person, as defined, the minor is mature enough to participate intelligently in the mental health treatment or counseling services. In this case, the child's parent/guardian must be involved unless the professional person determines it would be inappropriate.

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-~~6929~~6930, Health and Safety Code 124260, or other applicable law.

CSBA NOTE: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) mandates actions that "covered entities" must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release. Districts with questions about the applicability of HIPAA should consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

Additionally, the California Confidentiality of Medical Information Act (CMIA) (Civil Code 56-56.37) prohibits a health care provider, a health care service plan, or contractor from disclosing medical information without first obtaining permission of the individual. Civil Code 56.10, as amended by SB 1184 (Ch. 993, Statutes of 2022), authorizes a health care provider or a health care service plan to disclose medical information that complies with HIPAA to a school-linked services coordinator, pursuant to a written authorization between the health provider and the student. A "school-linked services coordinator" means an individual located on a school campus or under contract by a county behavioral health provider agency for the treatment and health care operations and referrals of students and their families that holds one of the following credentials or licenses: pupil personnel services, school nurse, marriage and family therapy, educational psychology, or professional clinical counseling.

In addition, 22 CCR 51270 requires districts serving as Medi-Cal providers (~~see section entitled "Payment/Reimbursement for Services" below~~) to comply with confidentiality requirements specified in Education Code 46090 and 49073-49079, Welfare and Institutions Code 14100.2, 22 CCR 51009, 42 USC 1320c-9, and 42 CFR 431.300; see the section entitled "Payment/Reimbursement for Services" below. Also see the accompanying administrative regulation regarding additional requirements for Medi-Cal billing, including the requirement to enter into a Provider Participation Agreement and Annual Report with the California Department of Health Care Services (DHCS).

Pursuant to Education Code 49428.15, CDE is required to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address student behavioral health, including instruction on how to maintain student privacy and confidentiality, consistent with federal and state privacy laws. CDE has identified such a training program, "Youth Mental Health First Aid," which is available on its website.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

### Payment/Reimbursement for Services

CSBA NOTE: Some school health services, such as medical and related services specified in an individualized education program for students with disabilities, must be provided free of charge. For other services, districts may charge a fee and are entitled to seek third-party reimbursement from students' private insurance and state or federal programs such as Medi-Cal or the Child Health and Disability Prevention program. See the accompanying administrative regulation.

The Superintendent or designee may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. Services may be provided free of charge or on a sliding scale in accordance with law.

CSBA NOTE: The following optional paragraph is for use by districts that have received approval from the ~~California Department of Health Care Services~~ [DHCS](#) to serve as Medi-Cal providers. Pursuant to Welfare and Institutions Code 14132.06 and 22 CCR 51051 and 51190.1, to the extent that federal funding is available, local educational agencies (LEAs) may receive partial Medi-Cal reimbursement through the LEA Medi-Cal Billing Option for health services provided to an enrolled student under age 22 who is certified for Medi-Cal and/or a member of the student's family. In addition, pursuant to Welfare and Institutions Code 14132.47, LEAs may be reimbursed through the Medi-Cal Administrative Activities (MAA) program for some of their administrative costs associated with school-based health and outreach activities that are not claimable under the LEA Medi-Cal Billing Option or other programs. See the accompanying administrative regulation.

Districts may receive assistance with Medi-Cal billing through CSBA's Practi-Cal program. See CSBA's ~~web site~~ [website](#) for further information.

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

### Program Evaluation

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but are not necessarily limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; measures of school climate; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

### 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.

<b>State</b>	<b>Description</b>
17 CCR 2950-2951	Hearing tests
17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments
22 CCR 51009	Confidentiality
22 CCR 51050-51192	Definitions of Medi-Cal providers and services
22 CCR 51200	Requirements for providers
22 CCR 51231.2	Wheelchair van requirements
22 CCR 51270	Local educational agency provider; conditions for participation
22 CCR 51304	Limitations on specified benefits
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services
22 CCR 51323	Medical transportation services
22 CCR 51351	Targeted case management services
22 CCR 51360	Local educational agency; types of services
22 CCR 51491	Local educational agency eligibility for payment
22 CCR 51535.5	Reimbursement to local educational agency providers
Ed. Code 49073-49079	Privacy of student records
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 95020	Individualized family service plan
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12
H&S Code 123110	Minor's right to access health records
H&S Code 123115	Limitation on parent/guardian access to minor's health records
H&S Code 123800-123995	California Children's Services Act
H&S Code 124025-124110	Child Health and Disability Prevention Program
H&S Code 124172-124174.6	Public School Health Center Support Program
H&S Code 124260	Mental health services; consent by minors age 12 and older

H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
<a href="#">W&amp;I Code 5961-5961.5</a>	<a href="#">Children and Youth Behavioral Health Initiative Act</a>
W&I Code 14059.5	Definition of "medically necessary"
W&I Code 14115	Medi-Cal claims process
W&I Code 14115.8	LEA Medi-Cal Billing Option; program guide
W&I Code 14124.90	Third-party health coverage
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies
W&I Code 14132.47	Administrative claiming process and targeted case management
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients
42 USC 1320c-9	Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Privacy of individually identifiable health information
<b>Management Resources</b>	<b>Description</b>
CA Department of Health Care Services Publication	LEA Medi-Cal <a href="#">Billing Option Program</a> Provider Manual, <a href="#">November 2021</a> ( <a href="https://www.dhcs.ca.gov/provgovpart/Pages/LEAProviderManual.aspx">https://www.dhcs.ca.gov/provgovpart/Pages/LEAProviderManual.aspx</a> )
<a href="#">CA Dept of Health Care Services Publication</a>	<a href="#">Policy and Procedure Letter No. 21-017R, December 2021</a> ( <a href="https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf">https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf</a> )
<a href="#">CA Dept of Health Care Services Publication</a>	<a href="#">Policy and Procedure Letter No. 23-004, February 2023</a> ( <a href="https://www.dhcs.ca.gov/formsandpubs/Documents/PPL23-004-Alternative-Format-Extension.pdf">https://www.dhcs.ca.gov/formsandpubs/Documents/PPL23-004-Alternative-Format-Extension.pdf</a> )
CA Dept of Health Care Services Publication	California School-Based Medi-Cal Administrative Activities Manual ( <a href="https://www.dhcs.ca.gov/provgovpart/Pages/SMAAManual.aspx">https://www.dhcs.ca.gov/provgovpart/Pages/SMAAManual.aspx</a> )
<a href="#">CA Health and Human Services Publication</a>	<a href="#">Children and Youth Behavioral Health Initiative, 2021</a> ( <a href="https://www.chhs.ca.gov/wp-content/uploads/2021/12/Children-and-Youth-Behavioral-Health-Initiative-Brief.pdf">https://www.chhs.ca.gov/wp-content/uploads/2021/12/Children-and-Youth-Behavioral-Health-Initiative-Brief.pdf</a> )
CA School-Based Health Alliance Publication	Documenting the Link Between School-Based Health Centers and Academic Success, May 2014
CA School-Based Health Alliance Publication	How to Fund Health Services in Your School District, September 2014
California Department of Education Publication	Health <a href="#">Education</a> Framework for California Public Schools, Kindergarten Through Grade Twelve, <a href="#">May 2019</a> ( <a href="https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf">https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf</a> )
<a href="#">CSBA US Dept of Health and Human Services</a> Publication	<del>Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008</del> <a href="#">Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 18, 2022</a>

	<a href="https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf">https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf</a>
<a href="#">CSBA US Dept of Health and Human Services</a> Publication	<del>Promoting Oral Health for California's Students: New Role, New Opportunities for Schools, Policy Brief, November 2008</del> <a href="#">Centers for Medicare &amp; Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022</a>
	<a href="https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf">https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf</a>
National Center For Youth Law Publication	Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015
Website	CSBA District and County Office of Education Legal Services
Website	CSBA, Practi-Cal Program
Website	California School-Based Health Alliance
Website	Center for Health and Health Care in Schools
Website	Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study
Website	Centers for Medicare and Medicaid Services
Website	California County Superintendents Educational Services Association
Website	National Center for Youth Law
Website	California School Nurses Organization
Website	California Department of Education, Health Services and School Nursing
Website	California Department of Health Care Services
Website	California Department of Public Health
<a href="#">Website</a>	<a href="#">California Department of Health and Human Services</a> <a href="https://www.chhs.ca.gov/">https://www.chhs.ca.gov/</a>
Website	CSBA

**Cross References**

<b>Code</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools

3514	Environmental Safety
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4119.41	Employees With Infectious Disease
4119.43	Universal Precautions
4119.43	Universal Precautions
4157	Employee Safety
4157	Employee Safety
4219.41	Employees With Infectious Disease
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4257	Employee Safety
4257	Employee Safety
4319.41	Employees With Infectious Disease
4319.43	Universal Precautions
4319.43	Universal Precautions
4357	Employee Safety
4357	Employee Safety
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5125	Student Records
5125	Student Records
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco

5131.63	Steroids
5131.63	Steroids
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services
5141.25	Availability Of Condoms
5141.26	Tuberculosis Testing
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.33	Head Lice
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.7	Sun Safety
5143	Insurance
5143	Insurance
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention
5148	Child Care And Development
5148	Child Care And Development
5148.3 PGUSD	Preschool/Early Childhood Education



5148.3	Preschool/Early Childhood Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(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
6177	Summer Learning Programs
6184	Continuation Education
6184	Continuation Education

## Regulation 5141.6: School Health Services

Status: ADOPTED

Original Adopted Date: 11/01/2008 | Last Revised Date: ~~10/06/01/2018~~2023 | Last Reviewed Date: ~~10/06/01/2018~~2023

### Types of Health Services

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

In accordance with student and community needs and available resources, school health services offered by the district may include, but are not limited to:

1. Health screenings, evaluations, and assessments of students' need for health services
2. Physical examinations, immunizations, and other preventive medical services
3. First aid and administration of medications
4. Diagnosis and treatment of minor injuries and acute medical conditions
5. Management of chronic medical conditions
6. Basic laboratory tests
7. Emergency response procedures
8. Nutrition services
9. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

CSBA NOTE: Pursuant to Health and Safety Code 104830-104865, elementary and secondary students must be offered an opportunity each school year to receive a topical application of fluoride or other decay-inhibiting agent by a dentist or dental assistant, under a program organized and operated by the county health officer. Districts are required to cooperate with the county health officer in carrying out the program in any school in their jurisdiction and to provide notification to parents/guardians regarding the availability of the program, as provided below.

~~10.~~ The Superintendent or designee shall notify all parents/guardians of the opportunity pursuant to Health and Safety Code 104830-104865 for their child to receive the topical application of fluoride, including fluoride varnish, or other decay-inhibiting agent to the teeth during the school year. Such application of fluoride or other decay-inhibiting agent shall only be provided to a student whose parent/guardian returns the notification with an indication consenting to the treatment. (Health and Safety Code 104830, 104850, 104855)

CSBA NOTE: Pursuant to Education Code 49428.15, the California Department of Education (CDE) is required to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address student behavioral health, including staff and student training on recognizing the signs and symptoms of common psychiatric conditions and substance use disorders and other behavioral health disorders. CDE has identified such a training program, "Youth Mental Health First Aid," which is available on its website.

~~11.10.~~ Mental or behavioral health services, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs

~~12.11.~~ Substance abuse prevention and intervention services

~~13.12.~~ Vision and audiology services

~~14.13.~~ Speech therapy

~~15.14.~~ Occupational therapy

~~16.15.~~ Physical therapy

CSBA NOTE: Item #16 may be deleted by districts that offer only elementary grades.

~~17.16.~~ Reproductive health services

~~18.17.~~ Specialized health care services for students with disabilities

~~19.18.~~ Medical transportation

~~20.19.~~ Targeted case management

~~21.20.~~ Referrals and linkage to services not offered on-site

~~22.21.~~ Public health and disease surveillance

~~23.22.~~ Individual and family health education

~~24.23.~~ School or districtwide health promotion

CSBA NOTE: Pursuant to Education Code 49429, CDE, in consultation with the Department of Health Care Services (DHCS) and appropriate stakeholders, and subject to budget appropriations, is required to develop guidelines for the use of telehealth technology in schools, including mental health and behavioral health services to students on school campuses, by December 31, 2022.

The district may deliver health care services, including mental and behavioral health, for students on campus by means of telehealth technology. (Education Code 49429)

## Medi-Cal Billing

CSBA NOTE: The following optional section is for use by districts that have contracted with the California Department of Health Care Services (DHCS) in order to provide services as a Medi-Cal provider as authorized by Welfare and Institutions Code 14132.06; see the accompanying Board policy. To the extent that the district contracts with health care practitioners or clinics to provide the services, the practitioner or clinic is considered the provider of services and is the entity billing and receiving Medi-Cal payments for services.

DHCS' Local Educational Agency Medi-Cal Billing Option Program (LEA BOP) reimburses LEA BOP providers, including school districts, the federal share of the maximum allowable rate for approved health-related services provided by qualified health service practitioners to Medi-Cal eligible students.

Pursuant to Welfare and Institutions Code 14115.8, as amended by AB 3192 (Ch. 658, Statutes of 2018), requires DHCS, by January 1, 2020, to develop and distribute a has developed program guidance, available on its website, containing information regarding processes, documentation, and the proper submission of claims under the LEA Medi-Cal Billing Option program.BOP.

The 2022 Bipartisan Safer Communities Act (P.L. 117-159), which amended the Protecting Access to Medicare Act of 2014 (42 USC 1396a), requires the Secretary of Health and Human Services to publish best practices to support the delivery of services to students covered under Medicaid and the Children’s Health Insurance Program (CHIP) via telehealth in schools, including mental health and substance use disorder services. The Secretary of Health and Human Services, in consultation with the Secretary of Education, has issued guidance, “Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services,” to local educational agencies and school-based entities to support the delivery of medical assistance to Medicaid and CHIP beneficiaries in school-based settings and outline strategies and tools to reduce administrative burdens on, and simplify billing for, districts, in particular small and rural districts.

In order to provide services as a Medi-Cal provider, the district shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

CSBA NOTE: The federal Americans with Disabilities Act (42 USC 12101; 28 CFR 35) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and state law, prohibit discrimination against qualified individuals who have speech, hearing, or vision disabilities who participate in public programs. Because discrimination is prohibited in the administration of Medi-Cal services, including determining eligibility, districts and district subcontractors must provide qualified individuals with auxiliary aides and services, including materials in alternative formats, such as braille, large font, or audio recordings, to ensure individuals can effectively communicate and participate in public programs, services, or activities including Medi-Cal. In accordance with DHCS Policy and Procedure Letters No. 21-017R and No. 23-004, districts are required, by August 1, 2023, to develop a plan to meet these alternative format requirements, in accordance with the terms and conditions of the Provider Participation Agreement and Addendum, and store and maintain the alternative format plan within their audit file, which may be requested by DHCS at any time after August 1, 2023.

The Superintendent or designee shall develop a plan to ensure that the district and all district subcontractors, provide individuals with speech, vision, and hearing disabilities auxiliary aides and services, to enable those individuals to effectively communicate and participate in the Medi-Cal program. Such auxiliary aides and services may include, but are not limited to, providing written materials in alternative formats, such as braille, large font, audio recordings, or closed captioning.

CSBA NOTE: With the exception of health care aides who provide specialized physical health care services pursuant to Education Code 49423.5, any practitioner whom the district employs or with whom it contracts must be credentialed to practice as a physician, registered nurse, psychologist, school counselor, or one of the other professions listed in 22 CCR 51190.3 in order for the district to receive Medi-Cal reimbursement.

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the district possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

CSBA NOTE: Reimbursement under Medi-Cal is limited to the services specified in Welfare and Institutions Code 14132.06 and 22 CCR 51190.4 and 51360. Pursuant to Welfare and Institutions Code 14132.06, services may be reimbursable whether or not the student has an individualized

education program (IEP) or individualized family service plan (IFSP) or whether those same services are provided at no charge to the beneficiary or to the community at large.

22 CCR 51360 provides that services for accompanying a student off campus for nursing or school health aide services will be reimbursable when specified as medically necessary in an IEP or IFSP.

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the district provides a Medi-Cal-eligible student under age 22 and/or a member of the student's family a covered service specified in 22 CCR 51190.4 or 51360. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

CSBA NOTE: Health and Safety Code 1374.722 requires a health care service plan contract issued, amended, renewed or delivered on or after January 1, 2024, that is required to provide coverage for medically necessary treatment of mental health and substance use disorders pursuant to Health and Safety Code 1374.72, 1374.721, and 1374.73, to cover the provision of the services identified in the fee-for-service reimbursement schedule published by DHCS, when those services are delivered at school sites, as defined below, regardless of the network status of the district or health care provider. Guidance to health care service plans regarding compliance with this section is required to be issued by December 31, 2023.

Additionally, pursuant to Welfare and Institutions Code 5961.4, DHCS is required to develop a school-linked statewide fee schedule for outpatient mental health or substance use disorder treatment provided to students under the age of 25 at a school site, a school-linked statewide provider network of school site behavioral health counselors, evidence-based behavioral health programs, behavioral health services and supports virtual platform, and to award school-linked partnership and capacity grants. As part of the Children and Youth Behavioral Health Initiative, DHCS is also required to provide incentive payments to qualifying Medi-Cal managed care plans to implement interventions that increase access to preventive, early intervention, and behavioral health services by school-affiliated behavioral health providers for children in publicly funded preschool through grade 12. More information about the Children and Youth Behavioral Health Initiative is available on DHCS's website.

When the district provides services, or arranges for the provision of services, for treatment of a mental health or substance use disorder for a student at a school site or at an off-campus clinic, mobile counseling service, or similar district-arranged location, the district may seek reimbursement from the student's health care service plan, in accordance with the requirements of Health and Safety Code 1374.722.

The district shall maintain records and supporting documentation including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270, 51476)

CSBA NOTE: 22 CCR 51270 requires federal reimbursements to be reinvested in health and social services for students and their families, as provided below. This requirement does not apply to reimbursements received under the Medi-Cal Administrative Activities (MAA) program described in the following section.

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in approved services for students and their families. The Superintendent or designee shall consult with a local school-linked services collaborative group regarding decisions on reinvestment of federal funds. (22 CCR 51270)

CSBA NOTE: 22 CCR 51270 requires that districts submit an annual report, as described below, as a condition of continued participation as a Medi-Cal provider. The deadline for this annual report is specified in the program provider participation agreement that districts enter into with DHCS.

The Superintendent or designee shall submit an annual report to DHCS to identify participants in the community collaborative, provide a financial summary including reinvestment expenditures, and describe service priorities for the future. (22 CCR 51270)

### Medi-Cal Administrative Activities

CSBA NOTE: The following optional section is for use by districts that participate in the MAA program administered by DHCS pursuant to Welfare and Institutions Code 14132.47. Under this program, districts providing Medi-Cal-covered health services may be reimbursed for some of their administrative and outreach costs. This section reflects program requirements described in the [DHCS's "California School-Based Medi-Cal Administrative Activities Manual published by DHCS," available on its website.](#)

Districts may receive assistance with Medi-Cal administrative billing through [CSBA's Practi-Cal program](#). See [CSBA's website](#) for further information.

The district shall apply for reimbursement for activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to, outreach, translation for Medi-Cal services, facilitation of applications, arrangement of nonemergency and nonmedical transportation of eligible individuals, program planning and policy development, claims coordination and administration, training, and general administration.

Appropriate staff shall receive training in administrative claiming categories and related activities.

CSBA NOTE: The district must submit claims through either a local educational agency consortium (i.e., one of the service regions of the California County Superintendent Educational Services Association) or a local governmental agency (i.e., county or chartered city) that has contracted with DHCS. The district may modify the following two paragraphs to reflect the appropriate entity or agency.

To receive reimbursement for Medi-Cal administrative activities, the Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the district has contracted.

CSBA NOTE: The MAA program requires randomly selected employees who perform MAA activities as a normal part of their job duties to complete a random-moment time study which is used to determine the work effort of all time study participants over a given time period. Further information regarding the required procedure is available on the [DHCS website](#).

In addition, the Superintendent or designee shall submit to the local educational consortium or local governmental agency, and shall update each quarter, a roster of all employees who perform direct Medi-Cal services or administrative activities. When notified by the local educational consortium or local governmental agency of the date and time that a random-moment time survey must be conducted by a particular employee, the Superintendent or designee shall coordinate the completion and submission of the survey in accordance with DHCS timelines and procedures.

The Superintendent or designee shall maintain an audit file containing random-moment time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

**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.

<b>State</b>	<b>Description</b>
17 CCR 2950-2951	Hearing tests
17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments
22 CCR 51009	Confidentiality
22 CCR 51050-51192	Definitions of Medi-Cal providers and services
22 CCR 51200	Requirements for providers
22 CCR 51231.2	Wheelchair van requirements
22 CCR 51270	Local educational agency provider; conditions for participation
22 CCR 51304	Limitations on specified benefits
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services
22 CCR 51323	Medical transportation services
22 CCR 51351	Targeted case management services
22 CCR 51360	Local educational agency; types of services
22 CCR 51491	Local educational agency eligibility for payment
22 CCR 51535.5	Reimbursement to local educational agency providers
Ed. Code 49073-49079	Privacy of student records
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 95020	Individualized family service plan
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12
H&S Code 123110	Minor's right to access health records
H&S Code 123115	Limitation on parent/guardian access to minor's health records
H&S Code 123800-123995	California Children's Services Act
H&S Code 124025-124110	Child Health and Disability Prevention Program

H&S Code 124172-124174.6	Public School Health Center Support Program
H&S Code 124260	Mental health services; consent by minors age 12 and older
H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
<u>W&amp;I Code 5961-5961.5</u>	<u>Children and Youth Behavioral Health Initiative Act</u>
W&I Code 14059.5	Definition of "medically necessary"
W&I Code 14115	Medi-Cal claims process
W&I Code 14115.8	LEA Medi-Cal Billing Option; program guide
W&I Code 14124.90	Third-party health coverage
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies
W&I Code 14132.47	Administrative claiming process and targeted case management
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients
42 USC 1320c-9	Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Privacy of individually identifiable health information
<b>Management Resources</b>	<b>Description</b>
CA Department of Health Care Services Publication	LEA Medi-Cal <u>Billing Option Program</u> Provider Manual, <u>November 2021</u> ( <a href="https://www.dhcs.ca.gov/provgovpart/Pages/LEAProviderManual.aspx">https://www.dhcs.ca.gov/provgovpart/Pages/LEAProviderManual.aspx</a> )
<u>CA Dept of Health Care Services Publication</u>	<u>Policy and Procedure Letter No. 21-017R, December 2021</u> ( <a href="https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf">https://www.dhcs.ca.gov/formsandpubs/Documents/PPL-21-017R-Alternative-Format-Request-Requirements.pdf</a> )
<u>CA Dept of Health Care Services Publication</u>	<u>Policy and Procedure Letter No. 23-004, February 2023</u> ( <a href="https://www.dhcs.ca.gov/formsandpubs/Documents/PPL23-004-Alternative-Format-Extension.pdf">https://www.dhcs.ca.gov/formsandpubs/Documents/PPL23-004-Alternative-Format-Extension.pdf</a> )
CA Dept of Health Care Services Publication	California School-Based Medi-Cal Administrative Activities Manual ( <a href="https://www.dhcs.ca.gov/provgovpart/Pages/SMAAManual.aspx">https://www.dhcs.ca.gov/provgovpart/Pages/SMAAManual.aspx</a> )
<u>CA Health and Human Services Publication</u>	<u>Children and Youth Behavioral Health Initiative, 2021</u> ( <a href="https://www.chhs.ca.gov/wp-content/uploads/2021/12/Children-and-Youth-Behavioral-Health-Initiative-Brief.pdf">https://www.chhs.ca.gov/wp-content/uploads/2021/12/Children-and-Youth-Behavioral-Health-Initiative-Brief.pdf</a> )
CA School-Based Health Alliance Publication	Documenting the Link Between School-Based Health Centers and Academic Success, May 2014
CA School-Based Health Alliance Publication	How to Fund Health Services in Your School District, September 2014
California Department of Education Publication	Health <u>Education</u> Framework for California Public Schools, Kindergarten Through Grade Twelve, <u>May 2019</u> ( <a href="https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf">https://www.cde.ca.gov/ci/he/cf/documents/healthedframework2019.pdf</a> )



<p>CSBA <a href="#">US Dept of Health and Human Services</a> Publication</p>	<p>INFORMATION/DISCUSSION A          Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008  <a href="#">Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 18, 2022</a>  <a href="https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf">https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf</a></p>
<p>CSBA <a href="#">US Dept of Health and Human Services</a> Publication</p>	<p>Promoting Oral Health for California's Students: New Role, New Opportunities for Schools, Policy Brief, November 2008  <a href="#">Centers for Medicare &amp; Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022</a>  <a href="https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf">https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf</a></p>
<p>National Center For Youth Law Publication</p>	<p>Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015</p>
<p>Website</p>	<p>CSBA District and County Office of Education Legal Services</p>
<p>Website</p>	<p>CSBA, Practi-Cal Program</p>
<p>Website</p>	<p>California School-Based Health Alliance</p>
<p>Website</p>	<p>Center for Health and Health Care in Schools</p>
<p>Website</p>	<p>Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study</p>
<p>Website</p>	<p>Centers for Medicare and Medicaid Services</p>
<p>Website</p>	<p>California County Superintendents Educational Services Association</p>
<p>Website</p>	<p>National Center for Youth Law</p>
<p>Website</p>	<p>California School Nurses Organization</p>
<p>Website</p>	<p>California Department of Education, Health Services and School Nursing</p>
<p>Website</p>	<p>California Department of Health Care Services</p>
<p>Website</p>	<p>California Department of Public Health</p>
<p><a href="#">Website</a></p>	<p><a href="#">California Department of Health and Human Services</a>  <a href="https://www.chhs.ca.gov/">https://www.chhs.ca.gov/</a></p>
<p>Website</p>	<p>CSBA</p>

**Cross References**

Code	Description
0470	COVID-19 Mitigation Plan
1330.1	Joint Use Agreements
1340	Access To District Records
1340 PGUSD	Access To District Records

1400	Relations Between Other Governmental Agencies And The Schools
3514	Environmental Safety
3514	Environmental Safety
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4119.41	Employees With Infectious Disease
4119.43	Universal Precautions
4119.43	Universal Precautions
4157	Employee Safety
4157	Employee Safety
4219.41	Employees With Infectious Disease
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4257	Employee Safety
4257	Employee Safety
4319.41	Employees With Infectious Disease
4319.43	Universal Precautions
4319.43	Universal Precautions
4357	Employee Safety
4357	Employee Safety
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5125	Student Records
5125	Student Records
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs

5131.61	Drug Testing
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.24	Specialized Health Care Services
5141.25	Availability Of Condoms
5141.26	Tuberculosis Testing
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.33	Head Lice
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5141.7	Sun Safety
5143	Insurance
5143	Insurance
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5147	Dropout Prevention

5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145.2	Athletic Competition
6145.2	Athletic Competition
6164.2	Guidance/Counseling Services
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(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
6177	Summer Learning Programs
6184	Continuation Education
6184	Continuation Education

## Policy 5145.6: Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 03/01/2007 | Last Revised Date: 07~~06~~/01/2020~~2023~~ | Last Reviewed Date: 07~~06~~/01/2020~~2023~~

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

CSBA NOTE: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of ~~homeless~~ students experiencing homelessness pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

CSBA NOTE: Pursuant to state and federal antidiscrimination laws, including the Americans with Disabilities Act (42 USC 12101; 28 CFR 35) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794), auxiliary aides and services must be provided to qualified individuals with disabilities to enable those individuals to effectively communicate and participate in public programs, services, or activities. For example, for the Medi-Cal Program, the Department of Health Care Services (DHCS), the state agency that administers the program, has issued Policy and Procedure Letters No. 21<sup>477</sup>

017R and No. 23-004, which require districts to develop a plan to meet these alternative format requirements. For more information on the Medi-Cal Program, see AR 5141.6 – School Health Services.]

When necessary, the district shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large front, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

#### **Policy Reference UPDATE Service**

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<b>State</b>	<b>Description</b>
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
<a href="#">5 CCR 17782</a>	<a href="#">Notice of Action; application for services</a>
<a href="#">5 CCR 17783</a>	<a href="#">Notice of Action; recipient of services</a>
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services

5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners; parental consultation
Ed. Code 313.2	Long-term English learner; notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability

Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
<u>Ed. Code 35292.6</u>	<u>School maintenance</u>
Ed. Code 37616	<u>Notice of public hearing on year-round schedule</u> <u>Consultation regarding year-round schedule</u>
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization and exclusion from attendance
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Education of foster youth and homeless students



Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other than English
<u>Ed. Code 48986</u>	<u>Safe storage of firearms</u>
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order

Ed. Code 49392Threats of homicide at school

Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
<a href="#"><u>Ed. Code 49452.6</u></a>	<a href="#"><u>Type 1 diabetes informational materials</u></a>
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
<a href="#"><u>Ed. Code 49455.5</u></a>	<a href="#"><u>Eye examination for purpose of eyeglasses</u></a>
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49476	Student athletes; opioid fact sheet
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
<a href="#"><u>Ed. Code 51225.31</u></a>	<a href="#"><u>Graduation from high school; exemption for eligible students with special needs</u></a>
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
<a href="#"><u>Ed. Code 51749.5</u></a>	<a href="#"><u>Independent study</u></a>
Ed. Code 51938	HIV/AIDS and sexual health instruction
<a href="#"><u>Ed. Code 52062</u></a>	<a href="#"><u>Local control and accountability plans and the statewide system of support</u></a>
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 54444.2	Migrant education programs; parent involvement

Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8212	Complaints related to preschool health and safety issues
Ed. Code 8483	Before/after school program; enrollment priorities
<a href="#">Ed. Code 8489</a>	<a href="#">Expulsion and suspension procedures in childcare and development services programs</a>
<a href="#">Ed. Code 8489.1</a>	<a href="#">Expulsion and suspension procedures in childcare and development services programs</a>
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of school drinking water
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and immunizations
<a href="#">H&amp;S Code 1596.8555</a>	<a href="#">Administration of child day care licensing; posting license</a>
H&S Code 1596.857	Right to enter child care facility
H&S Code 1597.16	Licensed child care centers; lead testing
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration
<a href="#">W&amp;I Code 10228</a>	<a href="#">Child care providers; posting of rates, discounts, and scholarships</a>

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions, and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals

7 CFR 245.6a

Verification of eligibility for free and reduced-price meals

**Management Resources**

U.S. Department of Agriculture  
Publication

**Description**

Civil Rights Compliance and Enforcement -- Nutrition  
Programs and Services, FNS Instruction 113-1, 2005

Website

CSBA District and County Office of Education Legal Services

Website

U.S. Department of Agriculture, Food and Nutrition Service

**Cross References**

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Comprehensive Safety Plan

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Local Control And Accountability Plan

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**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Exhibit 5145.6-E(1): Parent/Guardian Notifications****Status: ADOPTED**

Original Adopted Date: 03/01/2018 | Last Revised Date: 03/06/01/2022~~2023~~ | Last Reviewed Date: 03/06/01/2022~~2023~~

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2021~~2022~~ (AB 128~~178~~, Ch. 2145, Statutes of 2021~~2022~~) extends the suspension of these requirements through the 2021-22~~2022-23~~ fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

CSBA NOTE: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures (UCP) as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual, but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

**I. Annually**

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 222.5  
Board Policy/Administrative Regulation #: See BP 5146  
Subject: Rights and options for pregnant and parenting students

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 234.7  
Board Policy/Administrative Regulation #: See BP 0410  
Subject: Right to a free public year 234.7 education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 310  
Board Policy/Administrative Regulation #: See BP 6142.2, See AR 6174  
Subject: Information on the district's language acquisition program

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 17611.5, 17612, 48980.3  
Board Policy/Administrative Regulation #: See AR 3514.2  
Subject: Use of pesticide product~~product~~products, active ingredients, Internet~~internet~~internet address to access

information, and, if district uses certain pesticides, integrated pest management plan

When to Notify: Annually by February 1

Education or Other Legal Code: Education Code 35256, 35258

Board Policy/Administrative Regulation #: See BP 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 35291, 48980

Board Policy/Administrative Regulation #: See AR 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 44050

Board Policy/Administrative Regulation #: See BP 4119.21, See BP 4219.21, See BP 4319.21

Subject: Code of conduct addressing employee interactions with students

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 46010.1

Board Policy/Administrative Regulation #: See AR 5113

Subject: Absence for confidential medical services

When to Notify: Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school

Education or Other Legal Code: Education Code 48929, 48980

Board Policy/Administrative Regulation #: See BP 5116.2

Subject: District policy authorizing transfer

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: Schedule of minimum days and student-free staff development days

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Copy of sexual harassment policy as related to students; contact information for Title IX coordinator

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 32255-32255.6

Board Policy/Administrative Regulation #: See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 35160.5, 46600-46611, 48204, 48301

Board Policy/Administrative Regulation #: See BP 5111.1, See AR 5116.1, See AR 5117

Subject: All statutory attendance options, available local attendance options, options for meeting

residency, form for changing attendance, appeals process

When to Notify: Beginning of each school year, if Board allows such absence

Education or Other Legal Code: Education Code 48980, 46014

Board Policy/Administrative Regulation #: See AR 5113

Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 48205

Board Policy/Administrative Regulation #: See AR 5113, See BP 6154

Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 48206.3, 48207, 48208

Board Policy/Administrative Regulation #: See AR 6183

Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49403

Board Policy/Administrative Regulation #: See BP 5141.31

Subject: School immunization program

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49423, 49480

Board Policy/Administrative Regulation #: See AR 5141.21

Subject: Administration of prescribed medication

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49451; 20 USC 1232h

Board Policy/Administrative Regulation #: See AR 5141.3

Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49471, 49472

Board Policy/Administrative Regulation #: See BP 5143

Subject: Availability of insurance

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement

Education or Other Legal Code: Education Code 48980, 51225.3

Board Policy/Administrative Regulation #: See AR 6146.1

Subject: How district established graduation requirements do or do not satisfy college entrance A-G course criteria; district's CTE courses that satisfy A-G course criteria

When to Notify: Annually

Education or Other Legal Code: Education Code 48986, 49392

Board Policy/Administrative Regulation #: See AR 0450

Subject: Information and laws related to the safe storage of firearms and California's child access prevention laws

When to Notify: Annually

Education or Other Legal Code: Education Code 49013; 5 CCR 4622

Board Policy/Administrative Regulation #: See AR 1312.3, See BP 0460, See BP 3260

Subject: Uniform complaint procedures, available appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063

Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3

Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7

Board Policy/Administrative Regulation #: See AR 5125

Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria for defining school officials and to determine legitimate educational interest, categories defined as directory information, disclosures, right to file complaint with U.S. Department of Education, course prospectus availability

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Release of directory information

~~When to Notify: Beginning of each~~

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49069.5, 51225.1

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

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

When to Notify: Two or more times during the school year

Education or Other Legal Code: Education Code 49428

Board Policy/Administrative Regulation #: See ~~None~~BP 5141.5

Subject: How to access mental health services at school and/or in the community

When to Notify: Beginning of each school year in schools serving students in grades 6-12

Education or Other Legal Code: Education Code 49428.5

Board Policy/Administrative Regulation #: See BP 5141.5

Subject: Distribution of digitized mental health poster online

When to Notify: Annually or upon enrollment in elementary school

Education or Other Legal Code: Education Code 49452.6

Board Policy/Administrative Regulation #: See AR 5141.3

Subject: Availability of type 1 diabetes informational materials developed by the California Department of Education

When to Notify: Beginning of each school year  
 Education or Other Legal Code: Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5  
 Board Policy/Administrative Regulation #: See AR 3553  
 Subject: Eligibility and application process for free and reduced price meals

When to Notify: Beginning of each school year  
 Education or Other Legal Code: Education Code 51513, 20 USC 1232h  
 Board Policy/Administrative Regulation #: See AR 5022, See BP 6162.8  
 Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

When to Notify: When developing the local control and accountability plan and during the annual update of the local control and accountability plan (LCAP)

Education or Other Legal Code: Education Code 52062

Board Policy/Administrative Regulation #: See BP 0460

Subject: Opportunity to submit written comments regarding specific actions and expenditures in proposed plan or annual update

When to Notify: Beginning of each school year  
 Education or Other Legal Code: Education Code 56301  
 Board Policy/Administrative Regulation #: See BP 6164.4  
 Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year  
 Education or Other Legal Code: Education Code 58501, 48980  
 Board Policy/Administrative Regulation #: See AR 6181  
 Subject: Alternative schools

When/Whom to Notify: Annually

Education or Other Legal Code: Education Code 60615, 5 CCR 852

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year  
 Education or Other Legal Code: Health and Safety Code 104855  
 Board Policy/Administrative Regulation #: See AR 5141.6  
 Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When/Whom to Notify: Annually

Education or Other Legal Code: 5 CCR 852; Education Code 60615

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year, if district receives Title I funds  
 Education or Other Legal Code: 20 USC 6312; 34 CFR 200.48  
 Board Policy/Administrative Regulation #: See BP 4112.2, See AR 4222

Subject: Right to request information re: professional qualifications of child's teacher and paraprofessional

When to Notify: Beginning of each school year

Education or Other Legal Code: 34 CFR 104.8, 106.9

Board Policy/Administrative Regulation #: See BP 0410, See BP 6178

Subject: Nondiscrimination

When to Notify: Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals

Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93

Board Policy/Administrative Regulation #: See AR 3514

Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year

Education or Other Legal Code: USDA [FNS Instructions 113-1](#)

[Board Policy/Administrative Regulation #: See BP 3555](#)

[Subject: Information related to the district's food service programs](#)

[When to Notify: Beginning of each school year](#)

[Education or Other Legal Code: USDA SP-23-201746-2016](#)

Board Policy/Administrative Regulation #: See AR 3551

Subject: District policy on meal payments

## II. At Specific Times During the Student's Academic Career

When to Notify: Beginning in grade 7, at least once prior to course selection and career counseling

Education or Other Legal Code: Education Code 221.5<sub>1</sub>, 48980

Board Policy/Administrative Regulation #: See BP 6164.2

Subject: Course selection and career counseling

When to Notify: Upon a student's enrollment

Education or Other Legal Code: Education Code 310

Board Policy/Administrative Regulation #: See BP 6142.2, See AR 6174

Subject: Information on the district's language acquisition programs

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program

Education or Other Legal Code: Education Code 32390, 48980

Board Policy/Administrative Regulation #: See AR 5142.1

Subject: Fingerprinting program

When/Whom to Notify: When participating in driver training courses under the jurisdiction of the district

Education or Other Legal Code: Education Code 35211

Board Policy/Administrative Regulation #: None

Subject: Civil liability, insurance coverage



When to Notify: Upon registration in K-6, if students have not previously been transported  
 Education or Other Legal Code: Education Code 39831.5  
 Board Policy/Administrative Regulation #: See AR 3543  
 Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year for high school students, if high school is open campus  
 Education or Other Legal Code: Education Code 44808.5, 48980  
 Board Policy/Administrative Regulation #: See BP 5112.5  
 Subject: Open campus

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course Prior to satisfy graduation requirement providing an eye examination  
 Education or Other Legal Code: Education Code ~~48980, 51225.3~~ 49455.5  
 Board Policy/Administrative Regulation #: See AR ~~6146.1~~ 5141.3  
 Subject: How each school graduation requirement does Upcoming eye examinations at school site, including form on which parent/guardian may indicate lack of consent

When to Notify: When a parent/guardian request for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures  
Education or does not satisfy college entrance a-g course criteria; districts CTE courses that satisfy a-g course criteria

Other Legal Code: Education Code 49468.2  
Board Policy/Administrative Regulation #: To be included in AR 5141.21  
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When to Notify: Upon a student's enrollment  
 Education or Other Legal Code: Education Code 49063  
 Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3  
 Subject: Specified rights related to student records

When to Notify: When students enter grade 7  
 Education or Other Legal Code: Education Code 49452.7  
 Board Policy/Administrative Regulation #: See AR 5141.3  
 Subject: Specified information on type 2 diabetes

When to Notify: When in kindergarten, or first grade if not previously enrolled in public school  
 Education or Other Legal Code: Education Code 49452.8  
 Board Policy/Administrative Regulation #: See AR 5141.32  
 Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

When to Notify: Before grade 12  
 Education or Other Legal Code: Education Code 51225.8  
 Board Policy/Administrative Regulation #: See AR 6143  
 Subject: Completion and submission of FAFSA and CADAA

When to Notify: Beginning of each school year for students in grades 9-12  
 Education or Other Legal Code: Education Code 51229, 48980  
 Board Policy/Administrative Regulation #: See AR 6143, [BP 6178](#)  
 Subject: UC and CSU College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors

When to Notify: Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year  
 Education or Other Legal Code: Education Code 51938, 48980  
 Board Policy/Administrative Regulation #: See AR 6142.1  
 Subject: Sexual health and HIV prevention education; right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year  
 Education or Other Legal Code: Education Code 60641.1, 5 CCR 863  
 Board Policy/Administrative Regulation #: See AR 6162.51  
 Subject: Results of tests; test purpose, individual score and intended use

When/Whom to Notify: By October 15 for students in grade 12  
 Education or Other Legal Code: Education Code 69432.9  
 Board Policy/Administrative Regulation #: See AR 5121, See AR 5125  
 Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When to Notify: [Upon enrollment in a California State Preschool program](#)  
Education or Other Legal Code: [Education Code 8489.1](#)  
Board Policy/Administrative Regulation #: [See AR 5148.3](#)  
Subject: [Limitations on disenrollment, including expulsion and suspension and how to file an appeal in the event of expulsion or suspension](#)

When to Notify: When child is enrolled or reenrolled in a licensed child care center or preschool  
 Education or Other Legal Code: Health and Safety Code 1596.7996  
 Board Policy/Administrative Regulation #: See AR 5148  
 Subject: Information on risks and effects of lead exposure, blood lead testing

When to Notify: When child is enrolled in kindergarten  
 Education or Other Legal Code: Health and Safety Code 124100, 124105  
 Board Policy/Administrative Regulation #: See AR 5141.32  
 Subject: Health screening examination

When to Notify: To students in grades 11-12, early enough to enable registration for fall test  
 Education or Other Legal Code: 5 CCR 11523  
 Board Policy/Administrative Regulation #: See AR 6146.2  
 Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds  
 Education or Other Legal Code: 20 USC 7908  
 Board Policy/Administrative Regulation #: See AR 5125.1  
 Subject: Request that district not release student's name, address, and phone number to military recruiters without prior written consent

### III. When Special Circumstances Occur

When to Notify: In the event of a breach of security of district records, ~~security of district records,~~  
 Education or Other Legal Code: Civil Code 1798.29  
 Board Policy/Administrative Regulation #: See BP 3580  
 Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

When to Notify: Upon receipt of a complaint alleging discrimination  
 Education or Other Legal Code: Education Code 262.3  
 Board Policy/Administrative Regulation #: See AR 1312.3  
 Subject: Civil law remedies available to complainants

When to Notify: When determining whether an English learner should be reclassified as fluent English proficient  
 Education or Other Legal Code: Education Code 313.5, 5 CCR 11303  
 Board Policy/Administrative Regulation #: See AR 6174  
 Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to Notify: When Student is identified as English learner and district receives ~~Titles~~ Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year  
 Education or Other Legal Code: Education Code 313.2, 440.3, 20 USC 6312  
 Board Policy/Administrative Regulation #: See AR 6174  
 Subject: Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program

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

When to Notify: When homeless or foster youth applies for enrollment in before/after school program  
 Education or Other Legal Code: Education Code 8483  
 Board Policy/Administrative Regulation #: See AR 5178.2  
 Subject: Right to priority enrollment how to request priority enrollment

When to Notify: When a child in a California State Preschool program exhibits persistent and serious challenging behaviors  
Education or Other Legal Code: Education Code 8489.1  
Board Policy/Administrative Regulation #: See AR 5148.3  
Subject: Description of the child's behaviors and program plan for maintaining the child's safe participation in program and expulsion/unenrollment process

When to Notify: At least 24 hours before the effective date of suspending or expelling a child from a California State Preschool program  
Education or Other Legal Code: Education Code 8489.1  
Board Policy/Administrative Regulation #: See AR 5148.3  
Subject: "Notice of Action, Recipient of Services," as described in 5 CCR 17783

When to Notify: Before high school student attends specialized secondary program on a university campus

Education or Other Legal Code: Education Code 17288

Board Policy/Administrative Regulation #: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list

Education or Other Legal Code: Education Code 17612

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Intended use of pesticide product

When to Notify: To members of athletic teams

Education or Other Legal Code: Education Code 32221.5

Board Policy/Administrative Regulation #: See AR 5143

Subject: Offer of insurance; no-cost and low-cost program options

When to Notify: Annually to parents/guardians of student athletes before participation in competition

Education or Other Legal Code: Education Code 33479.3

Board Policy/Administrative Regulation #: See AR 6145.2

Subject: Information on sudden cardiac arrest

When to Notify: If school has lost its WASC accreditation status

Education or Other Legal Code: Education Code 35178.4

Board Policy/Administrative Regulation #: See BP 6190

Subject: Loss of status, potential consequences

When/Whom to Notify: When district has contracted for electronic products or services that disseminate advertising

Education or Other Legal Code: Education Code 35182.5

Board Policy/Administrative Regulation #: See BP 3312

Subject: Advertising will be used in the classroom or learning center

When to Notify: At least six months before implementing a schoolwide uniform policy

Education or Other Legal Code: Education Code 35183

Board Policy/Administrative Regulation #: See AR 5132

Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a year-round schedule

Education or Other Legal Code: Education Code 37616

Board Policy/Administrative Regulation #: See BP 6117

Subject: Public hearing on year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education or Other Legal Code: Education Code 46601

Board Policy/Administrative Regulation #: See AR 5117

Subject: Appeal process

When to Notify: Before early entry to transitional kindergarten or kindergarten, if early entry offered

Education or Other Legal Code: Education Code 48000

Board Policy/Administrative Regulation #: See AR 5111, See AR 6170.1

Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention

Education or Other Legal Code: Education Code 48070.5

Board Policy/Administrative Regulation #: See AR 5123

Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health

Education or Other Legal Code: Education Code 48213

Board Policy/Administrative Regulation #: See AR 5112.2

Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization

Education or Other Legal Code: Education Code 48216; 17 CCR 6040

Board Policy/Administrative Regulation #: See AR 5141.31

Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified as truant

Education or Other Legal Code: Education Code 48260.5, 48262

Board Policy/Administrative Regulation #: See AR 5113.1

Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify: When a truant is referred to a SARB or probation department

Education or Other Legal Code: Education Code 48263

Board Policy/Administrative Regulation #: See AR 5113.1

Subject: Name and address of SARB or probation department and reason for referral

When/Whom to Notify: When student requests to voluntarily transfer to continuation school

Education or Other Legal Code: Education Code 48432.3

Board Policy/Administrative Regulation #: See AR 6184

Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary transfer to continuation school

Education or Other Legal Code: Education Code 48432.5

Board Policy/Administrative Regulation #: See AR 6184

Subject: Right to require meeting prior to involuntary transfer to continuation school

When/Whom to Notify: To person holding educational rights, prior to recommending placement of foster youth outside school of origin

Education or Other Legal Code: Education Code 48853.5  
 Board Policy/Administrative Regulation #: See AR 6173.1  
 Subject: Basis for the placement recommendation

When to Notify: When a foster youth or an Indian child receives a suspension, expulsion, manifestation determination, or involuntary transfer

Education or Other Legal Code: Education Code 48853.5

Board Policy/Administrative Regulation #: See AR 6173.1, AR 6173.4

Subject: Suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information to a foster youth's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, the child's county social worker

When to Notify: When student is removed from class and teacher requires parental attendance at school

Education or Other Legal Code: Education Code 48900.1

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Parental attendance required; timeline for attendance

When to Notify: Prior to withholding grades, diplomas, or transcripts

Education or Other Legal Code: Education Code 48904

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student

Education or Other Legal Code: Education Code 48904.3

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer

Education or Other Legal Code: Education Code 48906

Board Policy/Administrative Regulation #: See BP 5145.11

Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

When to Notify: At time of suspension

Education or Other Legal Code: Education Code 48911

Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1

Subject: Notice of suspension

When to Notify: When original period of suspension is extended

Education or Other Legal Code: Education Code 48911

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom

Education or Other Legal Code: Education Code 48911.1

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closed session re: suspension

Education or Other Legal Code: Education Code 48912

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Intent to hold a closed session re: suspension

When to Notify: When a student expelled from another district for certain acts seeks admission

Education or Other Legal Code: Education Code 48915.1, 48918

Board Policy/Administrative Regulation #: See BP 5119

Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied

Education or Other Legal Code: Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs

Education or Other Legal Code: Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Readmission procedures

When to Notify: At least 10 calendar days before expulsion hearing

Education or Other Legal Code: Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs

Education or Other Legal Code: Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school

Education or Other Legal Code: Education Code 48929, 48980

Board Policy/Administrative Regulation #: See BP 5116.2

Subject: Right to request a meeting with principal or designee

When to Notify: One month before the scheduled minimum day

Education or Other Legal Code: Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents/guardians request guidelines for filing complaint of child abuse at a school site

Education or Other Legal Code: Education Code 48987

Board Policy/Administrative Regulation #: See AR 5141.4

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course  
 Education or Other Legal Code: Education Code 49067  
 Board Policy/Administrative Regulation #: See AR 5121  
 Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school into the district  
 Education or Other Legal Code: Education Code 49068  
 Board Policy/Administrative Regulation #: See AR 5125  
 Subject: Right to receive copy of student's record and a hearing to challenge content of student's records

When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals  
 Education or Other Legal Code: Education Code 49070  
 Board Policy/Administrative Regulation #: See AR 5125.3  
 Subject: If board sustains allegations, the correction of destruction of record; if denied, right to submit written objection

When/Whom to Notify: When district is considering program to gather safety-related information from students' social media activity  
 Education or Other Legal Code: Education Code 49073.6  
 Board Policy/Administrative Regulation #: See BP 5125  
 Subject: Opportunity for input on proposed program

When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter  
 Education or Other Legal Code: Education Code 49073.6  
 Board Policy/Administrative Regulation #: AR 5125  
 Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records

When to Notify: Within 24 hours of release of information to a judge or probation officer  
 Education or Other Legal Code: Education Code 49076  
 Board Policy/Administrative Regulation #: See AR 5125  
 Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena  
 Education or Other Legal Code: Education Code 49077  
 Board Policy/Administrative Regulation #: See AR 5125  
 Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis  
 Education or Other Legal Code: Education Code 49452.5  
 Board Policy/Administrative Regulation #: See AR 5141.3



Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects

Education or Other Legal Code: Education Code 49456; 17 CCR 2951

Board Policy/Administrative Regulation #: See AR 5141.3

Subject: Vision or hearing test results

When to Notify: Within 10 days of negative balance in meal account

Education or Other Legal Code: Education Code 49557.5

Board Policy/Administrative Regulation #: See AR 3551

Subject: Negative balance in meal account; encouragement to apply for free or reduced price meals

When to Notify: Annually to parents/guardians of student athletes

Education or Other Legal Code: Education Code 49475

Board Policy/Administrative Regulation #: See AR 6145.2

Subject: Information on concussions and head injuries

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition

Education or Other Legal Code: Education Code 49476

Board Policy/Administrative Regulation #: See AR 6145.2

Subject: Opioid fact sheet

When/Whom to Notify: Within 30 days of foster youth, ~~homeless youth~~ student experiencing homelessness, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12

Education or Other Legal Code: Educational Code 51225.1

Board Policy/Administrative Regulation #: See BP 6146.1, See AR 6173, See AR 6173.1, AR 6173.3, See AR 6175

Subject: Exemption from local graduation requirements, effect on college admission, option for fifth year of high school, transfer opportunities through California Community Colleges

When to Notify: When satisfactory educational progress in one or more independent study courses is not being made by student under 18

Education or Other Legal Code: Educational Code 51749.5

Board Policy/Administrative Regulation #: See BP 6158

Subject: Findings from evaluation to determine if it is in student's best interest to remain in independent study or whether student should be referred to an alternative program.

When to Notify: Before any test/survey questioning personal beliefs

Education or Other Legal Code: Education Code 51513

Board Policy/Administrative Regulation #: See AR 5022

Subject: Permission for test, survey questioning personal beliefs

When to Notify: At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year

Education or Other Legal Code: Education Code 51938

Board Policy/Administrative Regulation #: See AR 6142.1  
 Subject: Instruction in HIV prevention or sexual health by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12

Education or Other Legal Code: Education Code 51938  
 Board Policy/Administrative Regulation #: See AR 5022  
 Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency

Education or Other Legal Code: Education Code 52164.1, 52164.3; 5 CCR 11511.5  
 Board Policy/Administrative Regulation #: See AR 6174  
 Subject: Results of state test of English proficiency

When to Notify: When migrant education program is established

Education or Other Legal Code: Education Code 54444.2  
 Board Policy/Administrative Regulation #: See BP 6175, See AR 6175  
 Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program

Education or Other Legal Code: Health and Safety Code 1596.857; 22 CCR 101218.1  
 Board Policy/Administrative Regulation #: See AR 5148  
 Subject: Parent/guardian right to enter and inspect facility and other rights as specified

When to Notify: When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead

Education or Other Legal Code: Health and Safety Code 1597.16  
 Board Policy/Administrative Regulation #: See AR 5148  
 Subject: The requirement to test the facility, and the results of the test

When/Whom to Notify: When district receives Tobacco-Use Prevention Education Funds

Education or Other Legal Code: Health and Safety Code 104420  
 Board Policy/Administrative Regulation #: See AR 3513.3  
 Subject: The district's tobacco-free schools policy and enforcement procedures

~~When to Notify: When testing by community water system finds presence of lead exceeding specified level~~

~~Education or Other Legal Code: Health and Safety Code 116277  
 Board Policy/Administrative Regulation #: See AR 3514  
 Subject: Elevated lead level at school~~

When to Notify: When sharing student immunization information with an immunization system

Education or Other Legal Code: Health and Safety Code 120440  
 Board Policy/Administrative Regulation #: See AR 5125  
 Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer

Education or Other Legal Code: Penal Code 626.81  
 Board Policy/Administrative Regulation #: See AR 1240, See BP 1250  
 Subject: Dates and times permission granted; obtaining information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises  
 Education or Other Legal Code: Penal Code 627.5  
 Board Policy/Administrative Regulation #: See AR 3515.2  
 Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law  
 Education or Other Legal Code: 5 CCR 4631  
 Board Policy/Administrative Regulation #: See AR 1312.3  
 Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When child participates in licensed child care and development program  
 Education or Other Legal Code: 5 CCR 18066  
 Board Policy/Administrative Regulation #: See AR 5148  
 Subject: Policies regarding excused and unexcused absences

When to Notify: Within 30 days of application for subsidized child care or preschool services  
 Education or Other Legal Code: 5 CCR [17782](#), 18094, 18118  
 Board Policy/Administrative Regulation #: See AR 5148, See AR 5148.3  
 Subject: Policies re: Approval or denial of services

When to Notify: At least 14 days before change in service or other intended action, upon recertification or update of application for child care or preschool services  
 Education or Other Legal Code: 5 CCR [17783](#), 18095, 18119  
 Board Policy/Administrative Regulation #: See AR 5148, See AR 5148.3  
 Subject: Policies re: Any change in service, such as in fees, amount of service, termination of service

When to Notify: Upon child's enrollment in child care program  
 Education or Other Legal Code: 5 CCR 18114  
 Board Policy/Administrative Regulation #: See AR 5148  
 Subject: Policies re: Policy on fee collection

When to Notify: When payment of child care fees is seven days late  
 Education or Other Legal Code: 5 CCR 18114  
 Board Policy/Administrative Regulation #: See AR 5148  
 Subject: Policies re: Notice of delinquent fees

When to Notify: When district substantively changes policy on student privacy rights  
 Education or Other Legal Code: 20 USC 1232h  
 Board Policy/Administrative Regulation #: See AR 5022  
 Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught  
 Education or Other Legal Code: 20 USC 6312  
 Board Policy/Administrative Regulation #: See AR 4112.24  
 Subject: Timely notice to parent/guardian of child's assignment

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of

school year, to parents/guardians of English learners

Education or Other Legal Code: 20 USC 6312

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

Education or Other Legal Code: 20 USC 6318

Board Policy/Administrative Regulation #: See AR 6020

Subject: Notice of policy

When to Notify: When district ~~receives~~receives Impact Aid funds for students residing on Indian lands, to ~~parents~~parents/guardians of Indian children

Education or Other Legal Code: 20 USC 7704; 34 CFR 222.94

Board Policy/Administrative Regulation #: See AR 3231

Subject: Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments

When to Notify: When household is selected for verification of eligibility for free or reduced-price meals

Education or Other Legal Code: 42 USC 1758; 7 CFR 245.6a

Board Policy/Administrative Regulation #: See AR 3553

Subject: Need to submit verification information; any subsequent change in benefits; appeals

When/Whom to Notify: When student is homeless or unaccompanied minor

Education or Other Legal Code: ~~42 USC 11432~~; Education Code 48852.5, 42 USC 11432

Board Policy/Administrative Regulation #: See AR 6173

Subject: Educational and related opportunities; transportation services; placement decision and right to appeal; duties of district liaison; public notice

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30

Education or Other Legal Code: 34 CFR 99.34

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive records and an opportunity for hearing upon request

When to Notify: When student complains of sexual harassment

Education or Other Legal Code: 34 CFR 106.44, 106.45

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of ~~complaint~~complaint if applicable

When to Notify: When district receives federal funding assistance for nutrition program

Education or Other Legal Code: USDA FNS Instruction 113-1

Board Policy/Administrative Regulation #: See BP 3555

Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures

#### IV. Special Education Notices

When to Notify: Prior to a student with disabilities beginning tenth grade

Education or Other Legal Code: Educational Code 51225.31

Board Policy/Administrative Regulation #: See BP 6146.1

Subject: Exemption from local graduation requirements

When to Notify: Prior to conducting initial evaluation

Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415 (d); 34 CFR 300.502, 300.503

Board Policy/Administrative Regulation #: See BP 6159.1, See AR 6159.1, See AR 6164.4

Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

When/Whom to Notify: Before functional behavioral assessment begins

Education or Other Legal Code: Education Code 56321

Board Policy/Administrative Regulation #: See AR 6159

Subject: Notification and consent

When to Notify: 24 hours before IEP when district intending to record

Education or Other Legal Code: Education Code 56341.1

Board Policy/Administrative Regulation #: See AR 6159

Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting

Education or Other Legal Code: Education Code 56341.5; 34 CFR 300.322

Board Policy/Administrative Regulation #: See AR 6159

Subject: Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent/guardian orally requests review of IEP

Education or Other Legal Code: Education Code 56343.5

Board Policy/Administrative Regulation #: See AR 6159

Subject: Need for written request

When to Notify: Within one school day of emergency intervention or serious property damage

Education or Other Legal Code: Education Code 56521.1

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services

Education or Other Legal Code: 20 USC 1415(c); 34 CFR 300.300, 300.503

Board Policy/Administrative Regulation #: See AR 6159, See AR 6159.1

Subject: Prior written notice

When/Whom to Notify: Upon filing of state complaint

Education or Other Legal Code: 20 USC 1415(d), 34 CFR 300.504

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When/Whom to Notify: When disciplinary measures are taken or a change in placement

Education or Other Legal Code: 20 USC 1415(k); 34 CFR 300.530

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing  
 Education or Other Legal Code: 20 USC 1415(k); 34 CFR 300.508  
 Board Policy/Administrative Regulation #: See AR 6159.1  
 Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504  
 Education or Other Legal Code: 34 CFR 104.32, 104.36  
 Board Policy/Administrative Regulation #: See AR 6164.6  
 Subject: District responsibilities, district actions, procedural safeguards

## V. Classroom Notices

~~When~~ Where to ~~Notify~~ Post: In all district schools and offices, including staff lounges and student government meeting rooms  
 Education or Other Legal Code: Education Code 234.1  
 Board Policy/Administrative Regulation #: See AR 1312.3  
 Subject: Uniform complaint procedures board policy and administrative regulation

~~When~~ Where to ~~Notify~~ Post: In each classroom used for license exempt California State Preschool Program  
 Education or Other Legal Code: Education Code 8212  
 Board Policy/Administrative Regulation #: See AR/E 1312.3  
 Subject: Health and safety requirements for preschool programs; where to get complaint form

~~When to Notify~~: In each classroom in each school  
~~Education or Other Legal Code~~: Education Code 35186  
~~Board Policy/Administrative Regulation #~~: See AR/E 1312.4  
~~Subject~~: Complaints subject to Williams uniform complaint procedures

~~When to Notify~~ Where to Post: In each classroom in each school  
 Education or Other Legal Code: Education Code 35186  
 Board Policy/Administrative Regulation #: See AR/E 1312.4  
 Subject: Complaints subject to Williams uniform complaint procedures

~~When to Notify~~: Where to Post: In any school serving any of grades 6-12, in a prominent and conspicuous location in every restroom required to stock menstrual products.  
Education or Other Legal Code: Education Code 35292.6  
Board Policy/Administrative Regulation #: See AR 3517  
Subject: Requirement to stock and make available free of cost an adequate supply of menstrual products that includes email address and telephone number for a designated individual responsible for maintaining requisite supply of menstrual products

Where to Post In a licensed child care and development center at a location accessible to parents/guardians  
 Education or Other Legal Code: Health and Safety Code ~~596~~1596.857  
 Board Policy/Administrative Regulation #: See AR 5148  
 Subject: Parent/guardian right to inspect, prohibition against retaliation, right to file complaint; registered sex offender database available to public; review licensing reports of facility visits and substantiated complaints against facility

Where to Post: [In a prominent, publicly accessible location in the child care facility](#)  
Education or Other Legal Code: [Health and Safety Code 1596.8555](#)  
Board Policy/Administrative Regulation #: [See AR 5148](#)  
Subject: [Child care license](#)

Where to Post: [In a prominent location adjacent to child care license at facility](#)  
Education or Other Legal Code: [Welfare and institutions Code 10228](#)  
Board Policy/Administrative Regulation #: [See AR 5148](#)  
Subject: [Rates, discounts, or scholarship policies](#)

### Policy Reference 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
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
<a href="#">5 CCR 17782</a>	<a href="#">Notice of Action; application for services</a>
<a href="#">5 CCR 17783</a>	<a href="#">Notice of Action; recipient of services</a>
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments

5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records; breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners; parental consultation
Ed. Code 313.2	Long-term English learner; notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability
Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
<a href="#"><u>Ed. Code 35292.6</u></a>	<a href="#"><u>School maintenance</u></a>



Ed. Code 37616	<del>Notice of public hearing on year-round schedule</del> <u>Consultation regarding year-round schedule</u>
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48204	Residency requirements
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization and exclusion from attendance
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct

Ed. Code 48904-48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48980.3	Notification of pesticide use
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48985	Notices to parents in language other than English
<a href="#">Ed. Code 48986</a>	<a href="#">Safe storage of firearms</a>
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069	Absolute right to access
Ed. Code 49070	Challenging content of student record
Ed. Code 49073	Release of directory information
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order
<a href="#">Ed. Code 49392</a>	<a href="#">Threats of homicide at school</a>

Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
<a href="#"><u>Ed. Code 49452.6</u></a>	<a href="#"><u>Type 1 diabetes informational materials</u></a>
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
<a href="#"><u>Ed. Code 49455.5</u></a>	<a href="#"><u>Eye examination for purpose of eyeglasses</u></a>
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49475	Student athletes; concussions and head injuries
Ed. Code 49476	Student athletes; opioid fact sheet
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Mosccone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
<a href="#"><u>Ed. Code 51225.31</u></a>	<a href="#"><u>Graduation from high school; exemption for eligible students with special needs</u></a>
Ed. Code 51225.8	Completion and submission of FAFSA and CADAA
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
<a href="#"><u>Ed. Code 51749.5</u></a>	<a href="#"><u>Independent study</u></a>
Ed. Code 51938	HIV/AIDS and sexual health instruction
<a href="#"><u>Ed. Code 52062</u></a>	<a href="#"><u>Local control and accountability plans and the statewide system of support</u></a>
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills

Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8212	Complaints related to preschool health and safety issues
Ed. Code 8483	Before/after school program; enrollment priorities
<a href="#">Ed. Code 8489</a>	<a href="#">Expulsion and suspension procedures in childcare and development services programs</a>
<a href="#">Ed. Code 8489.1</a>	<a href="#">Expulsion and suspension procedures in childcare and development services programs</a>
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of school drinking water
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and immunizations
<a href="#">H&amp;S Code 1596.8555</a>	<a href="#">Administration of child day care licensing; posting license</a>
H&S Code 1596.857	Right to enter child care facility
H&S Code 1597.16	Licensed child care centers; lead testing

Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration
<a href="#"><u>W&amp;I Code 10228</u></a>	<a href="#"><u>Child care providers; posting of rates, discounts, and scholarships</u></a>
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information

34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions, and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals
<b>Management Resources</b>	<b>Description</b>
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service

**Cross References**

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0510	School Accountability Report Card
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3231	Impact Aid
3260	Fees And Charges
3260	Fees And Charges
3312	Contracts

3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.2	Integrated Pest Management
3515.5	Sex Offender Notification
3515.5	Sex Offender Notification
<u>3517</u>	<u>Facilities Inspection</u>
3543	Transportation Safety And Emergencies
<u>3550</u>	<u>Food Service/Child Nutrition Program</u>
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4112.2	Certification
4112.2	Certification
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights

5030	Student Wellness
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5112.2	Exclusions From Attendance
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5119	Students Expelled From Other Districts
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5125.2	Withholding Grades, Diploma Or Transcripts
5125.3	Challenging Student Records
5131.61	Drug Testing
5132	Dress And Grooming
5132	Dress And Grooming
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions



5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5142.1	Identification And Reporting Of Missing Children
5143	Insurance
5143	Insurance
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
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5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
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5145.3	Nondiscrimination/Harassment
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5145.8	Refusal To Harm Or Destroy Animals
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5148	Child Care And Development
5148.2	Before/After School Programs
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5148.3	Preschool/Early Childhood Education
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6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests

6162.8	Research
6162.8	Research
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6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
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6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
6173	Education For Homeless Children
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6173.1	Education For Foster Youth
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9310	Board Policies

Policy 5148: Child Care And Development

Status: ADOPTED

Original Adopted Date: 03/01/2009 | Last Revised Date: ~~12~~06/01/2021~~2023~~ | Last Reviewed Date: ~~12~~06/01/2021~~2023~~

CSBA NOTE: The following optional policy may be revised to reflect the type(s) of child care and development programs offered by the district.

The Child Care and Development Services Act (Welfare and Institutions Code 10207-~~10490~~10492.2) establishes a variety of child care programs including resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-~~18248~~18249), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with special needs (Welfare and Institutions Code 10260-10263).

Pursuant to ~~Welfare and Institutions Code 10200-10206~~, effective July 1, 2021, the state's responsibility

The Early Education Expansion Program (Education Code 8337, as amended by AB 210 (Ch. 62, Statutes of 2022)) provides grant funding, as specified, until June 30, 2027, for administering these the purpose of increasing access to inclusive early care and education programs transferred from . Additionally, the California Department of Education (CDE) has developed a Universal Prekindergarten resources landing page, "Universal Prekindergarten (UPK), California's Great Start," designed for use by districts that operate California State Preschool Programs (CSPP), Head Start programs, transitional kindergarten, and child care providers.

Effective July 1, 2021, administrative authority over the state's child care and development programs was statutorily transferred from CDE to the California Department of Social Services (CDSS). AB 131 (Ch. 116, Statutes of 2021) repeals the), pursuant to Welfare and Institutions Code 10200-10206. Accordingly, the related statutes governing such programs were repealed from the Education Code and reenacts them reenacted in the Welfare and Institutions Code. Pursuant to Welfare and Institutions Code 10205, all existing regulations relating to child care programs that have been adopted by CDE are expressly continued in force, unless they conflict with law.

Education Code 8207, as added by AB 131, Additionally, pursuant to Welfare and Institutions Code 10206, as amended by AB 210, the date by which CDE and CDSS are required to adopt implementing regulations related to early childhood development has been extended to December 31, 2025.

Education Code 8207 clarifies that the Superintendent of Public Instruction (SPI) and CDE retain administrative supervision of the California State Preschool Program (CSPP). CSPP.

For requirements pertaining to before-school and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.65) and, 21st Century Community Learning Centers (Education Code 8484.7-8484.8), and Expanded Learning Opportunities Program (Education Code ~~40120~~), see BP/AR 5148.2 - Before/After School

Programs. For requirements pertaining to preschool programs for children ages 3-4 pursuant to the CSPP, as amended by AB 130 (Ch. 44, Statutes of 2021) and AB 131, (Education Code 8200-8340) see BP/AR 5148.3 - Preschool/Early Childhood Education.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Board shall enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Welfare and Institutions Code 10480-10487, as amended and renumbered by AB 131, establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policies to meet identified needs.

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

CSBA NOTE: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

CSBA NOTE: AB 131 allocates additional funds to provide subsidized child care programs with COVID-19 pandemic-related assistance. To receive the additional funding, a child care program that is funded to be operational, but which is physically closed by local or state public health order or guidance due to the COVID-19 pandemic, is required to provide distance learning services as specified by CDSS.

When a district child care program is physically closed by local or state public health order due to the COVID-19 pandemic, the district shall provide distance learning when required to do so as a condition of funding or when required by law.

## Eligibility and Enrollment

CSBA NOTE: Pursuant to 5 CCR 18105, districts contracting to offer child care services are mandated to develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, as provided below. See the accompanying administrative regulation for additional language that fulfills this mandate.

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

CSBA NOTE: Welfare and Institutions Code 10271 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Welfare and Institutions Code 10332 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized child care ~~is~~services are provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

CSBA NOTE: The following paragraph is optional and may be revised to reflect any district-established priorities for nonsubsidized services.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

~~CSBA NOTE: Pursuant to Education Code 48000, as amended by AB 130, a child's eligibility for transitional kindergarten enrollment may not impact family eligibility for a preschool or childcare program.~~

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a childcare or preschool program. (Education Code 48000)

## Staffing

CSBA NOTE: The Commission on Teacher Credentialing (CTC) issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Welfare and Institutions Code 10380 - 10387.5 and 5 CCR 80105-80125. The district may request a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Welfare and Institutions Code 10213.5 and 5 CCR 18295.

Additionally, CTC has adopted 5 CCR 80067, 80067.1, and 80067.2, which are pending approval by the Office of Administrative Law, pertaining to the prekindergarten-grade 3 early childhood education specialist credential, that include requirements, and accelerated pathways to meet the requirements, in an effort to increase the number of early childhood education teachers to support UPK; see CTC Coded Correspondence 23-02 for more information regarding the regulations.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

Welfare and Institutions Code 10208 specifies indicators for the implementation of quality programs, which, as amended by AB 210, requires that staff have the appropriate and required training, or any combination of qualifications, experience, or training.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications, experience, and training, and have satisfied all legal requirements.

## Facilities

CSBA NOTE: Optional ~~items~~ Items #1-5 below present examples of methods that may be used to provide facilities for child care services and may be revised to reflect district practice.

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

CSBA NOTE: Health and Safety Code 1596.804, as added by AB 2827 (Ch. 916, Statutes of 2022), requires CDSS to revise its regulations to permit children with disabilities to use outdoor play spaces simultaneously with children who do not have disabilities without having to first seek a regulatory waiver and to specify any health and safety requirements that are required to be met when simultaneous play occurs.

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

## Complaints

CSBA NOTE: Pursuant to 5 CCR 4610, the district's uniform complaint procedures should be used to resolve any complaint alleging violation of state or federal laws governing educational programs, including child care and development programs; see BP/AR 1312.3 - Uniform Complaint Procedures. However, 5 CCR 4611, as amended by Register 2020, No. 21, provides that health and safety complaints regarding licensed facilities that operate a child care and development program should be referred to CDSS as described in the following paragraph and BP 1312.3.

Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. See the accompanying administrative regulation for information about child care programs that are exempted from licensure requirements. If all of the district's child care services are license-exempt, the following paragraph may be deleted.

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

## Program Evaluation

CSBA NOTE: 5 CCR 18279-18281 require child care and development programs to be evaluated through the standardized "Desired Results for Children and Families" system. The system requires a

program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale.

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

**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.

<b>State</b>	<b>Description</b>
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 18000-18434	Child care and development programs
5 CCR 18012-18122	General requirements
5 CCR 18180-18192	Federal and state migrant programs
5 CCR 18210-18213	Severely handicapped program
5 CCR 18220-18231	Alternative payment program
5 CCR 18240- <del>18248</del> <a href="#">18249</a>	Resource and referral program
5 CCR 18270-18281	Program quality; accountability
5 CCR 18290-18292	Staffing ratios
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 18300-18308	Appeals and dispute resolution
5 CCR 4600-4687	Uniform complaint procedures <a href="#">and Williams complaints</a>
<a href="#">5 CCR 80067-80067.2</a>	<a href="#">Early Childhood Education Specialist Credential</a>
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
<a href="#">Ed. Code 46120</a>	<a href="#">Expanded Learning Opportunities Program</a>
Ed. Code 48000	Transitional kindergarten
Ed. Code 49540-49546	Child care food program
Ed. Code 49570	National School Lunch program
Ed. Code 56244	Staff development funding



Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8207	California State Preschool Program administration
Ed. Code <del>8278.3</del> <a href="#">8337</a>	<del>Child Care Facilities Revolving Fund</del> <a href="#">Early Education Expansion Program</a>
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
<a href="#">Gov. Code 95000-95029.5</a>	<a href="#">California Early Intervention Services Act</a>
H&S Code 120325-120380	Immunization against communicable diseases
<a href="#">H&amp;S Code 120440</a>	<a href="#">Disclosure of immunization information to local and state health departments</a>
H&S Code 1596.70-1596.895	California Child Day Care Act
H&S Code 1596.90-1597.21	Day care centers
W&I Code 10200-10206	Early Childhood Development Act of 2020
W&I Code 10207-10215	General provisions
W&I Code <del>10207-10490</del> <a href="#">10492.2</a>	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10271	Eligibility, enrollment, and priority of services; physical examinations; rules and regulations
W&I Code 10271.5	Income eligibility
<a href="#">W&amp;I Code 10271.7</a>	<a href="#">Family member certified as eligible to receive benefits; definition</a>
W&I Code 10272.5	Order of disenrollment
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12
<a href="#">W&amp;I Code 10276</a>	<a href="#">Child Care and Development Fund notice to providers</a>
W&I Code 10290	Fee schedule for families using preschool and child care and development services
W&I Code 10291	Families exempt from family fees
W&I Code 10315	Transfer of information to public schools

W&I Code ~~10322~~10332

Children residing in another district; use of facilities and personnel

W&I Code 10491-10491.1

Expulsion and suspension procedures in childcare and development services programs

**Federal**

**Description**

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482

Individuals with Disabilities Education Act

42 USC 1751-1769j

School Lunch Program

42 USC 9831-~~9852~~9852c

Head Start programs

42 USC ~~9858-9858q~~9857-9858r

Child care Care and development block grant Development Block Grant

45 CFR 98.21-98.93

Child care Care and development fund Development Fund

7 CFR 210.1-210.3133

National School Lunch Program

34 CFR 303.1-303.734

Early intervention program for infants and toddlers with disabilities

**Management Resources**

**Description**

CA Dept of Social Services Publication

Child Care Transition: The Early Childhood Development Act of 2020

CA Dept of Social Services Publication

American Rescue Plan Act Child Care & Development Division FAQ

CA Dept of Social Services Publication

COVID-19 Licensed Child Care Facilities and Providers (FAQs)

CA Commission on Teacher Credentialing Publication

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023

U.S. Department of Health and Human Services and U.S. Department of Education Publication

Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016  
(<https://oese.ed.gov/files/2020/07/policy-statement-eece-expulsions-suspensions.pdf>)

Court Decision

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

Website

CSBA District and County Office of Education Legal Services

Website

California Association for the Education of Young Children

Website

California Child Development Administrators Association  
EveryChild California, an Association of Leaders Advancing Early Learning (<https://www.everychildca.org/>)

Website

California Department of Education, Early Education and Support Division

Website

California Department of Education, Early Education Management Bulletins

Website	<u>California Department of Social Services, Licensing Information</u> <u>California Department of Public Health</u> <a href="https://www.cdph.ca.gov/">(https://www.cdph.ca.gov/)</a>
<u>Website</u>	<u>California Department of Social Services, Child Care Licensing</u> <a href="https://www.cdss.ca.gov/inforesources/child-care-licensing"> (https://www.cdss.ca.gov/inforesources/child-care-licensing)</a>
Website	California Head Start Association
Website	California School-Age Consortium
Website	National Association for the Education of Young Children
Website	Commission on Teacher Credentialing <a href="https://www.ctc.ca.gov/">(https://www.ctc.ca.gov/)</a>
Website	CSBA
<u>Website</u>	<u>Medical Board of California</u> <a href="https://www.mbc.ca.gov/">(https://www.mbc.ca.gov/)</a>
<u>Website</u>	<u>Office of Administrative Law</u> <a href="https://oal.ca.gov/">(https://oal.ca.gov/)</a>
<u>Website</u>	<u>Osteopathic Medical Board of California</u> <a href="https://www.ombc.ca.gov/">(https://www.ombc.ca.gov/)</a>
<u>Website</u>	<u>Universal Prekindergarten, California's Great Start</u>
Website	U.S. Department of Education
<u>Website</u>	<u>U.S. Department of Health and Human Services</u> <a href="https://www.usa.gov/federal-agencies/u-s-department-of-health-and-human-services"> (https://www.usa.gov/federal-agencies/u-s-department-of-health-and-human-services)</a>

**Cross References**

<b>Code</b>	<b>Description</b>
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0100	Philosophy
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
1240	Volunteer Assistance
1240	Volunteer Assistance
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1330	Use Of School Facilities

1330	Use Of School Facilities
1330-E(1)	Use Of School Facilities
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
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3280	Sale Or Lease Of District-Owned Real Property
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3523	Electronic Signatures
3523	Electronic Signatures
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3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
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3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
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4131	Staff Development
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4212.4	Health Examinations
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4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4231	Staff Development
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4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
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5022	Student And Family Privacy Rights
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6174	Education For English Learners
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**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Regulation 5148: Child Care And Development****Status: ADOPTED**

Original Adopted Date: 07/01/2015 | Last Revised Date: ~~12/06/01/2021~~[2023](#) | Last Reviewed Date: ~~12/06/01/2021~~[2023](#)

CSBA NOTE: The following administrative regulation reflects provisions generally applicable to programs under the Child Care and Development Services Act (Welfare and Institutions Code 10207-~~10490~~; [10492.2](#)). Such programs include resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-~~18248~~[18249](#)), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with special needs (Welfare and Institutions Code 10260-10263). Pursuant to Welfare and Institutions Code 10200-10206, effective July 1, 2021, the state's responsibility for administering these programs transferred from the California Department of Education (CDE) to the California Department of Social Services (CDSS). Education Code 8207, as amended and renumbered by ~~AB 131 (Ch. 116, Statutes of 2021)~~, clarifies that the Superintendent of Public Instruction and the ~~California Department of Education~~[CDE](#) retain administrative supervision of the California State Preschool Programs: ([CSPP](#)).

The district may revise this regulation to reflect specific requirements for the program(s) it offers. See BP/AR 5148.2 - Before/After School Programs for requirements pertaining to the After-School Education and Safety program (Education Code 8482-8484.65) ~~and~~, 21st Century Community Learning Centers (Education Code 8484.7-8484.9), ~~and~~ [Expanded Learning Opportunities Program \(Education Code 46120\)](#), and BP/AR 5148.3 - Preschool/Early Childhood Education for CSPP requirements.

The following administrative regulation does not reflect all policy language mandated for each specific program. The district should be careful to include the mandates, if any, applicable to the program(s) it offers. For example, for the alternative payment program, 5 CCR 18221 mandates a written policy statement that includes specified components, including, but not limited to, program purpose, enrollment priorities, [family eligibility, conditions/requirements for participation](#), reimbursement of providers, [range of services available](#), and family fee collection. For the resource and referral program, 5 CCR 18244 ~~mandates~~[and 18247 mandate](#) written referral policies and written complaint procedures.

In addition to the program requirements described below, child care and development programs may be subject to other policies in the district's policy manual (e.g., BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, ~~and~~ BP/AR 3550 - Food Service/Child Nutrition Program). Districts should consult [CSBA's District and County Office of Education Legal Services or district](#) legal counsel if ~~they have~~[there are](#) questions regarding the applicability of other laws to the district's child care and development program.

**Licensing**

CSBA NOTE: Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. Health and Safety Code 1596.792 and 22 CCR 101158 list exemptions from the licensure requirements including, but not limited to, any program that (1) is a "public recreation program" that meets the criteria specified in Health and Safety Code 1596.792, (2) is operated before and/or after school by qualified teachers employed by the district, (3) is a school parenting program or adult education child care program, (4) operates only one day per week for no more than four hours on that day, (5) offers temporary child care services to parents/guardians who are on the same premises as the child care site, (6) provides activities that are of an instructional nature in a classroom-like setting when K-12 students are normally not in session and the sessions do not exceed a total of 30 days when only school-age children are enrolled or 15 days when younger children are enrolled, or (7) is a CSPP program operated in a school building that meets specified health and safety requirements. If the district offers only programs that are exempted from licensure, it should modify the following regulation accordingly.

Pursuant to Health and Safety Code 1596.951, CDSS was required to adopt regulations by January 1, 2021 to create a new child care center license including that includes components for serving infant, toddler, preschool, and school-age children; health and safety standards; and enhanced ability to transition children to the next age group. However, as amended by AB 2131 (Ch. 910, Statutes of 2022), Health and Safety Code 1596.951, authorizes CDSS to implement and administer the creation of a single child care center license through all-county letters or similar written instructions until regulations ~~were delayed due to the COVID-19 pandemic.~~ are adopted. Pursuant to Health and Safety Code 1596.951, all child care centers are required to ~~obtain this~~ license be licensed by January 1, 2024.

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

### Program Components

CSBA NOTE: Items #1-7 and 9 below list components of child care and development programs that are required for all providers pursuant to 5 CCR 18272-18281. The Governing Board is required, pursuant to 5 CCR 18271, to approve goals and objectives addressing each of these program components; see the accompanying Board policy. Additionally, Welfare and Institutions Code 10208 specifies indicators for the implementation of quality programs, which, as amended by AB 210 (Ch. 62, Statutes of 2022), requires that program activities meet the needs of dual language learners. The district may add components of other programs offered by the district.

The district's child care and development program shall include the following components:

1. 1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Welfare and Institutions Code 10209.5; 5 CCR 18272)



Program staff shall complete the developmental profile for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Welfare and Institutions Code 10209.5; 5 CCR 18270.5, 18272)

2. 2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs
3. 3. A staff development program which complies with 5 CCR 18274
4. 4. Parent/guardian involvement and education that comply with 5 CCR 18275 and ~~include~~ includes an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress
5. 5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed
6. 6. A community involvement component that complies with 5 CCR 18277

CSBA NOTE: Health and Safety Code 1596.808 establishes beverage standards for licensed child care centers. In addition, centers that receive funding through the Child and Adult Care Food Program (42 USC 1766) must meet federal guidelines for meals, snacks, fluid milk or nutritionally equivalent milk substitutes, and drinking water.

7. 7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

CSBA NOTE: Item #8 below is optional and may be revised to reflect district practice. 42 USC 1766 encourages child care centers to provide opportunities for physical activity and to limit the amount of time spent in sedentary activities, such as time spent using electronic devices.

8. 8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

CSBA NOTE: 5 CCR 18279-18281 require an annual evaluation using the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes a staff assessment, a parent/guardian survey, and an environment rating scale. Each contractor is required to submit a summary of the self-evaluation findings by June 1 of each year.

9. 9. An annual plan for program evaluation which conforms with the state's system and includes a self-evaluation, parent/guardian survey, and environment rating scale (5 CCR 18270.5, 18279, 18280, 18281)

## Health and Safety

CSBA NOTE: The following section is for use by districts that offer one or more licensed child care programs. Health and Safety Code 1596.7996 requires licensed child care programs to provide parents/guardians of enrolled children with a flyer developed by CDSS in conjunction with the California Department of Public Health, (CDPH), which contains specified information regarding lead exposure and blood testing. The flyer is available on the CDSS web site CDSS' website.

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

CSBA NOTE: Pursuant to Health and Safety Code 1597.16, a licensed child care center located in a building that was constructed before January 1, 2010 must have its drinking water tested for lead contamination as provided below. A licensed child care center is subject to the temporary suspension of its license if it fails to comply with the requirements to cease using any fountains and faucets where elevated lead levels may exist and to provide potable water.

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination levels every five years following an initial test conducted between January 1, 2020 and January 1, 2023. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

## Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in Welfare and Institutions Code 10275.5 and 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If ~~they meet~~ a person meets all other requirements for employment or volunteering, as applicable, but ~~need~~ needs additional time to obtain and provide immunization records, ~~they~~ the person may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that ~~they have been immunized as~~ the person has received ~~the~~ required. ~~In addition, employees~~ immunizations. Employees and volunteers shall ~~receive an~~ be immunized against influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

A person shall be exempt from the above immunization requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. 1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. 2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.
3. 3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

### Eligibility and Enrollment

CSBA NOTE: State funding is only available for services to families who meet the criteria for subsidized services as specified in Welfare and Institutions Code 10271 and ~~10271.5~~, 10271.5, and, as added by SB 1047 (Ch. 923, Statutes of 2022), 10271.7. The district may also provide services to nonsubsidized families provided the district uses other funding sources or the families pay the full cost of services; see section on "Fees and Charges" below.

Pursuant to 5 CCR 18105, districts contracting to offer child care services are mandated to develop and make available to the public written admissions policies and procedures that conform to requirements of 22 CCR 101218, including, but not limited to, criteria designating those children whose needs can be met by the child care center's program and services and the ages of children who will be accepted.

The following section should be revised to reflect the district's contract(s).

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Welfare and Institutions Code 10213.5. (Welfare and Institutions Code 10213.5, 10273; 5 CCR 18089, 18407, 18422)

CSBA NOTE: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. The family's or child's eligibility must be certified by a person designated by the district.

Pursuant to Welfare and Institutions Code 10271.5, as amended by AB 210, income eligibility

which is based on an adjusted monthly family income at or below 85 percent of the state median income, adjusted for family size; does not include foster care payments made on behalf of a child or guaranteed income payments. Welfare and Institutions Code 10271.5, as amended by AB 185 (Ch. 571, Statutes of 2022), requires CDSS to adopt regulations regarding the exclusion of these two forms of payment no later than July 1, 2025.

Welfare and Institutions Code 10271, as amended by SB 1047, extends eligibility for child care and development programs to families in which a member of the family has been certified as eligible to receive benefits from specified means tested government programs, as reflected below.

To participate in the district's subsidized child care program, families shall document both an eligibility basis and need for care as follows: (Welfare and Institutions Code 10271 and 10271.5)

1. The family is eligible for subsidized services on the basis of being a:

a. A current aid recipient; ~~income~~

b. Income eligible, ~~or homeless and/or the~~

c. Homeless

~~1.d.~~The family's children are recipients of child protective services or have been identified as being or at risk of being abused, neglected, or exploited:

e. A member of the household is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other means-tested government program as determined by the California Department of Social Services.

~~2.~~ 2. The family has a need for child care based on either of the following:

~~a.~~ a. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

~~b.~~ b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as ~~being homeless~~ experiencing homelessness

CSBA NOTE: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the centralized eligibility list established in each county pursuant to Welfare and Institutions Code 10231, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to

participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to Welfare and Institutions Code 10271 and 5 CCR 18106.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Welfare and Institutions Code 10271)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10271, as amended by SB 1047, if a family's eligibility for the district's subsidized child care and services program is based on a family member's certification as eligible to receive benefits from a specified means tested government program, as defined in Welfare and Institutions Code 10271.7, as added by SB 1047, the family's priority for enrollment must be based on the income declared on the application of the government program.

In keeping with the legislative intent of AB 321 (Ch. 903, Statutes of 2022), to prioritize access to childcare and development services for children who reside in homes in which the primary language is not English, Welfare and Institutions Code 10271, as amended by AB 321, provides that within the second priority category, children from such families be enrolled first when there are two or more families with the same income ranking.

Second priority for enrollment shall be given to families, regardless of the number of parents in the home, who are income eligible, as defined in Welfare and Institutions Code 10271.5. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family in which the primary home language is a language other than English shall be admitted first. If there is no family of the same priority in which the primary home language is a language other than English, the family of the same priority that has been on the waiting list for the longest time shall be admitted first. (Welfare and Institutions Code 10271 and 10271.5)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Welfare and Institutions Code 10273)

CSBA NOTE: The following optional paragraph may be revised to reflect additional enrollment priorities or criteria established by the district, such as priority for district students, children of district students, or children of district employees; see the accompanying Board policy.

After all children eligible for subsidized services have been enrolled, the district may enroll other children in accordance with the priorities established by the Governing Board.

CSBA NOTE: 5 CCR 18094 and 18118 require the district to provide written notification to the parent/guardian as to whether the application for subsidized services has been approved or denied. For this purpose, the district should use the state's Notice of Action form.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10271, as amended by SB 1047, upon establishing initial eligibility or ongoing eligibility for child care and development services, a family is considered to meet eligibility and need requirements for services for not less than 24 months, and is eligible to receive services for at least 24 months before having the family's eligibility or need recertified, unless an exception exists, as specified below.

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than ~~12~~24 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least ~~12 months~~. 24 months. If such eligibility ends before the end of the child care and services program year, eligibility shall be extended until the end of the program year as long as applicable age-eligibility requirements specified in Welfare and Institutions Code 10213.5 are met. (Welfare and Institutions Code 10271)

However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Welfare and Institutions Code 10271.5, and the family's ongoing eligibility shall be recertified at that time. At any time, a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Welfare and Institutions Code 10271)

Additionally, a family establishing eligibility for services on the basis of receiving services under a CalWORKs Stage 1, 2, or 3 program shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months. (Welfare and Institutions Code 10271)

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. 1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. 2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. 3. An indication by the parent/guardian that the service is no longer wanted

4. 4. The death of a parent/guardian or child
5. 5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services ~~containing~~ including, but not limited to, the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

### Fees and Charges

CSBA NOTE: Welfare and Institutions Code 10290 requires CDSS, in consultation with CDE, to establish a fee schedule for families using child care services, including families who are eligible for subsidized child care services based on the criteria specified in ~~item~~ Item #1 in the section "Eligibility and Enrollment" above.

Welfare and Institutions Code 10260 and 5 CCR 18110 prohibit districts from assessing fees for ~~children enrolled~~ a child's enrollment in a program because of a need for child protective services, or because the child is in a CSPP, in the severely disabled children program, or in the federally based migrant program; , or because the family has an income level in relation to family size that is less than the first entry in the fee schedule. Districts may revise the following paragraph to reflect any such program(s) offered by the district. Districts that offer only programs prohibited from charging fees may delete the following section.

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Welfare and Institutions Code 10260, ~~10270~~ 10271, 10290, 10291, 10436; 5 CCR 18078, 18108-18110)

CSBA NOTE: Pursuant to AB 131, and in response to the COVID-19 pandemic, additional funds are available to provide subsidized child care to families and to provide child care programs with COVID-19 pandemic-related assistance. Pursuant to Welfare and Institutions Code 10290, as added by AB 131, family fees may not be collected for families receiving subsidized child care services from child care programs administered by CDSS.

However, for the 2021-22 fiscal year, family fees shall not be collected as specified in Welfare and Institutions Code ~~10290~~.

No fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (~~Education Code 8253;~~ Welfare and Institutions Code 10291; 5 CCR 18110)

In addition, any family receiving child care on the basis of having neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency, may be exempt from these fees for up to 12 months. (Welfare and Institutions Code 10271 and 10291)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10290, family fees must be assessed at initial enrollment and reassessed at recertification.

Pursuant to 5 CCR 18114, districts contracting to offer child care services are mandated to adopt a policy for the collection of fees in advance of providing services, as provided below. 5 CCR 18114 contains an alternative definition of delinquency for alternative payment programs offered pursuant to Welfare and Institutions Code 10225-10234.

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Welfare and Institutions Code 10290; 5 CCR 18082, 18114, 18115)

CSBA NOTE: The following paragraph is for use by districts that contract to offer child care services and wish to require parents/guardians to provide diapers and/or to pay the costs of field trips (unless the program is exempt from fees), and may be modified to delete diapers as appropriate for the age of the children served. Welfare and Institutions Code 10292 mandates that such districts have a written policy which includes parents/guardians in the decision-making process. Pursuant to Welfare and Institutions Code 10292, the fees cannot exceed \$25 per child in the contract year.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Welfare and Institutions Code 10292)

CSBA NOTE: Pursuant to Welfare and Institutions Code 10228, licensed child care centers are required to post their rates, and discounts or scholarship policies if any, as specified below.

District child care centers shall post in a prominent location adjacent to the license at the child care facility the rates, and discounts or scholarship policies if any. (Welfare and Institutions Code 10288)

### Expulsion/Unenrollment and Suspension Based on Behavior

CSBA NOTE: Welfare and Institutions Code 10491 and 10491.1, as added by AB 2806 (Ch. 915, Statutes of 2022), establishes requirements for expulsion, unenrollment, or suspension of a child from a child care and development program, as specified below.

The district's child care and development program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Welfare and Institutions Code 10491)



1. In writing, inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher, and if available engage an early childhood mental health consultant, in an effort to maintain the child's safe participation in the program
2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If appropriate, consider completing a comprehensive screening to identify the needs of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Welfare and Institutions Code 10491.1)

CSBA NOTE: Pursuant to Education Code 10491.1, as added by AB 2806, a child enrolled in a child care and development program may only be suspended as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be eliminated or reduced without removal of the child. To suspend a child, the district must comply with specified requirements, including, collaborating with the child's parents/guardians before determining that suspension is necessary and using appropriate community resources to determine that no other reasonable option is appropriate.

A child shall not be suspended from the district's child care and development program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child. (Welfare and Institutions Code 10491.1)

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate. (Welfare and Institutions Code 10491.1)

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing all of the following: (Welfare and Institutions Code 10491.1)

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed

3. Providing referrals to appropriate community resources

4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDSS in the event of expulsion or suspension. If the district suspends or expels a child from the child care and development program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 18095, informing the parents/guardians of the right to file an appeal of the action directly with CDSS no later than 14 calendar days after receiving the notice. (Welfare and Institutions Code 10491.1)

CSBA NOTE: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, "Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings," provides that if a child in an early childhood program is suspected of having a developmental delay, disability, or mental health issue, the child's parent/guardian be referred, if appropriate, to the mental health system, the state's early intervention program, or the district for information regarding evaluation for services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), to ensure that children with disabilities are not suspended or expelled because of disability-related behaviors.

If a child is suspected of having a developmental delay, disability, or mental health issue, the child's parent/guardian shall be referred, if appropriate, to the mental health system, the state's early intervention program, or the district's special education program regarding evaluation for services under the Individuals with Disabilities Education Act (IDEA). Children identified as having exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the IDEA.

## Disenrollment

CSBA NOTE: Welfare and Institutions Code 10272 specifies the order by which families must be disenrolled from child care and development services when funding levels are reduced.

Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122, but only on the grounds that the factors used to determine the family's disenrollment are incorrect. See section "Rights of Parents/Guardians" below.

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Welfare and Institutions Code 10272.5)

1. 1. \_\_\_\_\_ Families with the highest income in relation to family size shall be disenrolled first.
2. 2. \_\_\_\_\_ If two or more families have the same income ranking, children ~~without disabilities~~ who have been enrolled in child care services the longest shall be disenrolled first. ~~After all children without disabilities~~
2. 3. \_\_\_\_\_ ~~If two or more families have been disenrolled the same income,~~ children ~~with~~without disabilities shall be disenrolled, ~~with those who have been enrolled in child care services the~~

longest being disenrolled first.

3. 4. Families whose children are receiving child protective services or are at risk of neglect; or abuse; or exploitation, regardless of family income, shall be disenrolled last.

### Health Examination and Immunizations

CSBA NOTE: Welfare and Institutions Code 10271 requires children enrolling in a child care center to obtain a physical examination and evaluation, including immunizations, unless a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. However, with respect to immunization requirements, Health and Safety Code 120335 eliminated the personal beliefs exemption unless the parent/guardian filed a letter or affidavit prior to January 1, 2016 or a licensed physician indicates that a student should be exempted for medical reasons. As of January 1, 2016, an exemption granted for personal beliefs is ~~was~~ only effective until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12), and any student who received a personal belief exemption prior to January 1, 2016 would be in the next grade span, this exemption no longer exists. See BP/AR 5141.31 - Immunizations.

CDPH has developed a tool, the School and Child Care Lookup (SCRL), available on its web site, which looks at information from the California Immunization Registry (CAIR2) and can be used by child care centers to determine whether a student meets all immunization requirements to enroll in child care services.

Prior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. ~~(Welfare and Institutions Code 10271)~~

The requirement for a physical examination and evaluation shall be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. ~~(Welfare and Institutions Code 10271)~~

A child may be exempted from the immunization requirements only if: ~~(Health and Safety Code 120335)~~ a licensed physician indicates that immunization should not be given and specifies how long this exemption is expected to be needed. (22 CCR 101220.1)

1. ~~A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.~~

CSBA NOTE: Pursuant to Health and Safety Code 120372, a child care center may only accept a medical exemption request that is made by a licensed physician or surgeon on an electronic, standardized, statewide medical exemption certification form developed by the California Department of Public Health CDPH and transmitted using the California Immunization Registry: CAIR2. However, Health and Safety Code 120370 requires that a child who has a medical exemption issued prior to January 1, 2020 be allowed to continue enrollment until the next grade span, unless the exemption was issued by a physician or surgeon that has been subject to disciplinary action by the Medical Board of California or the Osteopathic Medical Board of California.

2. A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health (CDPH) and transmitted

using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. All medical exemptions shall not extend beyond the current grade span of the student, and a temporary exemption shall not exceed one year. (Health and Safety Code 120372)

3. ~~The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).~~

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Welfare and Institutions Code 10271)

CSBA NOTE: Pursuant to Health and Safety Code 120440, as amended by AB 1797 (Ch. 582, Statutes of 2022), child care centers are required to disclose specified immunization information to local health departments operating countywide or regional immunization information and reminder systems and CDPH, and to maintain the confidentiality of such information in the same manner as other student records. See BP/AR 5125 – Student Records.

District child care centers shall disclose immunization information to the local health department and CDPH in accordance with Health and Safety Code 120440, and maintain the confidentiality of such information in the same manner as other students records in accordance with law and as specified in Administrative Regulation 5125 – Student Records. (Health and Safety Code 120440)

## Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or ~~district~~the district's authorized representative if verification is made by telephone. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. 1. Illness or quarantine of the child or of the parent/guardian (Welfare and Institutions Code 10213.5)
2. 2. Family emergency (Welfare and Institutions Code 10213.5)

CSBA NOTE: Pursuant to 5 CCR 18066, districts contracting to offer child care services are mandated to adopt policies delineating circumstances constituting an excused absence for a family emergency. The following paragraph may be revised to reflect district practice.

3. 3. A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or

when a member of the child's immediate family dies, has an accident, or is required to appear in court.

4. 3. Time spent with a parent/guardian or other relative as required by a court of law (Welfare and Institutions Code 10213.5)
5. 4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Welfare and Institutions Code 10213.5)

CSBA NOTE: 5 CCR 18066 mandates a policy that delineates circumstances constituting an excused absence "in the best interest of the child." The following paragraph may be revised to reflect district practice.

6. \_\_\_\_\_ An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

CSBA NOTE: 5 CCR 18066 mandates that providers adopt a policy governing unexcused absences which may include reasonable limitations, if any. The following paragraph may be revised to reflect district practice. CSBA NOTE: 5 CCR 18066.5 establishes procedures to follow when a child has been absent and the family has not been in communication with the district's child care and development services program coordinator or site supervisor for seven consecutive calendar days.

Any absence due to When a reason other than any of those stated above, or without child has been absent and the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the family has not been in communication with the program coordinator or site supervisor shall notify for seven consecutive calendar days, the district shall attempt to contact the child's parent/guardian. Children who continue to have excessive unexcused absences through a variety of communication methods, including one attempt in writing which may be removed from through electronic means, informing the program at parent/guardian that failure to communicate with the discretion district may result in termination of child care services. The district shall keep documentation of all such communication attempts in the program coordinator in order family's data file, and, if there has been no communication for a total of 30 consecutive calendar days, issue a Notice of Action to accommodate other families disenroll the family on the waiting list for admission. basis of abandonment of care. (5 CCR 18066.5)

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

### Rights of Parents/Guardians

CSBA NOTE: The following two paragraphs are for use by districts that operate one or more licensed child care centers, but may be used by license-exempt providers.

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

**CSBA NOTE:** The remainder of this section is for use by all districts and applies to licensed and unlicensed child care programs.

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the ~~CDE~~Child Development Division. (5 CCR 18120-18122)

### **Records**Coordinating Transitions

CSBA NOTE: Welfare and Institutions Code 10315 requires a preschool or infant and toddler program, when a child will be transferring to a local public school, to provide the child's parent/guardian with information from the previous year which is beneficial to the student and the teacher, as specified below.

When a child in the district's child care and development program transfers to a local public school, the district's child care and development program administrator shall provide the child's parent/guardian with information from the previous year which is beneficial to the student and the student's teacher, including, but not limited to, developmental issues, social interaction abilities, health background, and diagnostic assessments, if any. The program administrator shall transfer this information to the student's elementary school, with permission of the student's parent/guardian. (Welfare and Institutions Code 10315)

CSBA NOTE: Pursuant to Government Code 95008, as amended by SB 188 (Ch. 49, Statutes of 2022), districts are required to designate a main point of contact for coordinating and completing,

with other agencies and persons, the transition of a child and family from Part C of IDEA, infant/toddler programs, to Part B of IDEA, preschool, including establishing practices to educate and support families during the transition.

To facilitate the transition of a child with a disability, the district designates the individual listed below as the main point of contact for coordinating and completing, with other agencies and persons, the transition of a child and family from infant/toddler programs to preschool (Part C to Part B of IDEA), including establishing practices to educate and support families during the transition: (Government Code 95008)

Director of Student Services  
 -----  
(title or position)  
435 Hillcrest Avenue, Pacific Grove, CA 93950  
 -----  
(address)  
831-646-6523  
 -----  
(telephone number)  
 -----  
(email)

**Records**

CSBA NOTE: State contracts require the district to submit data on both subsidized and nonsubsidized families served by child care centers. In addition, the district is required to provide monthly reports regarding any families receiving subsidized services during that month.

Welfare and Institutions Code 10315, as added by AB 131, requires a preschool or infant and toddler program to, when a child in a state-funded preschool or infant and toddler program will be transferring to a local public school, provide the parent/guardian with information from the previous year deemed beneficial to the student and the public school teacher, including, but not limited to, development issues, social interaction abilities, health background, and diagnostic assessments, if any. The preschool or infant and toddler program may, with the permission of the parent/guardian, transfer this information to the student's elementary school.

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required under the state contract.

**Policy Reference UPDATE Service**

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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.

<b>State</b>	<b>Description</b>
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers

22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 18000-18434	Child care and development programs
5 CCR 18012-18122	General requirements
5 CCR 18180-18192	Federal and state migrant programs
5 CCR 18210-18213	Severely handicapped program
5 CCR 18220-18231	Alternative payment program
5 CCR 18240- <del>18248</del> <a href="#">18249</a>	Resource and referral program
5 CCR 18270-18281	Program quality; accountability
5 CCR 18290-18292	Staffing ratios
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 18300-18308	Appeals and dispute resolution
5 CCR 4600-4687	Uniform complaint procedures <a href="#">and Williams complaints</a>
<a href="#">5 CCR 80067-80067.2</a>	<a href="#">Early Childhood Education Specialist Credential</a>
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
<a href="#">Ed. Code 46120</a>	<a href="#">Expanded Learning Opportunities Program</a>
Ed. Code 48000	Transitional kindergarten
Ed. Code 49540-49546	Child care food program
Ed. Code 49570	National School Lunch program
Ed. Code 56244	Staff development funding
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8207	California State Preschool Program administration
Ed. Code <del>8278.3</del> <a href="#">8337</a>	<del>Child Care Facilities Revolving Fund</del> <a href="#">Early Education Expansion Program</a>
Ed. Code 8482-8484.65	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers
<a href="#">Gov. Code 95000-95029.5</a>	<a href="#">California Early Intervention Services Act</a>
H&S Code 120325-120380	Immunization against communicable diseases
<a href="#">H&amp;S Code 120440</a>	<a href="#">Disclosure of immunization information to local and state health departments</a>
H&S Code 1596.70-1596.895	California Child Day Care Act



H&S Code 1596.90-1597.21	Day care centers
W&I Code 10200-10206	Early Childhood Development Act of 2020
W&I Code 10207-10215	General provisions
W&I Code 10207- <del>10490</del> <a href="#">10492.2</a>	Child Care and Development Services Act
W&I Code 10217-10224.5	Resource and referral programs
W&I Code 10225-10234	Alternative payment programs
W&I Code 10235-10238	Migrant child care and development programs
W&I Code 10240-10243	General child care and development programs
W&I Code 10250-10252	Family child care home education networks
W&I Code 10260-10263	Child care and development services for children with special needs
W&I Code 10271	Eligibility, enrollment, and priority of services; physical examinations; rules and regulations
W&I Code 10271.5	Income eligibility
<a href="#">W&amp;I Code 10271.7</a>	<a href="#">Family member certified as eligible to receive benefits; definition</a>
W&I Code 10272.5	Order of disenrollment
W&I Code 10273	Preferred placement for otherwise eligible children ages 11 or 12
<a href="#">W&amp;I Code 10276</a>	<a href="#">Child Care and Development Fund notice to providers</a>
W&I Code 10290	Fee schedule for families using preschool and child care and development services
W&I Code 10291	Families exempt from family fees
W&I Code 10315	Transfer of information to public schools
W&I Code <del>10322</del> <a href="#">10332</a>	Children residing in another district; use of facilities and personnel
<a href="#">W&amp;I Code 10491-10491.1</a>	<a href="#">Expulsion and suspension procedures in childcare and development services programs</a>
<b>Federal</b>	<b>Description</b>
<a href="#">20 USC 1232g</a>	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
<a href="#">20 USC 1400-1482</a>	<a href="#">Individuals with Disabilities Education Act</a>
42 USC 1751-1769j	School Lunch Program
42 USC <del>9831-9852</del> <a href="#">9852c</a>	Head Start programs
42 USC <del>9858-9858q</del> <a href="#">9857-9858r</a>	Child care <a href="#">Care</a> and development block grant <a href="#">Development Block Grant</a>

45 CFR 98.21-98.93	Child care <a href="#">Care</a> and development fund <a href="#">Development Fund</a>
7 CFR 210.1-210.3133	National School Lunch Program
<a href="#">34 CFR 303.1-303.734</a>	<a href="#">Early intervention program for infants and toddlers with disabilities</a>
<b>Management Resources</b>	<b>Description</b>
CA Dept of Social Services Publication	Child Care Transition: The Early Childhood Development Act of 2020
CA Dept of Social Services Publication	<a href="#">American Rescue Plan Act</a> Child Care & Development Division FAQ
CA Dept of Social Services Publication	COVID-19 Licensed Child Care Facilities and Providers (FAQs)
<a href="#">CA Commission on Teacher Credentialing Publication</a>	<a href="#">Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023</a>
<a href="#">U.S. Department of Health and Human Services and U.S. Department of Education Publication</a>	<a href="#">Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016</a> ( <a href="https://oese.ed.gov/files/2020/07/policy-statement-ecce-expulsions-suspensions.pdf">https://oese.ed.gov/files/2020/07/policy-statement-ecce-expulsions-suspensions.pdf</a> )
Court Decision	CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892
Website	CSBA District and County Office of Education Legal Services
Website	California Association for the Education of Young Children
Website	<del>California Child Development Administrators Association</del> <a href="#">EveryChild California, an Association of Leaders Advancing Early Learning</a> ( <a href="https://www.everychildca.org/">https://www.everychildca.org/</a> )
Website	California Department of Education, Early Education <del>and Support</del> Division
Website	California Department of Education, Early Education Management Bulletins
Website	<del>California Department of Social Services, Licensing Information</del> <a href="#">California Department of Public Health</a> ( <a href="https://www.cdph.ca.gov/">https://www.cdph.ca.gov/</a> )
<a href="#">Website</a>	<a href="#">California Department of Social Services, Child Care Licensing</a> ( <a href="https://www.cdss.ca.gov/inforesources/child-care-licensing">https://www.cdss.ca.gov/inforesources/child-care-licensing</a> )
Website	California Head Start Association
Website	California School-Age Consortium

Website	National Association for the Education of Young Children
Website	Commission on Teacher Credentialing <a href="https://www.ctc.ca.gov/">(https://www.ctc.ca.gov/)</a>
Website	CSBA
<a href="#">Website</a>	<a href="https://www.mbc.ca.gov/">Medical Board of California (https://www.mbc.ca.gov/)</a>
<a href="#">Website</a>	<a href="https://oal.ca.gov/">Office of Administrative Law (https://oal.ca.gov/)</a>
<a href="#">Website</a>	<a href="https://www.ombc.ca.gov/">Osteopathic Medical Board of California (https://www.ombc.ca.gov/)</a>
<a href="#">Website</a>	<a href="#">Universal Prekindergarten, California's Great Start</a>
Website	U.S. Department of Education
<a href="#">Website</a>	<a href="https://www.usa.gov/federal-agencies/u-s-department-of-health-and-human-services">U.S. Department of Health and Human Services (https://www.usa.gov/federal-agencies/u-s-department-of-health-and-human-services)</a>

**Cross References**

<b>Code</b>	<b>Description</b>
0000	Vision
0100	Philosophy
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
0500	Accountability
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1312.3	Uniform Complaint Procedures
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1312.3-E(1)	Uniform Complaint Procedures
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1330	Use Of School Facilities
1330	Use Of School Facilities
1330-E(1)	Use Of School Facilities
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools

1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3312	Contracts
3523	Electronic Signatures
3523	Electronic Signatures
3540	Transportation
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
3580	District Records
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4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4131	Staff Development
4161.2	Personal Leaves
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4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4231	Staff Development

4261.2	Personal Leaves
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4331	Staff Development
4361.2	Personal Leaves
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5111.1	District Residency
5111.1	District Residency
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.23	Asthma Management
5141.23	Asthma Management
5141.26	Tuberculosis Testing
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
5141.3	Health Examinations
5141.3	Health Examinations
5141.31	Immunizations
5141.31	Immunizations
5141.52	Suicide Prevention
5141.52	Suicide Prevention

5141.6	School Health Services
5141.6	School Health Services
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5146	Married/Pregnant/Parenting Students
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
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6020	Parent Involvement
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6154	Homework/Makeup Work
6159	Individualized Education Program
6159	Individualized Education Program
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6184	Continuation Education
6184	Continuation Education
7110	Facilities Master Plan

**Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities**

Status: ADOPTED

Original Adopted Date: 11/01/1999 | Last Revised Date: ~~11/06/01/2009~~2023 | Last Reviewed Date: ~~11/06/01/2009~~2023

CSBA NOTE: The following optional policy is for use by districts that maintain high schools and should be modified to reflect district practice.

Pursuant to Education Code 56345 and 34 CFR 300.320, the individualized education program (IEP) for each student with a disability must contain ~~statements~~ a statement of measurable annual goals that would enable the student to progress in the general education curriculum ~~and~~, a statement regarding any accommodations necessary to measure the student's performance on state and district assessments, and any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation; see AR 6159 - Individualized Education Program for a detailed listing of the required contents of the IEP.

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

**Exemption from District-Established 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 a disability 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.

District students shall complete all course requirements for high school graduation as specified in Board Policy 6146.1 – High School Graduation Requirements. However, a student with a disability may be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation 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

Prior to the beginning of grade 10, the IEP team for each student with a disability shall determine whether the student is eligible for the exemption, and if so, notify the student's parent/guardian of the exemption. (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

**Certificate of Educational Achievement or Completion**

CSBA NOTE: Education Code 56390-56392 authorize a district to award a certificate of educational achievement to ~~students~~a student with ~~disabilities~~a disability who ~~meet~~meets the criteria specified below. Pursuant to Education Code 56391, ~~students~~a student who ~~meet~~meets the criteria ~~are~~is eligible to participate in any graduation ceremony/activity in which a student of similar age without ~~disabilities~~a disability would be eligible to participate. However, Education Code 56391 provides that the right to participate in graduation ceremonies does not equate a certificate or document of educational achievement with a regular diploma.

Instead of a high school diploma, a student with ~~disabilities~~a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. 1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in ~~his/her~~the student's IEP
2. 2. Satisfactorily met ~~his/her~~the student's IEP goals and objectives during high school as determined by the IEP team
3. 3. Satisfactorily attended high school, participated in the instruction as prescribed in ~~his/her~~the student's IEP, and met the objectives of the statement of transition services

A student with ~~disabilities~~a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

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<b>State</b>	<b>Description</b>
5 CCR 3070	Graduation
<a href="#"><u>Ed. Code 51225.3</u></a>	<a href="#"><u>High school graduation requirements</u></a>
<a href="#"><u>Ed. Code 51225.31</u></a>	<a href="#"><u>Graduation exemption for students with disabilities</u></a>
Ed. Code 56341	Individualized education program team



Ed. Code 56345	Individualized education program contents
Ed. Code 56390-56392	Recognition for educational achievement; special education
<a href="#">Ed. Code 60640</a>	<a href="#">California Assessment of Student Performance and Progress</a>
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.320	Definition of IEP
<b>Management Resources</b>	<b>Description</b>
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

**Cross References**

<b>Code</b>	<b>Description</b>
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
5127	Graduation Ceremonies And Activities
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests

6164.4	Identification And Evaluation Of Individuals For Special Education	INFORMATION/DISCUSSION A
6164.4	Identification And Evaluation Of Individuals For Special Education	
6200	Adult Education	
6200	Adult Education	

**Policy 6159.2: Nonpublic, Nonsectarian School And Agency Services For Special Education**

Status: ADOPTED

Original Adopted Date: 06/01/1995 | Last Revised Date: 07/06/01/20202023 | Last Reviewed Date: 07/06/01/20202023

CSBA NOTE: Education Code 56195.8 mandates districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided to students with disabilities when no appropriate public education program is available to meet their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying [administrative](#) regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

CSBA NOTE: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education review the certification status of an NPS/A.

~~Beginning in the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019),~~ also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

No district student [with a disability](#) shall be [referred to, or](#) placed in, an NPS/A unless the student's individualized education program (IEP) team has determined ~~that an appropriate public education alternative does not exist~~ and that the placement is appropriate for the student. (Education Code 56342.1)

CSBA NOTE: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or, ~~as amended by AB 1172,~~ the agency fees for participating students [pursuant to the contract](#).

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A-

pursuant to the contract. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

CSBA NOTE: In a December 2022 Settlement Agreement between Davis Joint Unified School District and the U.S. Department of Education Office for Civil Rights, following an investigation into the use of seclusion and restraint at an NPS/A that the district contracted with, the district was found to have denied students a free and appropriate public education (FAPE) because the district failed to ensure the NPS/A staff were knowledgeable about district policies, procedures, and practices regarding the use seclusion and restraint, failed to reevaluate students to determine if the repeated use of restraint and seclusion affected the receipt of FAPE, and failed to consider if any additional aids and services were appropriate in order to provide FAPE. See BP5131. 41 – Use of Seclusion and Restraint for additional information on the use of Seclusion and Restraint.

The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

CSBA NOTE: The following optional paragraph may be modified to reflect district practice.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

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#### Policy Reference Disclaimer:

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State	Description
5 CCR 3001	Definitions
5 CCR 3051-3051.24	Special education; standards for related services and staff qualifications
5 CCR 3060-3070	Nonpublic, nonsectarian school and agency services
Ed. Code 56034-56035	Definitions of nonpublic, nonsectarian school and agency
Ed. Code 56042	Placement not to be recommended by attorney <u>or advocate</u> with conflict of interest

Ed. Code 56101	Waivers
Ed. Code 56163	Certification
Ed. Code 56168	Responsibility for education of student in hospital or health facility school
Ed. Code 56195.8	Adoption of policies
Ed. Code 56342.1	Individualized education program; placement
Ed. Code 56360-56369	Implementation of special education
<del>Ed. Code 56711</del>	<del>Computation of state aid</del>
<del>Ed. Code 56740-56743</del>	<del>Apportionments and reports</del>
<del>Ed. Code 56760</del>	<del>Annual budget plan; service proportions</del>
<del>Ed. Code 56775.5</del>	<del>Reimbursement of assessment and identification costs</del>
Ed. Code 56836.20-56836.21	Special education funding; SELPA contracts with nonpublic nonsectarian schools
Fam. Code 7911-7912	Interstate compact on placement of children
<del>Gov. Code 7570-7587</del>	<del>Interagency responsibilities for providing services to children with disabilities</del>
<del>Gov. Code 7572.55</del>	<del>Seriously emotionally disturbed child; out-of-state placement</del>
W&I Code 362.2	Out-of-home placement for IEP
W&I Code 727.1	Out-of-state placement of wards of court
<b>Federal</b>	<b>Description</b>
20 USC 1400-1487	Individuals with Disabilities Education Act
34 CFR 300.129-300.148	Children with disabilities in private schools
<b>Management Resources</b>	<b>Description</b>
Court Decision	Agostini v. Felton; (1997) 521 U.S. 203; <del>117 S.Ct. 1997</del>
<a href="#"><u>US Dept of Ed Office for Civil Rights Settlement</u></a>	<a href="#"><u>Department of Education, Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022</u></a>
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

**Cross References**

<b>Code</b>	<b>Description</b>
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education

1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1431	Waivers
3541.2	Transportation For Students With Disabilities
3580	District Records
3580	District Records
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
6146.1	High School Graduation Requirements
6146.3	Reciprocity Of Academic Credit
6146.3	Reciprocity Of Academic Credit
6146.4	Differential Graduation And Competency Standards For Students With Disabilities
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
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

**Policy 6173.4: Education for American Indian Students**

**Status: ADOPTED**

Original Adopted Date: 06/01/2023 |

CSBA NOTE: The following policy may be revised to reflect district practice. Districts that receive federal Title VI Indian education funding (20 USC 7401-7492), which supports local educational agencies, Indian tribes and organizations, and other entities in meeting the unique cultural, language, and educational needs of American Indian students, are mandated to adopt policy and procedures to ensure that the program will be operated and evaluated in consultation with, and with the involvement of, parents/guardians and family members of American Indian students and community representatives; see the section entitled, "Title VI Indian Education Program," for more information regarding this mandate.

The terms "American Indian," "Native American," and "Indian" are used in various state and federal laws but do not always refer to the same groupings of people or are not defined. For purposes of Title VI, 20 USC 7491 defines "Indians" to include Alaska natives. The following regulation may be revised to reflect terminology preferred by the district and local tribes.

The Governing Board recognizes that American Indian students may have unique cultural, language, and educational needs that may be addressed by increasing student knowledge about American Indian history, including the history and culture of local tribes, and by providing American Indian students with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

The Superintendent or designee shall provide all students with culturally relevant curriculum related to local American Indian tribes and implement strategies necessary for the improvement of the academic achievement of American Indian students.

CSBA NOTE: The following paragraphs address the involvement of a California Indian Education Task Force. Pursuant to Education Code 33391, as added by AB 1703 (Ch. 477, Statutes of 2022), districts are encouraged to form a California Indian Education Task Force with Indian tribes local to their region, or historically located in the region, to assist in the development of curriculum related to local tribes, and in the identification of, and strategies to close, any achievement gaps between American Indian students and other students in the district.

In order to discuss, gain a shared understanding of, and develop curriculum for use within the district, and to identify the extent and nature of any achievement gaps between American Indian students and other district students, and strategies to address any such gaps, the district may form a California Indian Education Task Force with tribes local to the region. Participants in the task force meetings may consider issues of mutual concern, which include: (Education Code 33391)

1. Developing a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and developing such materials for use within the district that include tribal experiences and perspectives
2. Developing a shared understanding of proper or improper instructional materials when these materials use depictions of Native Americans

3. Encouraging the adoption of the curriculum developed by the California Indian Education Task Force
4. Identifying the extent and nature of any achievement gap between American Indian students and other students, and strategies necessary to close it

If formed, the California Indian Education Task Force shall, within one year and thereafter annually, submit a report to the California Department of Education on the findings, including progress of work on Items #1-4, above. (Education Code 33391)

The Superintendent or designee shall identify American Indian students most at-risk of not meeting state academic standards and provide to such students the needed support(s), including making referrals, as appropriate, for special education services or services under Section 504 of the federal Rehabilitation Act of 1973, or other school-based services such as counseling and health services, supplemental instruction, before- or after-school services, and summer learning programs.

CSBA NOTE: Education Code 48432.5, as amended by AB 740 (Ch. 400, Statutes of 2022), provides protections for American Indian students prior to an involuntary transfer to a continuation school. Additionally, Education Code 48853.5, 48911, 48911.1, 48915.5, and 48918.1, as amended by AB 740, provide protections for American Indian students regarding suspension and expulsion proceedings and assignments to supervised suspension classrooms. In such instances, written notice must be provided to an American Indian student's tribal social worker and, if applicable, the county social worker. See AR 5144.1 – Suspension and Expulsion/Due Process, AR 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), AR 6173.1 – Education for Foster Youth, and AR 6184 – Continuation Education.

Suspension, expulsion, assignment to a supervised suspension classroom, or involuntary transfer to a continuation school of an American Indian student shall be in accordance with law and as specified in Administrative Regulation 5144.1 – Suspension and Expulsion/Due Process, 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), and 6184 – Continuation Education.

CSBA NOTE: Pursuant to Labor Code 3074.2, any district planning to hold a college or career fair is required to identify approved apprenticeship programs in the county and notify such programs that they are hosting a college or career fair. See BP 6164.2 – Guidance/Counseling Services and BP 6178 – Career Technical Education.

The Superintendent or designee shall provide programs to facilitate the successful transition of American Indian students to post-secondary education and employment, which may include college and career fairs in accordance with Labor Code 3074.2, mentorship programs, and counseling services.

As needed, the Superintendent or designee shall provide professional development to teachers and other school staff to assist them in understanding and responding to the unique needs of American Indian students.

At least annually, the Superintendent or designee shall report to the Board on the outcomes of American Indian students including, but not limited to, school attendance, student achievement test results, promotion and retention by grade level, graduation rates, and suspension/expulsion rates.



CSBA NOTE: The following section is for districts that receive Title VI funding pursuant to 20 USC 7401-7492, and should be deleted by districts that do not receive such funding.

With the assistance of federal Title VI funding for the education of children from federally recognized tribes, the district shall offer programs and activities to meet the unique cultural, language, and educational needs of American Indian students, as defined in 20 USC 7491. Program objectives and outcomes shall be based on state academic standards. (20 USC 7424)

CSBA NOTE: The following paragraphs address the involvement of parents/guardians and family members of American Indian students and community representatives in program implementation and evaluation, as mandated by 20 USC 7424, and may be expanded to reflect district practice.

In developing, implementing, and evaluating Title VI programs and activities, the Superintendent or designee shall consult with and involve parents/guardians and family members of American Indian students and other community representatives. (20 USC 7424)

The district shall establish a committee that is composed of, and selected by, parents/guardians and family members of American Indian students, representatives of tribes on tribal lands located within 50 miles of any district school that serves any children of the tribes, teachers, and, if appropriate, American Indian students enrolled in secondary schools in the district. The majority of the committee shall be parents/guardians and family members of American Indian students. The committee shall participate in program development and provide written approval for the program. (20 USC 7424)

CSBA NOTE: Pursuant to 20 USC 7425, federal funding for American Indian education programs may be used for any of the services and activities listed in Items #1-13 below. The following list may be revised to reflect district practice.

The district's Title VI program for American Indian education may include any of the following services and activities: (20 USC 7425)

1. Activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders
2. Culturally related activities that support the district's program
3. Early childhood and family programs that emphasize school readiness
4. Enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of state academic standards
5. Integrated educational services in combination with other programs that meet the needs of American Indian students and their families, including programs that promote parent/guardian involvement in school activities and increase student achievement
6. Career preparation activities that enable American Indian students to participate in career technical education programs, including programs for mentoring and apprenticeship
7. Activities to educate individuals so as to prevent violence, suicide, and substance abuse
8. The acquisition of equipment that is essential to achieve program goals

9. Activities that promote the incorporation of culturally responsive strategies into the district's educational program
10. Family literacy services
11. Activities that recognize and support the unique cultural and educational needs of American Indian students, and incorporate appropriately qualified tribal elders and seniors
12. Dropout prevention strategies for American Indian students
13. Strategies to meet the educational needs of American Indian students in correctional facilities, including such strategies that support American Indian students who are transitioning from such facilities to schools served by the district

Any federal funds received to support American Indian education programs shall be used to supplement, not supplant, state or local funds allocated for such purposes. (20 USC 7424)

Program funds may be used to support a Title I schoolwide program pursuant to 20 USC 6314 if approved by the committee established pursuant to 20 USC 7424, provided that the schoolwide program is consistent with the purpose of American Indian education programs and the district's application identifies how the use of such funds in a schoolwide program will produce benefits to American Indian students that would not be achieved if not used in a schoolwide program. (20 USC 7424)

As needed, professional development shall be provided to teachers and other school staff to assist them in working with American Indian students and carrying out Title VI programs. (20 USC 7424)

The Superintendent or designee shall maintain a record of the information establishing the status of each student as an American Indian student eligible for assistance through the federal American Indian education program. (20 USC 7427)

The Superintendent or designee shall periodically assess the progress of all American Indian students, including American Indian students who do not participate in programs funded through Title VI, in meeting program goals and objectives. Assessment results shall be provided to the Board, the committee established pursuant to 20 USC 7424, tribes whose children are served by the district, and the community. (20 USC 7424)

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<b>State</b>	<b>Description</b>
Ed. Code 33380-33384	California Indian Education Centers
Ed. Code 33390-33391	California Indian Education Act
Ed. Code 48400-48454	Compulsory continuation education

Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48900-48927	Suspension and expulsion
Labor Code 3074.2	College and career fairs; notice to apprenticeship programs
<b>Federal</b>	<b>Description</b>
2 CFR 200.0-200.521	Federal uniform grant guidance
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6314	Title I schoolwide program
20 USC 7401-7492	Indian education
20 USC 7701-7714	Impact Aid
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 222.90-222.122	Impact Aid; special provisions for local educational agencies that claim children residing on Indian lands
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
<b>Management Resources</b>	<b>Description</b>
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office of Impact Aid
Website	U.S. Department of Education, Office of Indian Education
Website	California Department of Education

**Cross References**

<b>Code</b>	<b>Description</b>
0410	Nondiscrimination In District Programs And Activities
0415	Equity
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3230	Federal Grant Funds
3230	Federal Grant Funds
3231	Impact Aid
4131	Staff Development
4231	Staff Development
4331	Staff Development

5113.1	Chronic Absence and Truancy
5141.5	Mental Health
5141.6	School Health Services
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**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Policy 6174: Education For English Learners****Status: ADOPTED**

Original Adopted Date: 03/01/2017 | Last Revised Date: ~~07/06/01/2019~~[2023](#) | Last Reviewed Date: ~~07/06/01/2019~~[2023](#)

CSBA NOTE: The following policy may be revised to reflect district practice. State and federal law establish requirements for the identification, placement, and education of English learners.

Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced-price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.

In addition, 20 USC 6801-7014 (Title III) provide grant funds that may be used to supplement, but not supplant, funding from other sources for the purpose of ensuring that English learners attain English proficiency and meet the same challenging academic standards that are applicable to all students. During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with state and federal requirements. See CDE's ~~web site~~[website](#) for FPM compliance monitoring instruments.

For further information regarding English learners, programs, and services, see CDE's ~~publication~~, [“The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners;” \(Roadmap\)](#) available on its ~~web site~~[website](#).

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

CSBA NOTE: Pursuant to Education Code 60811, ~~in November 2012~~ the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), [and the English Language Arts/English Language Development Framework](#) aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. ~~In July 2014, the SBE adopted the English Language Arts/English Language Development Framework aligned to those standards.~~ A supplementary resource, [“Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning;”](#) specifies the correspondence ~~between~~[of](#) the state ELD standards ~~and~~[to](#) the California Common Core State Standards for mathematics and the Next Generation Science Standards.

~~CDE's Roadmap~~[CDE's, “California Digital Learning Integration and Standards Guidance,” available on its website, provides distance learning curriculum and instructional guidance for mathematics, English language arts, and English language development.](#)

[Additionally, CDE's, “Roadmap”](#) encourages differentiated instruction and curriculum which are

integrated across all subject areas and ~~emphasize~~emphasizes inquiry-based learning and critical thinking skills.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

CSBA NOTE: The following items are for use by districts that maintain middle and/or high schools and may be revised to reflect the grade levels offered by the district. Education Code 60811.8, as added by AB 2735 (Ch. 304, Statutes of 2018), prohibits districts from denying any student who is an English learner the opportunity to enroll in core curriculum courses, courses required for middle school promotion or high school graduation, courses required for college admission, or advanced courses, with specified exceptions for recently arrived immigrant students. Pursuant to However, Education Code 60811.8, ~~this law~~ does not require districts to create supplemental courses in languages other than English.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-/social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, an English learner ~~may be denied participation in any such course if the student~~who has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and may be denied participation in any such course, if the course of study provided to the student is designed to remedy academic deficits incurred during participation and reasonably calculated to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in ~~item~~Item #1 above
3. Other courses that meet the "~~a-g~~A-G" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

CSBA NOTE: Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. CDE's "Roadmap" provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

CSBA NOTE: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305 requires the district to solicit input on language acquisition programs as part of the parent/guardian and community engagement process during the development of the LCAP; see section on "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English learner parent advisory committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

### Staff Qualifications and Training

CSBA NOTE: Commission on Teacher Credentialing's (CTC) leaflet CL-622, "Serving English Learners, describes," and "Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations," describe requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from CTC; see AR 4112.22 - Staff Teaching English Learners.

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

CSBA NOTE: The following paragraph reflects a requirement for districts that receive federal Title III funds to improve the education of English learners, and is recommended for use by all districts. 20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences.

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

CSBA NOTE: The following paragraph is optional. CDE's "Roadmap," indicates the importance of a supportive and collaborative environment in order for teachers to effectively address the complex needs of English learners.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

### Identification and Assessment

CSBA NOTE: CDE's ["Roadmap"](#) emphasizes the importance of early identification of English learners, as early childhood is a crucial period of time for language development. Education Code 313 requires any district that has one or more students who are English learners to assess the English language proficiency of those students using the state English Language Proficiency Assessments for California (ELPAC). The ELPAC includes an initial test for identifying students who may be English learners and an annual summative assessment for determining English learners' level of English proficiency and progress in acquiring the skills of listening, speaking, reading, and writing in English. CDE also provides a home language survey to be used to identify students who should be tested for English proficiency. See the accompanying administrative regulation for further information about test administration, identification of English learners, and reclassification criteria.

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

CSBA NOTE: Note: In addition to testing the level of English proficiency of English learners, districts are required pursuant to Education Code 60640 to administer the California Assessment of Student Performance and Progress (CAASPP) to English learners; see BP/AR 6162.51 - State Academic Achievement Tests. As needed, English learners may be provided with the testing resources (i.e., universal tools, designated supports, and accommodations) specified in 5 CCR ~~854.1-854.3~~[853](#) during test administration.

CAASPP also includes the optional California Spanish Assessment for students in grades 3-8 and high school, which measures a student's competency in reading, writing, and listening in Spanish.

[Pursuant to Education Code 60900.1, as added by AB 1868 \(Ch. 907, Statutes of 2022\), CDE is required to annually post on its website CAASPP test results by English language acquisition status and to report enrollment data by English language acquisition status and disability.](#)

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR ~~854.1-854.3~~[853](#). English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR ~~854.1-854.3~~[853](#))

CSBA NOTE: The following paragraph is optional. CDE's ["Roadmap"](#) highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.



## Language Acquisition Programs

CSBA NOTE: Education Code 305-310 ~~authorize~~**authorizes** parents/guardians to select a language acquisition program that best suits their child. At a minimum, the district must offer a structured English immersion program. It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306. Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program. The following section may be revised to reflect programs offered by the district. Also see the accompanying administrative regulation.

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction in the structured English immersion program is provided in English pursuant to Education Code 306. The following paragraph defines "nearly all" as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The district could instead establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

CSBA NOTE: Items #1-2 below are optional and may be revised to reflect district practice.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding
2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards

**CSBA NOTE:** The following paragraph is for use by districts that maintain any of grades K-3.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

**CSBA NOTE:** Pursuant to 5 CCR 11311, districts are required to establish a process with specified components for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. See the section "Language Acquisition Programs" in the accompanying administrative regulation.

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

**CSBA NOTE:** The following paragraph is optional and may be deleted if the district does not offer a dual-language immersion program.

Pursuant to Education Code 48345, as added by SB 941 (Ch. 711, Statutes of 2022), as an alternative to cancelling classes or seeking emergency credentials for teachers, the Governing Board is authorized, until July 1, 2029, to enter into an instruction collaboration agreement (ICA) with districts, county offices of education, or charter schools to offer courses and coursework to students who have been impacted by disruptions or cancellations to dual language immersion programs, or teacher shortages to such programs. See BP 5117 – Interdistrict Attendance for more information on ICAs.

Until July 1, 2029, the Superintendent or designee may, with Board approval, and as specified in BP 5117 – Interdistrict Attendance, enter into an instruction collaboration agreement (ICA) with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations, or teacher shortages to dual language immersion programs. (Education Code 48345)

## Reclassification

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language

acquisition program into an English language mainstream classroom.

## Program Evaluation

CSBA NOTE: The following section may be revised to reflect indicators agreed upon by the ~~Governing~~ Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners. Education Code 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

Pursuant to Education Code 313.2, CDE is required to annually determine the number of students in each district and school who are, or are at risk of becoming, long-term English learners and to report that information to districts and schools. Definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner" are contained in Education Code 313.1.

20 USC 6311 requires the inclusion of a performance indicator on English language proficiency within the state accountability system under Title I.

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to ~~items~~Items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

### 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.

<b>State</b>	<b>Description</b>
5 CCR 11300-11316	English learner education
5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR <del>854.1-854.3</del> <u>853</u>	<del>CAASPP and universal tools, designated supports, and accommodations</del> <u>Administration of CAASPP</u>
5 CCR 854.9	CAASPP and unlisted resources for students with disabilities
<u>Ed. Code 200</u>	<u>Prohibition of discrimination</u>
Ed. Code 300-340	English language education for immigrant children
Ed. Code 310	Language acquisition programs
Ed. Code 313-313.5	Assessment of English proficiency
Ed. Code 33050	Nonwaivable provisions
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 430-446	English Learner and Immigrant Pupil Federal Conformity Act
Ed. Code 44253.1-44253.11	Qualifications of teachers of English learners
<u>Ed. Code 48345</u>	<u>Interdistrict instruction collaboration agreements</u>
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52160-52178	Bilingual Bicultural Act of 1976
Ed. Code 56305	CDE manual on English learners with disabilities
Ed. Code 60603	Definition; recently arrived English learner
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 62002.5	Continuation of advisory committee after program sunsets
<b>Federal</b>	<b>Description</b>
20 USC 1412	State eligibility
20 USC 1701- <del>1705</del> <u>1721</u>	Equal Educational Opportunities Act
20 USC 6311	State plan

20 USC 6312	Local educational agency plan
20 USC 6801-7014	Limited English proficient and immigrant students
20 USC 7801	Definition of English learner
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 200.16	Assessment of English learners
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 40 (2000)
California Department of Education Publication	California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, <del>2018</del> 2017 ( <a href="https://www.cde.ca.gov/sp/el/rm/rmpolicy.asp">https://www.cde.ca.gov/sp/el/rm/rmpolicy.asp</a> )
<u>California Department of Education Publication</u>	<u>English Language Proficiency Assessments for California Information Guide, August 2022</u> ( <a href="https://www.cde.ca.gov/ta/tg/ep/documents/elpacinfoguide22.docx">https://www.cde.ca.gov/ta/tg/ep/documents/elpacinfoguide22.docx</a> )
<u>California Department of Education Publication</u>	<u>California Practitioners' Guide for Educating English Learners with Disabilities, 2019</u> ( <a href="https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf">https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf</a> )
California Department of Education Publication	Common Core State Standards for Mathematics, rev. 2013 ( <a href="https://www.cde.ca.gov/be/st/ss/documents/ccsmathstandardaug2013.pdf">https://www.cde.ca.gov/be/st/ss/documents/ccsmathstandardaug2013.pdf</a> )
California Department of Education Publication	Reclassification Guidance for <del>2017-18</del> 202-21 and <u>Statewide Testing Window Extension</u> , CDE Correspondence, <del>April 28, 2017</del> June 14, 2021 ( <a href="https://www.cde.ca.gov/sp/el/rd/reclass2021tstng.asp">https://www.cde.ca.gov/sp/el/rd/reclass2021tstng.asp</a> )
<u>California Department of Education Publication</u>	<u>Monitoring Reclassified Students, December 2019</u> ( <a href="https://www.cde.ca.gov/sp/el/rd/reclassified122019.asp">https://www.cde.ca.gov/sp/el/rd/reclassified122019.asp</a> )
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California Department of Education Publication	<del>Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18</del> <u>Accessibility Resources Matrix, 2022</u> ( <a href="https://www.cde.ca.gov/ta/tg/ca/documents/caaccessmatrix23.docx">https://www.cde.ca.gov/ta/tg/ca/documents/caaccessmatrix23.docx</a> )

California Department of Education Publication	Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015 ( <a href="https://www.cde.ca.gov/pd/ca/sc/ngssstandards.asp">https://www.cde.ca.gov/pd/ca/sc/ngssstandards.asp</a> )
California Department of Education Publication	English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012 ( <a href="https://www.cde.ca.gov/sp/el/er/documents/eldstndpublication14.pdf">https://www.cde.ca.gov/sp/el/er/documents/eldstndpublication14.pdf</a> )
California Department of Education Publication	English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014 ( <a href="https://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp">https://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.asp</a> )
<a href="#">California Department of Education Publication</a>	<a href="#">California Digital Learning Integration and Standards Guidance, May 2021</a> ( <a href="https://www.cde.ca.gov/ci/cr/dl/documents/dlintegrationstdsguide.pdf">https://www.cde.ca.gov/ci/cr/dl/documents/dlintegrationstdsguide.pdf</a> )
<a href="#">California Department of Education Publication</a>	<a href="#">Englisher Learner, Federal Program Monitoring Instrument</a> ( <a href="https://www.cde.ca.gov/ta/cr/documents/el2223.docx">https://www.cde.ca.gov/ta/cr/documents/el2223.docx</a> )
<a href="#">Commission on Teacher Credentialing Publication</a>	<a href="#">Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021</a> ( <a href="https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/bilingual_authorization_program_standards_bt pes.pdf?sfvrsn=8ebc27b1_3">https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/bilingual_authorization_program_standards_bt pes.pdf?sfvrsn=8ebc27b1_3</a> )
Court Decision	Valeria O. v. Davis; (2002) 307 F.3d 1036
Court Decision	California Teachers Association v. State Board of Education et al.; (9th Circuit, 2001) 271 F.3d 1141
Court Decision	McLaughlin v. State Board of Education; (1999) 75 Cal.App.4th 196
Court Decision	Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698
CSBA Publication	English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016 ( <a href="https://www.csba.org/~media/544AF3BEB57F449689C9942EDB3F919F.ashx">https://www.csba.org/~media/544AF3BEB57F449689C9942EDB3F919F.ashx</a> )
CSBA Publication	English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017 ( <a href="https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201703GBEnglishLearnersInFocusIssue4_Prop58.ashx?la=en&amp;rev=1153e4657b3c46328a4bd425ee40f1c2">https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201703GBEnglishLearnersInFocusIssue4_Prop58.ashx?la=en&amp;rev=1153e4657b3c46328a4bd425ee40f1c2</a> )

CSBA Publication	<p>English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018</p> <p><a href="https://www.csba.org/GovernanceAndPolicyResources/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201802EnglishLearnerRoadmap.ashx">https://www.csba.org/GovernanceAndPolicyResources/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201802EnglishLearnerRoadmap.ashx</a></p>
CSBA Publication	<p>English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. Sep <del>September</del> 2016</p> <p><a href="https://www.csba.org/GovernanceAndPolicyResources/~media/AF163C269B0A4E6B83FE1A5626BB5273">https://www.csba.org/GovernanceAndPolicyResources/~media/AF163C269B0A4E6B83FE1A5626BB5273</a></p>
CSBA Publication	<p>English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014</p> <p><a href="https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201409GBEnglishLearnersInFocusIssue2_DualImmersion">https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201409GBEnglishLearnersInFocusIssue2_DualImmersion</a></p>
The Education Trust-West Publication	<p>Unlocking Learning: Science as a Lever for English Learner Equity, January 2017</p> <p><a href="https://west.edtrust.org/resource/unlocking-learning-science-lever-english-learner-equity/">https://west.edtrust.org/resource/unlocking-learning-science-lever-english-learner-equity/</a></p>
The Education Trust-West Publication	<p>Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018</p> <p><a href="https://west.edtrust.org/resource/unlocking-learning-ii-using-math-lever-english-learner-equity/">https://west.edtrust.org/resource/unlocking-learning-ii-using-math-lever-english-learner-equity/</a></p>
U.S. Department of Education Publication	<p>English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), <del>September</del> 2016</p> <p><a href="https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenenglishlearners92016.pdf">https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenenglishlearners92016.pdf</a></p>
U.S. Department of Education Publication	<p>Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017 (<a href="https://oese.ed.gov/files/2020/10/real-guidefinal.pdf">https://oese.ed.gov/files/2020/10/real-guidefinal.pdf</a>)</p>
U.S. Department of Education Publication	<p>English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016</p> <p><a href="https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELTToolkit_508C.pdf">https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELTToolkit_508C.pdf</a></p>
U.S. Department of Education Publication	<p>Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015</p> <p><a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf">https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf</a></p>

<a href="#">Website</a> Publication	Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017 <a href="#">CSBA District and County Office of Education Legal Services</a>
Website	National Clearinghouse for English Language Acquisition
Website	The Education Trust-West
Website	California Department of Education, English Learners
Website	California Association for Bilingual Education
Website	CSBA
Website	<a href="#">U.S. Department of Education</a>
Website	<a href="#">California Digital Learning Integration and Standards Guidance (https://www.cadlsg.com/)</a>

**Cross References**

<b>Code</b>	<b>Description</b>
0200	Goals For The School District
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3100	Budget
3100	Budget
4112.22	Staff Teaching English Learners
4131	Staff Development
4231	Staff Development
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
<a href="#">5117</a>	<a href="#">Interdistrict Attendance</a>



5126	Awards For Achievement
5126	Awards For Achievement
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
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
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6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams

6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6170.1	Transitional Kindergarten
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(1)	Education For Homeless Children
6173-E(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
6175	Migrant Education Program
6175	Migrant Education Program
6190	Evaluation Of The Instructional Program

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Regulation 6174: Education For English Learners****Status: ADOPTED**

Original Adopted Date: 03/01/2017 | Last Revised Date: ~~12/06/01/2019~~2023 | Last Reviewed Date: ~~07/06/01/2019~~2023

**Definitions**

*English learner* means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

*Designated English language development* means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

*Integrated English language development* means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

*Native speaker of English* means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)

**Identification and Assessments**

CSBA NOTE: Education Code 52164.1 and 5 CCR 11307 require the district to administer a home language survey to all enrolled students. A sample home language survey form in English and Spanish is available on the California Department of Education's (CDE) ~~web site~~[website](#).

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307, 11518.5)

CSBA NOTE: When the home language survey indicates that a student's proficiency in English should be tested, Education Code 313 requires the district to administer a state assessment of English language proficiency. The English Language Proficiency Assessments for California

(ELPAC) are used for initial identification of language proficiency and subsequently for annual assessment of language proficiency.

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). Prior to administering the ELPAC, the Superintendent or designee shall notify the student's parent/guardian in writing that the student will be administered the initial ELPAC. (Education Code 313, 52164.1; 5 CCR 11518.5)

CSBA NOTE: Pursuant to 5 CCR 11518.35 specifies "universal tools" that may be used with all students in ELPAC administration, and "25, the district is required to provide English learners with disabilities with the designated supports" and "accommodations" that may be used with students with disabilities when specified in their in accordance with the student's individualized education program or Section 504 plan.

The Individuals with Disabilities in Education Act (20 USC 1412) requires that students with disabilities be included in all state assessments, including the ELPAC as appropriate. Pursuant to 5 CCR 11518.30, students with the most significant cognitive disabilities who cannot participate in the assessment, even with appropriate accommodations, must be given an alternate assessment of English proficiency. 34 CFR 200.16 provides that, if an English learner with a disability is unable to take the assessment with accommodations, the state accountability system must include the student's score on any part(s) of the test for which it is possible to assess the student (i.e., speaking, reading, listening, writing).

Pursuant to Education Code 56305, CDE has developed a manual, "California Practitioners' Guide for Educating English Learners with Disabilities," which provides guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.35~~35~~37.

CSBA NOTE: The remainder of this section specifies notifications that must be sent to parents/guardians regarding assessment results and available programs for English learners. CDE has developed sample notification letters, available on its web site [website](#) in multiple translations, to notify parents/guardians of the initial identification of a student as an English learner or as initially fluent English proficient and to notify them of the results of an annual assessment.

Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to their parents/guardians must be written in English and in the primary language and may be answered by the parent/guardian in either language.

Based on the initial assessment, the student shall be classified either as initially fluent in English proficient or as an English learner. The Superintendent or designee shall notify the student's parent/guardian, in writing, of the results of the ELPAC initial assessment within 30 calendar days after the student's date of initial enrollment, or, if administered prior to the student's initial date of enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment. The notice shall indicate whether the student met the

ELPAC initial assessment criterion for proficiency and include the district's contact information for use if the parent/guardian has questions or concerns regarding the student's classification. (5 CCR 11518.5)

Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The Superintendent or designee shall notify parents/guardians of their child's results on the summative assessment of the ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11518.15)

CSBA NOTE: The following paragraph is for use by districts that receive federal funds under either Title I or Title III for services to English learners, and may be adapted for use by other districts. Pursuant to Education Code 440 and 20 USC 6312, districts receiving Title I or Title III funds are required to provide parents/guardians with notification of their child's identification as an English learner and placement in a language acquisition program.

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided ~~not~~<sup>no</sup> later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable

- e. When the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

CSBA NOTE: Education Code 313.2 requires that the notice contain information in regard to (1) whether the student is a long-term English learner, or English learner at risk of becoming a long-term English learner, and (2) the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help them develop English proficiency and achieve academic standards. Districts may send an alternate notice if the definitions of long-term English learners and those at risk of becoming long-term English learners used by the district are broader than those defined in Education Code 313.1, the notice states that the definitions utilized by the district are broader, and the notice contains the information specified in ~~item~~Item #4 below.

4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

### Language Acquisition Programs

CSBA NOTE: Pursuant to 5 CCR 11311, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. Each school is required to follow the process even when the district provides the language acquisition program at another school site. The following section includes the components of the process required by 5 CCR 11311 and may be expanded to reflect district practice.

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.

2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in ~~item~~Item #2 is attained, the Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
  - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in ~~item~~Item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
  - d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

The district shall provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers and academic deficits in other areas of the core curriculum. (5 CCR 11302)

### Reclassification/Redesignation

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

CSBA NOTE: Education Code 313 and 52164.6 and 5 CCR 11303 require that the district's reclassification process include, at a minimum, the criteria specified in ~~items~~Items #1-4 below. Additional guidance ~~is~~and resources regarding reclassification criteria are available on CDE's ~~web site~~website. The district may expand the following list to reflect any additional criteria it has established.

The ~~procedures used to determine~~criteria for determining whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

CSBA NOTE: Pursuant to Education Code 313.3, as amended by AB 181 (Ch. 52, Statutes of 2022), the date by which CDE is required to develop, ~~by June 30, 2020,~~ a standardized teacher observation protocol for use in evaluating a ~~student's~~student's English language proficiency, as required by ~~item~~Item #2 below, as well as professional development tools to train teachers on the use of the protocol has been extended to December 31, 2023. CDE is currently developing the, "Observation Protocol for Teachers of English Learners (OPTEL)," a resource to support educators in monitoring and evaluating language use of English learner students.

2. ~~Participation of~~Evaluation by the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student, including, but not limited to, a review of the student's curriculum mastery and academic performance



3. Parent/guardian involvement, including:
  - a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate
  - b. Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process
  - c. Provision of an interpreter for the parent/guardian, when necessary

CSBA NOTE: Pursuant to Education Code 313, the fourth criterion Item #4 requires comparison of student performance on an objective assessment of basic skills that provides an empirically established range of performance of English proficient students of the same age. A letter from CDE to district superintendents ("Updated Reclassification Guidance for 2017-18)2018-19," dated April 28, 2017January 18, 2019, clarifies that the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion for grades 3-8 and 11, or districts may select another local assessment: for all grade levels. CDE correspondence, which is and resources, available on its web site, provides website, provide examples of appropriate measures.

4. Student Comparison of student performance on an objective assessment of basic skills in English that shows against an empirically established range of performance in basic skills, based on the performance of English proficient students of the same age, which demonstrates whether the student is performing at or near grade level sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English

The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record. (5 CCR 11305)

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

CSBA NOTE: Pursuant to 20 USC 6841, districts receiving federal Title III funding are required to report to CDE the number and percentage of English learners, including English learners with a disability, meeting state academic standards for each of four years after they are no longer receiving services under Title III. In the Federal Program Monitoring process, CDE reviews whether the district monitors the progress of reclassified students for a minimum of four years to ensure correct classification and placement of reclassified students and the provision of additional academic support as needed. A letter from CDE to district superintendents, "Monitoring Reclassified Students," dated December 20, 2019, describes the areas in which districts should monitor students to ensure academic progress of former English learner students.

Districts that do not receive Title III funding may revise the following paragraph to reflect district practice.

The Superintendent or designee shall monitor students for at least four years following their reclassification to ensure correct classification and placement and to determine whether any

additional academic support is needed. the students have not prematurely exited, any academic deficit incurred through participation in the English learner program has been remedied, and the students are meaningfully participating in the standard instructional program compared to students who had never participated in an English learner program. (5 CCR 11304; 20 USC 6841)

## Advisory Committees

CSBA NOTE: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, an advisory committee on programs and services for English learners is required for any district with over 50 English learners and for each school with over 20 English learners. Duties of the advisory committees are specified in Education Code 52176 and 5 CCR 11308.

A school-level English Learner Advisory Committee (ELAC) shall be established when there are more than 20 English learners at the school. Parents/guardians of English learners, elected by parents/guardians of English learners at the school, shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. The school may designate for this purpose an existing school-level advisory committee provided that it meets these criteria for committee membership. (Education Code 52176; 5 CCR 11308)

The ELAC shall be responsible for assisting in the development of a schoolwide needs assessment, recommending ways to make parents/guardians aware of the importance of regular school attendance, and advising the principal and school staff in the development of a detailed master plan for English learners for the individual school and submitting the plan to the ~~Governing~~ Board for consideration for inclusion in the district master plan. (Education Code 52176)

CSBA NOTE: Pursuant to 5 CCR 11308, each school-level English Learning Advisory Committee (ELAC) is entitled to elect at least one member to the District English Learner Advisory Committee (DELAC). If there are more than 30 ELACs in the district, the district may use a system of proportional or regional representation. The following paragraph may be revised to reflect district practice.

When the district has more than 50 English learners, the Superintendent or designee shall establish a District English Learner Advisory Committee (DELAC), the majority of whose membership shall be composed of parents/guardians of English learners who are not employed by the district. Alternatively, the district may use a subcommittee of an existing districtwide advisory committee on which parents/guardians of English learners have membership in at least the same percentage as English learners represent of the total number of students in the district. (Education Code 52176)

CSBA NOTE: 5 CCR 11308 delineates the duties of the DELAC, as provided below. The list of DELAC duties on CDE's ~~web site~~ website omits ~~item~~ Item #5, administration of the annual language census.

The DELAC shall advise the Board on at least the following tasks: (5 CCR 11308)

1. Developing a district master plan for education programs and services for English learners, taking into consideration the school site plans for English learners
2. Conducting a districtwide needs assessment on a school-by-school basis

3. Establishing a district program, goals, and objectives for programs and services for English learners
4. Developing a plan to ensure compliance with applicable teacher or instructional aide requirements
5. Administering the annual language census
6. Reviewing and commenting on the district's reclassification procedures
7. Reviewing and commenting on the required written parental notifications

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that [DELAC and ELAC](#) committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

**LCAP Advisory Committee**

CSBA NOTE: The following section is applicable if the district's student enrollment includes at least 15 percent English learners, with at least 50 students who are English learners. Education Code 52063 requires that such districts establish an English learner parent advisory committee to review and comment on the district's local control and accountability plan; see BP 0460 - Local Control and Accountability Plan. 5 CCR 15495 requires this committee to include a majority of parents/guardians of English learners. [The English learner parent advisory committee is not required after July 1, 2024.](#)

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP). [Such advisory committee shall provide input regarding the district's existing language acquisition programs and language programs, and, where possible, the establishment of other such programs,](#) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. ~~(Education Code~~ [If the DELAC acts as the ELAC pursuant to Education Code 52063 and 52062, the DELAC shall also review and comment on the development or annual update of the LCAP. \(Education Code 52062, 52063; 5 CCR 11301, 15495\)](#)

The DELAC may also serve as the LCAP English learner advisory committee.

**Policy Reference UPDATE Service**

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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.

<b>State</b>	<b>Description</b>
5 CCR 11300-11316	English learner education

5 CCR 11510-11517.5	California English Language Development Test
5 CCR 11517.6-11519.5	English Language Proficiency Assessments for California
5 CCR <del>854.1-854.3</del> <u>853</u>	<del>CAASPP and universal tools, designated supports, and accommodations</del> <u>Administration of CAASPP</u>
5 CCR 854.9	CAASPP and unlisted resources for students with disabilities
<u>Ed. Code 200</u>	<u>Prohibition of discrimination</u>
Ed. Code 300-340	English language education for immigrant children
Ed. Code 310	Language acquisition programs
Ed. Code 313-313.5	Assessment of English proficiency
Ed. Code 33050	Nonwaivable provisions
Ed. Code 42238.02	Local Control Funding Formula
Ed. Code 430-446	English Learner and Immigrant Pupil Federal Conformity Act
Ed. Code 44253.1-44253.11	Qualifications of teachers of English learners
<u>Ed. Code 48345</u>	<u>Interdistrict instruction collaboration agreements</u>
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52160-52178	Bilingual Bicultural Act of 1976
Ed. Code 56305	CDE manual on English learners with disabilities
Ed. Code 60603	Definition; recently arrived English learner
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 62002.5	Continuation of advisory committee after program sunsets
<b>Federal</b>	<b>Description</b>
20 USC 1412	State eligibility
20 USC <del>1701-1705</del> <u>1721</u>	Equal Educational Opportunities Act
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6801-7014	Limited English proficient and immigrant students
20 USC 7801	Definition of English learner

34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 200.16	Assessment of English learners
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 40 (2000)
California Department of Education Publication	California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, <del>2018</del> 2017 ( <a href="https://www.cde.ca.gov/sp/el/rm/rmpolicy.asp">https://www.cde.ca.gov/sp/el/rm/rmpolicy.asp</a> )
<u>California Department of Education Publication</u>	<u>English Language Proficiency Assessments for California Information Guide, August 2022</u> ( <a href="https://www.cde.ca.gov/ta/tg/ep/documents/elpacinfoguide22.docx">https://www.cde.ca.gov/ta/tg/ep/documents/elpacinfoguide22.docx</a> )
<u>California Department of Education Publication</u>	<u>California Practitioners' Guide for Educating English Learners with Disabilities, 2019</u> ( <a href="https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf">https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf</a> )
California Department of Education Publication	Common Core State Standards for Mathematics, rev. 2013 ( <a href="https://www.cde.ca.gov/be/st/ss/documents/ccssmathstandarداug2013.pdf">https://www.cde.ca.gov/be/st/ss/documents/ccssmathstandarداug2013.pdf</a> )
California Department of Education Publication	Reclassification Guidance for <del>2017-18</del> 202-21 and <u>Statewide Testing Window Extension</u> , CDE Correspondence, <del>April 28, 2017</del> June 14, 2021 ( <a href="https://www.cde.ca.gov/sp/el/rd/reclass2021tstng.asp">https://www.cde.ca.gov/sp/el/rd/reclass2021tstng.asp</a> )
<u>California Department of Education Publication</u>	<u>Monitoring Reclassified Students, December 2019</u> ( <a href="https://www.cde.ca.gov/sp/el/rd/reclassified122019.asp">https://www.cde.ca.gov/sp/el/rd/reclassified122019.asp</a> )
California Department of Education Publication	Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015 ( <a href="https://www.cde.ca.gov/sp/el/er/documents/fnl1516agmnte1dstndab899.doc">https://www.cde.ca.gov/sp/el/er/documents/fnl1516agmnte1dstndab899.doc</a> )
California Department of Education Publication	<del>Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18</del> <u>Accessibility Resources Matrix, 2022</u> ( <a href="https://www.cde.ca.gov/ta/tg/ca/documents/caaccessmatrix23.docx">https://www.cde.ca.gov/ta/tg/ca/documents/caaccessmatrix23.docx</a> )
California Department of Education Publication	Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015 ( <a href="https://www.cde.ca.gov/pd/ca/sc/ngsstandards.asp">https://www.cde.ca.gov/pd/ca/sc/ngsstandards.asp</a> )
California Department of Education Publication	English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

	<a href="https://www.cde.ca.gov/sp/el/er/documents/eldstndspublication14.pdf">https://www.cde.ca.gov/sp/el/er/documents/eldstndspublication14.pdf</a>
California Department of Education Publication	English Language Arts/English Language Development Framework for California Public Schools: Kindergarten through Grade Twelve, 2014 <a href="https://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.aspx">https://www.cde.ca.gov/ci/rl/cf/elaeldfrmwrksbeadopted.aspx</a>
<a href="#">California Department of Education Publication</a>	<a href="#">California Digital Learning Integration and Standards Guidance, May 2021</a> <a href="https://www.cde.ca.gov/ci/cr/dl/documents/dlintegrationstdsguide.pdf">https://www.cde.ca.gov/ci/cr/dl/documents/dlintegrationstdsguide.pdf</a>
<a href="#">California Department of Education Publication</a>	<a href="#">Englsher Learner, Federal Program Monitoring Instrument</a> <a href="https://www.cde.ca.gov/ta/cr/documents/el2223.docx">https://www.cde.ca.gov/ta/cr/documents/el2223.docx</a>
<a href="#">Commission on Teacher Credentialing Publication</a>	<a href="#">Bilingual Authorization Educator Preparation Preconditions, Program Standards, and Bilingual Teaching Performance Expectations, December 2021</a> <a href="https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/bilingual_authorization_program_standards_btpes.pdf?sfvrsn=8ebc27b1_3">https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/bilingual_authorization_program_standards_btpes.pdf?sfvrsn=8ebc27b1_3</a>
Court Decision	Valeria O. v. Davis, (2002) 307 F.3d 1036
Court Decision	California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
Court Decision	McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
Court Decision	Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698
CSBA Publication	English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016 <a href="https://www.csba.org/~media/544AF3BEB57F449689C9942EDB3F919F.ashx">https://www.csba.org/~media/544AF3BEB57F449689C9942EDB3F919F.ashx</a>
CSBA Publication	English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017 <a href="https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201703GBEnglishLearnersInFocusIssue4_Prop58.ashx?la=en&amp;rev=1153e4657b3c46328a4bd425ee40f1c2">https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201703GBEnglishLearnersInFocusIssue4_Prop58.ashx?la=en&amp;rev=1153e4657b3c46328a4bd425ee40f1c2</a>
CSBA Publication	English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018 <a href="https://www.csba.org/GovernanceAndPolicyResources/~m">https://www.csba.org/GovernanceAndPolicyResources/~m</a>

	<a href="#">edia/CSBA/Files/GovernanceResources/GovernanceBriefs/201802EnglishLearnerRoadmap.ashx)</a>
CSBA Publication	English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. Sep <u>September</u> 2016 ( <a href="https://www.csba.org/GovernanceAndPolicyResources/~media/AF163C269B0A4E6B83FE1A5626BB5273">https://www.csba.org/GovernanceAndPolicyResources/~media/AF163C269B0A4E6B83FE1A5626BB5273</a> )
CSBA Publication	English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014 ( <a href="https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201409GBEnglishLearnersInFocusIssue2_DualImmersion">https://www.csba.org/~media/CSBA/Files/GovernanceResources/GovernanceBriefs/201409GBEnglishLearnersInFocusIssue2_DualImmersion</a> )
The Education Trust-West Publication	Unlocking Learning: Science as a Lever for English Learner Equity, January 2017 ( <a href="https://west.edtrust.org/resource/unlocking-learning-science-lever-english-learner-equity/">https://west.edtrust.org/resource/unlocking-learning-science-lever-english-learner-equity/</a> )
The Education Trust-West Publication	Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018 ( <a href="https://west.edtrust.org/resource/unlocking-learning-ii-using-math-lever-english-learner-equity/">https://west.edtrust.org/resource/unlocking-learning-ii-using-math-lever-english-learner-equity/</a> )
U.S. Department of Education Publication	English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), <u>September 2016</u> ( <a href="https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidentenglishlearners92016.pdf">https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidentenglishlearners92016.pdf</a> )
U.S. Department of Education Publication	Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017 ( <a href="https://oese.ed.gov/files/2020/10/real-guidefinal.pdf">https://oese.ed.gov/files/2020/10/real-guidefinal.pdf</a> )
U.S. Department of Education Publication	English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016 ( <a href="https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELTToolkit_508C.pdf">https://ncela.ed.gov/files/english_learner_toolkit/OELA_2017_ELTToolkit_508C.pdf</a> )
U.S. Department of Education Publication	Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015 ( <a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-e-el-201501.pdf">https://www2.ed.gov/about/offices/list/ocr/letters/colleague-e-el-201501.pdf</a> )
<u>Website</u> Publication	<u>Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017</u> <u>CSBA District and County Office of Education Legal Services</u>
Website	National Clearinghouse for English Language Acquisition

Website	The Education Trust-West
Website	California Department of Education, English Learners
Website	California Association for Bilingual Education
Website	CSBA
Website	<a href="#"><u>U.S. Department of Education</u></a>
Website	<a href="https://www.cadlsg.com/"><u>California Digital Learning Integration and Standards Guidance (https://www.cadlsg.com/)</u></a>

**Cross References**

<b>Code</b>	<b>Description</b>
0200	Goals For The School District
0415	Equity
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
3100	Budget
3100	Budget
4112.22	Staff Teaching English Learners
4131	Staff Development
4231	Staff Development
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
<a href="#"><u>5117</u></a>	<a href="#"><u>Interdistrict Attendance</u></a>
5126	Awards For Achievement
5126	Awards For Achievement
5148	Child Care And Development



5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6120	Response To Instruction And Intervention
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
6142.91	Reading/Language Arts Instruction
6151	Class Size
6152.1	Placement In Mathematics Courses
6152.1	Placement In Mathematics Courses
6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504

6170.1	Transitional Kindergarten
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(1)	Education For Homeless Children
6173-E(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
6175	Migrant Education Program
6175	Migrant Education Program
6190	Evaluation Of The Instructional Program

**CSBA Sample District Policy Manual**  
**CSBA Sample Manual Site**

**Bylaw 9322: Agenda/Meeting Materials****Status: ADOPTED**

Original Adopted Date: 03/01/2008 | Last Revised Date: ~~03/06/01/2022~~2023 | Last Reviewed Date: ~~12/06/01/2018~~2023

**Agenda Content**

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.

CSBA NOTE: Government Code 54954.2 requires Governing Board meeting agendas to briefly describe each item to be discussed, including closed session items, and states that a brief general description of an item generally need not exceed 20 words. For information regarding the different types of meetings and meeting location requirements, including teleconferenced meetings, see BB 9320 - Meetings and Notices. For agenda requirements regarding closed session agenda items, see BB 9321 - Closed Session ~~Purposes and Agendas.~~

Each agenda shall state the meeting time and location and shall briefly describe each item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. ~~However, the~~ The agenda for a regular meeting shall also provide members of the public an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The agenda does not need ~~not~~ to provide an opportunity for public comment ~~when the agenda~~ on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it. ~~(Government Code 54954.3)~~

~~The agenda for a regular Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; (Government Code 54954.3)~~

The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda for a regular meeting must include the address of the location where the public can inspect any materials that are related to an open session item and are distributed to the Board less than 72 hours before that meeting. See

section below entitled "Agenda Dissemination to Members of the Public."CSBA NOTE: Government Code 54954.2 requires that the agenda include information regarding how, when, and to whom a request for a disability-related accommodation or modification may be made. Additionally, Government Code 54953, as amended by AB 2449 (Ch. 285, Statutes of 2022), requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the Americans with Disabilities Act, and to resolve any doubt in favor of accessibility. See BB 9320 - Meetings and Notices. The following paragraph should be modified to reflect district practice as to when and to whom such a request should be made.

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

CSBA NOTE: Government Code 54954.2 requires that the agenda include information regarding how, when, and to whom a request for a disability-related accommodation or modification may be made. See BB 9320 - Meetings and Notices. The following paragraph should be modified to reflect district practice as to when and to whom such a request should be made.

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting: , as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54954.2), 54953)

CSBA NOTE: Pursuant to Government Code 54957.5, the agenda for a regular meeting must include the address of the location where the public can inspect any materials that are related to an open session item and are distributed to the Board less than 72 hours before that meeting. In Fowler v. City of Lafayette, the court clarified that the disclosure requirements of Government Code 54957.5 also apply to claims or written threats of litigation pursuant to Government Code 54956.9.

See the section below entitled "Agenda Dissemination to Members of the Public."

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 49073.2, the Board is prohibited from including in its minutes a student's directory information, as defined in Education Code 49061, or a parent/guardian's personal information, as defined in Education Code 49073.2, when the student or parent/guardian has provided the Board with a written request that such information be excluded; see BB 9324 - Minutes and Recordings. In order to notify students and parents/guardians of the right to request that such information be withheld, the Board should consider including a statement in each agenda.

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall

also state that the request must be made in writing to the secretary or clerk of the Board.

## Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

CSBA NOTE: Education Code 35145.5 mandates that the Board adopt reasonable regulations to ensure that members of the public can place matters directly related to district business on Board meeting agendas. The following paragraph, including the timeline, should be revised to reflect district practice. Districts are free to establish their own timeline for placing an item on the agenda, taking into account staff time and resources, as long as the established timeline is a reasonable one. In *Caldwell v. Roseville Joint Union High School District*, a federal district court upheld a district bylaw requiring members of the public to submit a written request in order to place items on a meeting agenda. The case involved an alleged violation of the plaintiff's First Amendment rights when the district did not place an item on the agenda in response to the plaintiff's oral request because the district disagreed with the plaintiff's religious beliefs. However, the court held that the district's bylaw requiring that requests first be made in writing was content-neutral and thus a reasonable restriction.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information; ~~if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.~~

CSBA NOTE: In *Mooney v. Garcia*, a California appeals court reaffirmed the ~~board's~~ Board's discretion in determining whether an agenda item is related to school district matters within the subject matter jurisdiction of a governing board.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information, and if so, respond accordingly.

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

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board ~~to~~ take action during a Board meeting to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, ~~and~~ whether the item should be an action item subject to Board vote or an information item ~~that does not require immediate action~~, and when the item is placed on the agenda.

CSBA NOTE: The following optional paragraph is for boards that use the consent agenda or calendar to take action on matters of a routine nature for which discussion may not be necessary. It is important for such boards to limit the use of the consent agenda to noncontroversial matters and

to establish rules that help ensure that any use of the consent agenda does not reduce transparency in the ~~board's~~ **Board's** conduct of district business or result in violation of the open meeting laws. In addition, boards should be aware that, by law, certain items may not be placed on the consent agenda. For example, pursuant to Government Code 54960.2, a board's decision to approve or rescind its unconditional commitment to refrain from taking certain actions in violation of the Brown Act must be made as a separate item and not on the consent agenda. See BB 9323.2 - Actions by the Board.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a ~~regular~~ separate agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

### **Agenda Dissemination to Board Members**

CSBA NOTE: The following section is optional and should be modified to reflect district practice. Pursuant to Government Code ~~6252.7~~ 7921.310, when the Board, in the conduct of its duties, is authorized by law to access any writing of the Board or district, including agenda and supporting documents, the district is prohibited from discriminating between or among Board members as to when and which writing will be made available.

CSBA's GAMUT Meetings, an electronic board meeting agenda service for use by districts, county offices of education, and the public allows development of and access to Board meeting agendas, supporting documents, and minutes from any computer that has Internet access. Further information can be found on CSBA's ~~web site~~ website.

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed

meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

### Agenda Dissemination to Members of the Public

Any agenda ~~Agenda~~ and related materials distributed to the Board shall be made available to the public upon request without delay. ~~Only~~ However, only those documents which are disclosable public records under the Public Records Act (PRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be discussed in closed session shall be made available to the public. (Government Code 54956.9, 54957.5)

CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular meeting of the Board must be posted at least 72 hours prior to the meeting on the district's ~~web site~~ website, if it has one, and at a location that is freely accessible to the public. The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by the public at any time, including evening hours, during the 72 hours immediately preceding the meeting. Also see BB 9320 - Meetings and Notices.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

CSBA NOTE: Government Code 54954.2 requires that the agenda ~~for any meeting occurring on or after January 1, 2019,~~ be posted on the homepage of the district ~~web site~~ website, if it has one, in accordance with law. Districts that use an integrated agenda management platform, such as CSBA's GAMUT Meetings, may provide a direct link on the homepage of the district's ~~web site~~ website to access agendas posted on the platform. Pursuant to Government Code 54954.2, the link must not be solely accessible through a contextual menu, and the agenda must be posted in a format which is retrievable, downloadable, indexable, electronically searchable by commonly used Internet search applications, available to the public free of charge, and without any restriction that would impede the reuse or redistribution of the agenda.

The Attorney General has opined in 99 Ops. Cal. Atty. Gen. 11 (2016) that the Brown Act regular meeting online agenda posting provision contained within Government Code 54954.2 is not necessarily violated when a local agency's ~~web site~~ website experiences technical difficulties that cause the agenda to become inaccessible to the public for a portion of the 72 hours that precede the scheduled meeting. If the local agency has otherwise substantially complied with the Brown Act agenda posting requirements, the legislative body may lawfully hold its regular meeting as scheduled.

Pursuant to Government Code 54957.5, as amended by AB 2647, the district may post on the district's website any writing related to an open session item of a regular Board meeting which is distributed to Board members less than 72 hours before the meeting, when, due to the closure of the location designated for inspection, the writing is not available for inspection by the public. To post such a writing, the requirements specified in Items #1-4 below must be met. Districts with questions regarding this exception are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

In addition, the Superintendent or designee shall post the agenda on the homepage of the district ~~web site~~[website](#). The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the ~~web site~~[website](#) with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a ~~document~~[writing](#) which relates to an open session agenda item ~~or~~ for which contains a claim or written threat of litigation which will be discussed in closed session during a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the ~~document~~[writing](#) available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. (~~Government Code 54957.5~~)

However, if the writing is distributed to at least a majority of the Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The district lists the website address where such writings may be accessed on all Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant Board meeting

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

CSBA NOTE: The following paragraph is for districts that have a ~~web site~~[website](#) and should be deleted by districts that do not have a ~~web site~~[website](#). Pursuant to Government Code 54954.1, as amended by SB 274 (Ch. 763, Statutes of 2021), any district with a ~~web site~~[website](#) is required to email a copy of, or a ~~web site~~[website](#) link to, the agenda or a copy of all the documents constituting the agenda packet if a person requests that such items be delivered by email, as specified below.

The Superintendent or designee shall email a copy of, or a ~~web site~~[website](#) link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a ~~web site~~[website](#) link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for



the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

**CSBA NOTE:** The following optional paragraph is for use by districts that charge a fee for mailing the agenda or agenda packet. Government Code 54954.1 authorizes districts to charge a fee for mailing the agenda or agenda packet as long as the fee does not exceed the cost of providing the service. Pursuant to Government Code 54957.5, a surcharge may not be imposed for providing the agenda and other public record documents in alternative formats to persons with disabilities.

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the PRA. (Government Code 54957.5)

**CSBA NOTE:** Pursuant to Government Code 54954.1, upon request, the agenda and supporting documentation must be made available in appropriate alternative formats to persons with a disability, as required under the Americans with Disabilities Act (42 USC 12132). Examples of alternative formats, also referred to as "auxiliary aids and services," are listed in 28 CFR 36.303 and include accessible electronic and information technology, audio recordings, or Braille materials.

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

**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.

<b>State</b>	<b>Description</b>
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 49061	Definitions; directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Gov. Code 53635.7	Separate item of business for borrowing of \$100,000 or more
<a href="#"><u>Gov. Code 54953</u></a>	<a href="#"><u>Meetings; Americans with Disabilities Act accessibility</u></a>
Gov. Code 54954.1	Request for copy of agenda or agenda packet by member of public

Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54954.5	Closed session item descriptions
Gov. Code 54956.5	Emergency meetings
<a href="#">Gov. Code 54956.9</a>	<a href="#">Meetings</a>
Gov. Code 54957.5	Public records
Gov. Code 54960.2	Challenging board actions; cease and desist
Gov. Code 7920.000 -- 7930.170 <a href="#">215</a>	California Public Records Act
Gov. Code 95000-95004	California Early Intervention Services Act
<b>Federal</b>	<b>Description</b>
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability; public accommodations; auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	99 Ops. Cal. Atty. Gen. 11 (2016)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Caldwell v. Roseville Joint Union High School District; (2007) U.S. Dist. LEXIS 66318
Court Decision	Mooney v. Garcia; (2012) 207 Cal.App.4th 229
<a href="#">Court Decision</a>	<a href="#">Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68</a>
<a href="#">Court Decision</a>	<a href="#">Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86</a>
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2018
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	CSBA

**Cross References**

<b>Code</b>	<b>Description</b>
0000	Vision

0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3312	Contracts
3320	Claims And Actions Against The District
3320	Claims And Actions Against The District
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability

4312.1	Contracts
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
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
9012	Board Member Electronic Communications
9121	President
9122	Secretary
9130	Board Committees
9150	Student Board Members
9200	Limits Of Board Member Authority
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9323	Meeting Conduct
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9323.2-E(2)	Actions By The Board
9324	Minutes And Recordings

Regulation

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT**

Revised:

Pacific Grove, California

**Community Relations****ADVERTISING AND PROMOTION**

AR 1325

The District believes that it is in the interest of the community to facilitate the dissemination of materials to and through students when it is in the interest of pupils and parents.

The District will approve or deny the distribution/posting of materials based on the standards and policies established by the Board of Education, including but not limited to Board Policy and Administrative Regulation 1325 - Advertising and Promotion.

The District will consider requests to distribute materials from the following agencies, and local non-sectarian, non-partisan, non-profit organizations:

Federal, State and local government entities, including law enforcement agencies and public libraries, that wish to distribute materials to further and/or protect the health, safety, and welfare of students

1. City, County and Regional parks and recreation districts
2. School-connected organizations and clubs (e.g. Breakers Club, PTA, Pony Baseball...etc)
3. Business/Community partners of the District who provide resources, volunteers, and after school programs that directly enhance or support educational instruction and enrichment
4. A local non-profit charitable community organization in good standing with the California Secretary of State and/or Internal Revenue Service. The organization must offer educational and cultural activities or programs for school-aged children
5. Community colleges, universities and other non-profit institutions of higher education who have a partnership with the District

**Distribution Process**

The District will distribute via email to the requested list of associated parties.

All fliers provide to the District for distribution must contain the following disclaimer:

"Pacific Grove Unified School District neither endorses nor sponsors the organization or activity represented in this material. The District accepts no liability or responsibility for the program/activity. The distribution or display of this material is provided as a community service."

All requests must be submitted in writing to the Superintendent or designee at the District Office.

Approved:

Revised:

**Board Policy Manual  
Pacific Grove Unified School District**

**Regulation 5117: Interdistrict Attendance****Status:** ADOPTED

**Original Adopted Date:** 07/01/2012 | **Last Revised Date:** 10/20/2022 | **Last Reviewed Date:** 10/20/2022

**Exceptions to General Policy**

The District Superintendent or designee may make exceptions to the District's general policy of denying interdistrict attendance permits only if capacity is available and only for the following students:

1. Students Moving Into the District in the Immediate Future. Interdistrict attendance permits may be approved for students whose parent(s) or guardian(s) provides written evidence that the family will be moving into the District in the immediate future and would like to the student to start the school year in the District.
2. Students of District Employees Living Outside the District Boundaries. Interdistrict attendance permits may be approved for students of District employees (certificated, classified, confidential or management) living outside of District boundaries and who are employed by the District for a minimum of 20 hours per week or 0.5 FTE. District employees whose children have been admitted under this policy must apply for readmission annually, and permits will only be approved for so long as the parent or guardian continues to be employed by the District for a minimum of 20 hours per week or 0.5 FTE.

Unless the Superintendent or designee grants an extension, the student's interdistrict attendance permit shall be revoked within 30 calendar days if for any reason the employee is released, resigns, or reduces his or her working hours below the minimum threshold.

3. Mid-Year Residency Changes. Interdistrict attendance permits may be approved for a student whose residency changes after mid-year and who notifies the District of the change of residency, in order to permit the student to continue his or her attendance in a District school only until the end of the current school semester. In cases where transferring to a new school district after the end of the current semester would cause a severe hardship, the Superintendent is authorized to grant the interdistrict attendance permit through the end of the current school year. Such permits shall not be renewed.

4. High School Juniors and Seniors.

A new interdistrict attendance permit may be approved for a student who would like to continue attending their junior and senior year even though their parent(s) or guardian(s) have recently moved outside the district's boundaries. To be eligible to apply, a candidate for this new interdistrict attendance permit must have successfully completed their sophomore year at the high school and registered to attend their junior year.

Parent(s) or Guardian(s) must first apply for the interdistrict transfer from the district in which their new residence is located. If the new district agrees to release the student, then a UpperClass Privilege Request Form is to be completed and submitted to the high school. In addition, but not limited to 3 a., b., and c. above, UpperClass Privilege Request Form will also be evaluated based on:

- Student academic standing
- Year of original enrollment
- Date of move out of district

4. No existing interdistrict attendance permits will be rescinded for students after June 30 following the completion of 10th grade or for students in grades 11 or 12. (EC 46600 (a)(4).)

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In determining whether to approve an interdistrict attendance permit, the Assistant Superintendent or designee shall consider the following factors:

- a. Whether there is available space in existing programs to admit the student without disruption of the current student-teacher ratios.
- b. Any discipline and attendance problems.
- c. Whether education would require the District to create a new program or new services to address the student's needs.

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~~5.—High School Seniors.—A new interdistrict attendance permit may be approved for a student who would like to continue attending their senior year even though their parent(s) or guardian(s) have recently moved outside the district's boundaries. To be eligible to apply, a candidate for Senior Privilege must have successfully completed their junior year at the high school and are currently attending their senior year. Parent(s) or Guardian(s) must first apply for the interdistrict transfer from the district in which their new residence is located. If the new district agrees to release the student, then a Senior Privilege Request Form is to be completed and submitted to the high school. In addition, but not limited to 3 a., b., and c. above, Senior Privilege will also be evaluated based on:~~

- ~~Student academic standing~~
- ~~Year of original enrollment~~
- ~~Date of move out of district~~

**Victims of Bullying**

Where a student has been determined by personnel of the District or his or her district of residence to have been the victim of an act of bullying as defined in Education Code 48900(r), committed by a student enrolled in the student's district of residence, at the request of the student's parent(s) or guardian(s), the student shall be given priority for interdistrict transfer under any existing interdistrict attendance agreement between the District and another district, subject to the terms of the interdistrict attendance agreement and a review of the individual student's circumstances. In the absence of an existing interdistrict attendance agreement between the District and another district, if a student desiring to transfer is determined to have been the victim of an act of bullying under Education Code 48900(r), the District shall give additional consideration to the creation of an interdistrict attendance permit. (Education Code 46600, 48900(r)) Students seeking an interdistrict transfer on the basis that they were a victim of bullying under Education Code section 48900(r), must provide documentation confirming that they were in fact a victim of bullying within the past school year, as determined by their district of residence.

**Initial Requests**



The Assistant Superintendent may approve or deny initial interdistrict attendance permit requests in accordance with applicable law and District policy and regulation.

Within 30 calendar days of the receipt of a "current year request" for interdistrict attendance, which means a request received beginning 15 calendar days before start of the school year for which the transfer is sought, the Assistant Superintendent shall notify the parent(s) or guardian(s) of a student who is denied interdistrict attendance regarding the process for appeal. (46600.1(c) and 46600.2 (a)(5)(A).)

Within 14 calendar days of the receipt of a "future year request" for interdistrict attendance, which means a request received up until 15 calendar days before the start of the school year for which the transfer is sought, the Assistant Superintendent shall notify the parent(s) or guardian(s) of a student who is denied interdistrict attendance regarding the process for appeal. (46600.1 (c) and 46600.2 (a)(5)(B).)

### **Appeal Process**

An appeal to the District Superintendent may be filed within ten (10) calendar days of the date listed on the denial by the Assistant Superintendent. The parent(s) or guardian(s) of a student whose interdistrict transfer request has been denied will be offered an opportunity to meet with the District Superintendent and within twenty (20) calendar days after the appeal was filed, the District Superintendent will give his or her final decision, in writing, to the parent(s) or guardian(s). Except in cases where good cause is shown, the record shall not be reopened to consider evidence or argument which was not presented in the initial interdistrict transfer request. Failure to appeal to the District Superintendent within the required time shall be considered as cause for denial of an appeal.

If denied by the District Superintendent, the parent or guardian will be notified in writing of the right to appeal to the District's Board of Trustees by filing a written notice of appeal no later than ten (10) days from the date of receipt of the District Superintendent's denial. The Board of Education shall act on the appeal within thirty (30) days of denial by the District Superintendent. If the Board of Education denies the appeal, the District Superintendent or designee shall advise the person requesting the interdistrict attendance permit regarding the process for appeal to the Monterey County Board of Education within thirty (30) calendar days of the final denial. (EC46601 and 46600.2(b).

Within thirty (30) calendar days after the appeal is filed, the County Board of Education will determine whether the student should be permitted to attend the District school and the applicable period of attendance (46610 (b)(2)(a)(i). Failure to appeal within the required time shall be considered good cause for denial of an appeal. (46601 (a).)

The County Board of Education shall render a decision within three school days of any hearing conducted by the County Board of Education unless the parent or guardian requests a postponement. (46601 (b)(2)(B).)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

### **Enrollment in ROC or ROP Program**

Interdistrict attendance agreements or permits shall not be required for students enrolling in an ROC or ROP program. (Education Code 52317)

**Revocation**

With the exception of students who have completed 10th grade or who are in grades 11 or 12, a student's interdistrict attendance permit may be revoked at any time during the school year due to unsatisfactory attendance or tardiness, behavior, poor academic performance, disruption of the educational program, or because it is determined that a parent or guardian made false statements or misrepresentations in applying for the student's interdistrict attendance permit. (EC 46600 (a)(4).)

**Transportation**

Transportation will not be provided for students attending a District school on an interdistrict attendance permit.

**Policy Reference Disclaimer:**

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<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 31	<a href="#">Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin</a>
Ed. Code 41020	<a href="#">Requirement for annual audit</a>
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48204	<a href="#">Residency requirements for school attendance</a>
Ed. Code 48300-48317	<a href="#">Student attendance alternatives; school district of choice program</a>
Ed. Code 48900	<a href="#">Grounds for suspension or expulsion</a>
Ed. Code 48915	<a href="#">Expulsion; particular circumstances</a>
Ed. Code 48915.1	<a href="#">Expelled individuals; enrollment in another district</a>
Ed. Code 48918	<a href="#">Rules governing expulsion procedures</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 52317	<a href="#">Regional Occupational Center/Program; enrollment of students; interdistrict attendance</a>
Ed. Code 8151	<a href="#">Apprentices; exemption from interdistrict attendance agreement</a>
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 198 (2001)

Attorney General Opinion	87 Ops.Cal.Atty.Gen. 132 (2004)
Court Decision	Walnut Valley Unified School District v. the Superior Court of Los Angeles County (2011) 192 Cal.App.4th 234
Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>

**Cross References**

<b>Code</b>	<b>Description</b>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
3540	<a href="#">Transportation</a>
3541	<a href="#">Transportation Routes And Services</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3553	<a href="#">Free And Reduced Price Meals</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5111.1	<a href="#">District Residency</a>
5111.1	<a href="#">District Residency</a>
5111.1-E PDF(1)	<a href="#">District Residency</a>
5112.2	<a href="#">Exclusions From Attendance</a>
5113.1	<a href="#">Chronic Absence And Truancy</a>
5116	<a href="#">School Attendance Boundaries</a>
5116.1	<a href="#">Intradistrict Open Enrollment</a>
5116.1	<a href="#">Intradistrict Open Enrollment</a>
5119	<a href="#">Students Expelled From Other Districts</a>

5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5148	<a href="#">Child Care And Development</a>
5148	<a href="#">Child Care And Development</a>
6146.3	<a href="#">Reciprocity Of Academic Credit</a>
6146.3	<a href="#">Reciprocity Of Academic Credit</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
6173.2	<a href="#">Education Of Children Of Military Families</a>
9000	<a href="#">Role Of The Board</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>

**Bylaw 9324: Minutes And Recordings**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2008 | **Last Revised Date:** 10/20/2022 | **Last Reviewed Date:** 10/20/2022

The Board of Trustees recognizes that maintaining accurate minutes of Board meetings helps foster public trust in Board governance and provides a record of Board actions for use by district staff and the public.

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

The minutes of Board meetings shall include, but not be limited to:

1. A notation of which Board members are present, in person or by teleconference, and whether a member is not present for part of the meeting due to late arrival and/or early departure
2. A summary of the public comments made on agendized items and unagendized topics
3. The specific language of each motion and the names of the Board members who made and seconded the motion
4. Preferential votes cast by student Board member(s) (Education Code 35012)
5. Any action taken by the Board, and the vote or abstention on that action of each Board member present (Education Code 35145; Government Code 54953)

The minutes shall reflect the names of those individuals who have been chosen to identify themselves during the meeting's public comment period as well as the topics they address.

Minutes may include a summary of any Board members particular comments if they so request.

A copy of documents or reports discussed by the Board shall be attached, when feasible, to the official copy of the minutes.

Motions of resolutions shall be recorded as having passed or failed. Individual votes shall be recorded and unanimous votes shall be recorded five (5) to zero (0).

Upon request by a student's parent/guardian, or by the student if age 18 or older, the minutes shall not include the student's or parent/guardian's address, telephone number, date of birth, or email address, or the student's name or other directory information as defined in Education Code 49061. The request to exclude such information shall be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

The Board agenda shall include a statement of the option and process for students and parents/guardians to request that such information be excluded from the minutes.

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous

meeting(s) with the agenda for the next regular meeting. The Board shall <sup>INFORMATION/DISCUSSION A</sup> approve the minutes as circulated or with necessary amendments.

Upon approval by the Board, the minutes shall be signed by Secretary of the Board.

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

### **Recording or Broadcasting of Meetings**

The district may tape, film, stream, or broadcast any open Board meeting. At the beginning of the meeting, the Board president shall announce that a recording or broadcasting is being made at the direction of the Board and that the recording or broadcast may capture images and sounds of those attending the meeting. As practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any recording of a Board of Trustees meeting made for whatever purpose by or at the direction of the board shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 [commencing with section 6250] of Division 7 of Title 1), but, notwithstanding section 34090, may be erased or destroyed 270 days after the recording. ~~A copy of the recording of a Board of Trustees meeting shall be available through a California Public Records Act request during the 270 days after recording. Such request is subject to the requirements of the California Public Records Act. Any inspection of the recording of a Board of Trustees meeting shall be provided without charge on equipment provided by the District. In summary, all~~ recordings will be available on the District website ~~for 90 days~~ following the Board meeting. ~~After 90 days, the recordings will be removed from the website and archived for 180 days. Following the 180 days, the archive will be erased and the Board minutes will be the official record of the meeting~~ Recordings will be accessible by the public for up to 12 months available via the District's Website or YouTube Channel and archived for 5 years and available upon request.

Members of the public may record, at their own expense, an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. ~~The member~~ Members of the public may broadcast the proceedings. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

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#### **Policy Reference Disclaimer:**

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5 CCR 16020-16027	Destruction of records of school districts
Ed. Code 35012	<a href="#">Board members; number, election and terms</a>
Ed. Code 35145	<a href="#">Public meetings</a>
Ed. Code 35163	<a href="#">Official actions, minutes and journal</a>
Ed. Code 35164	<a href="#">Actions by majority vote</a>
Ed. Code 49061	<a href="#">Definitions; directory information</a>
Ed. Code 49073.2	<a href="#">Privacy of student and parent/guardian personal information; minutes of board meeting</a>
Gov. Code 54952.2	<a href="#">Meeting; defined</a>
Gov. Code 54953	<a href="#">Meetings to be open and public; attendance</a>
Gov. Code 54953.5	<a href="#">Audio or video recording of proceedings</a>
Gov. Code 54953.6	<a href="#">Broadcasting of proceedings</a>
Gov. Code 54957.2	<a href="#">Closed sessions; clerk; minute book</a>
Gov. Code 54960	<a href="#">Actions to stop or prevent violation of meeting provisions</a>
Pen. Code 632	<a href="#">Eavesdropping on or recording confidential communications</a>
<b>Management Resources</b>	<b>Description</b>
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2015
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

**Cross References**

<b>Code</b>	<b>Description</b>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3314	<a href="#">Payment For Goods And Services</a>
3314	<a href="#">Payment For Goods And Services</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4312.1	<a href="#">Contracts</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.1	<a href="#">Release Of Directory Information</a>
5125.1-E(1)	<a href="#">Release Of Directory Information</a>
7214	<a href="#">General Obligation Bonds</a>

7214	<a href="#">General Obligation Bonds</a>
9000	<a href="#">Role Of The Board</a>
9005	<a href="#">Governance Standards</a>
9122	<a href="#">Secretary</a>
9150	<a href="#">Student Board Members</a>
9250	<a href="#">Remuneration, Reimbursement And Other Benefits</a>
9250-E(1)	<a href="#">Remuneration, Reimbursement And Other Benefits</a>
9320	<a href="#">Meetings And Notices</a>
9322	<a href="#">Agenda/Meeting Materials</a>
9322-E(1)	<a href="#">Agenda/Meeting Materials</a>
9323	<a href="#">Meeting Conduct</a>
9323.2	<a href="#">Actions By The Board</a>
9323.2-E(1)	<a href="#">Actions By The Board</a>
9323.2-E(2)	<a href="#">Actions By The Board</a>



- |   |  |
|---|--|
| <input type="checkbox"/> Student Learning and Achievement                     | <input type="checkbox"/> Consent                           |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools | <input type="checkbox"/> Action/Discussion                 |
| <input type="checkbox"/> Credibility and Communication                        | <input checked="" type="checkbox"/> Information/Discussion |
| <input type="checkbox"/> Fiscal Solvency, Accountability and Integrity        | <input type="checkbox"/> Public Hearing                    |

**SUBJECT:** Board Bylaw 9121: President

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Linda Adamson, Superintendent

**RECOMMENDATION:**

It has been requested that the Board review Board Bylaw 9121: President.

**BACKGROUND:**

The District has historically elected the Board President and Clerk positions annually at the December Organizational and Regular Board meeting. Members of the Board, as part of the Board Policy Committee, directed Administration to work with legal counsel to review the current Bylaw and provide further options to consider in addition to the election process.

**INFORMATION:**

The attached redline Board Bylaw 9121 was provided by Lozano Smith.

The first option is prefaced with “normally” but is not mandatory and provides the Board with the right not to advance the Clerk to the position of President.

The second option is automatic where the Clerk would automatically become the President at the end of the current President’s term. There is a question whether the second option is legal in that there are some court cases holding that a Board cannot restrict the discretion of a future board and Education Code section 35143 subdivision (d) provides that the board “shall” elect a president at its annual organization meeting.

**Board Policy Manual**  
**Pacific Grove Unified School District**

**Bylaw 9121: President****Status:** ADOPTED**Original Adopted Date:** 09/01/1989 | **Last Revised Date:** 10/20/2022 | **Last Reviewed Date:** 10/20/2022

The Board of Trustees shall elect a president from among its members to provide leadership on behalf of the governance team and the educational community it serves. [OPTIONS: (1) Normally, the member who most recently served as Clerk of the Board shall rotate into the position of President at the end of the one-year term of the President. (2) The Clerk of the Board shall assume the role of President at the end of the one-year term of the President.]

To ensure that Board meetings are conducted in an efficient, transparent, and orderly manner, the president shall:

1. Call such meetings of the Board as they may deem necessary, giving notice as required by law
2. Consult with the Superintendent or designee on the preparation of Board meeting agendas
3. Call the meeting to order at the appointed time and preside over the meeting
4. Announce the business to come before the Board in its proper order
5. Enforce the Board's bylaws related to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
6. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
7. Facilitate the Board's effective deliberation, ensuring that each Board member has an opportunity to participate in the deliberation and that the discussion remains focused
8. Rule on issues of parliamentary procedure
9. Put motions to a vote, and clearly state the results of the vote

The president shall have the same rights as other members of the Board, including the right to discuss and vote on all matters before the Board.

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts, orders, and resolutions necessary to comply with legal requirements and carry out the will of the Board
2. Working with the Superintendent or designee to ensure that Board members have necessary materials and information
3. Subject to Board approval, appointing and dissolving all committees
4. In conjunction with the Superintendent or designee, representing the district as the Board's spokesperson in communications with the media
5. Leading the Board's advocacy efforts to build support within the local community and at the state and national levels

6. Act as a spokesperson for trustees at special ceremonies (such as students, employee resolutions, school dedications, etc)
7. Be an ex-officio member of all committee

The president may participate in the California School Boards Association's Board President's Workshop and other professional development opportunities to enhance his/her leadership skills.

When the president resigns or is absent, the clerk shall perform the president's duties. When both the president and clerk are absent, the Board shall choose a president pro tempore to perform the president's duties.

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|---|--|
| <input checked="" type="checkbox"/> Student Learning and Achievement              | <input type="checkbox"/> Consent                           |
| <input checked="" type="checkbox"/> Health and Safety of Students and Schools     | <input type="checkbox"/> Action/Discussion                 |
| <input checked="" type="checkbox"/> Credibility and Communication                 | <input checked="" type="checkbox"/> Information/Discussion |
| <input checked="" type="checkbox"/> Fiscal Solvency, Accountability and Integrity | <input type="checkbox"/> Public Hearing                    |

**SUBJECT:** Future Agenda Items

**DATE:** November 16, 2023

**PERSON(S) RESPONSIBLE:** Linda Adamson, Superintendent

**RECOMMENDATION:**

The Administration recommends that the Board review the list of future agenda items and direct Administration to add items to the list and/or schedule items for a particular agenda.

**BACKGROUND:**

Board Bylaw 9322 states in part that “Any member of the public or any Board member may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request [from a member of the public] must be .... submitted to the Superintendent or designee with supporting documents and information ...”

**INFORMATION:**

Board members have the opportunity at the end of Open Session in a Regular Board meeting to request that items be added to the list for a future meeting. Depending upon the timeliness of the item, it may also be assigned a particular meeting date.

The following is a list of future agenda items as of the November 16, 2023 Regular Board Meeting:

- Added April 26, 2023: Sub Committee with the City of Pacific Grove (December 14, 2023)
- Added June 1, 2023: Review of the business contracts fingerprinting section (January 2024)
- Added August 3, 2023: Human Resources Organizational Review Plan (January 2023)
- Added September 7, 2023: Board Cultural Proficiency Training
- Added September 21, 2023: Board self-evaluation
- Added September 21, 2023: Common school year calendar with surrounding Districts
- Added September 21, 2023: Comprehensive School Safety Plan- LGBTQ+ Student Safety Component (January 2024)
- Added September 21, 2023: Staff support for combating incidents of racism (Ongoing)
- Added September 25, 2023: Cultural Proficiency 2023-2024 Implementation Plan (November 2023)
- Added September 28, 2023: Board Governance
- Added October 5, 2023: Racism zero tolerance policy
- Added November 2, 2023: Equity between elementary schools (January 2024)
- Added November 2, 2023: Elementary Spanish offerings TK-2 (January 2024)