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## Probationary/Permanent Status for Classified Employees Policy 5-100

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[NOTE – this template policy may need to be modified to comply with an applicable collective bargaining agreement.]

### **Status of Probationary Employee/Permanent Employee**

A “permanent employee” has been granted tenure in the classification in which the employee passed the required probationary period and includes all of the incidents of that classification. A District employee designated as a “permanent employee” shall be subject to disciplinary action only for cause as prescribed by the District Board.

A “probationary employee” has not been granted tenure in his/her position. The District, at its sole discretion, may dismiss a probationary employee from his/her position in the District at any time prior to the completion of the mandatory probationary period.

### **Probationary Period**

The probationary period for classified employees shall be as follows:

#### **1. Newly Hired Classified Employees**

A newly hired classified employee of the District may obtain permanent status in his/her position only after he/she has satisfactorily served in that position for a period of six (6) months or 130 days of paid service, whichever is longer. At the end of this period, the employee shall obtain permanent employment status in the District. If the newly hired employee fails to complete the probationary period, he/she shall be dismissed from employment in the District.

#### **2. Probationary Period for Employees Promoted to a Higher Position**

A permanent classified employee of the District who has accepted a promotion to a higher position within the District shall obtain permanent status in the promotional position only after

### **Purpose**

The intent of this policy is to ensure that classified employees successfully complete a probationary period prior to attaining permanent employment status in a District position.



he/she has satisfactorily served in that position for a period of six (6) months or 130 days of paid service, whichever is longer. If the employee fails to satisfactorily complete the probationary period, he/she shall be employed in the classification from which he/she was promoted.

### **Periodic Written Evaluation of Probationary Employees**

During any probationary period, the probationary employee shall receive periodic written evaluations regarding his/her job performance. All evaluations will be completed by the employee's supervisor and will, at minimum, indicate:

1. Whether the employee is satisfactorily serving in his/her position
2. Whether it is recommended that the District maintain or dismiss the employee from his/her position; and
3. If the evaluation indicates that an employee is not performing "satisfactorily" but has been allowed to continue under the corresponding probationary period, the evaluation will indicate any areas that employee needs to improve in order for the employee to obtain permanent status Permanent Status Following Satisfactory Probationary Period.

A District classified employee who has satisfactorily completed the probationary period in his/her position shall achieve permanent status in his/her classified position in the District. No employee shall be granted permanent status in a classified position without satisfactorily completing the corresponding probationary period.

(Ed. Code, §§ 45101, 45113.)



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## Teacher Assignments Outside the Scope Of Their Credentials Policy 5-101

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### **Does Not Apply to Emergency Permit Holders**

Teachers holding an emergency permit may not be assigned under this policy.

### **Teacher Consent to Assignment Outside His/Her Credential Authorization**

The teacher may not be assigned to a position outside his/her credential authorization unless they first consent to that assignment.

### **Teacher Assignment to Class Outside His/Her Credential Authorization**

In accordance with this policy, any fully credentialed teacher may be voluntarily assigned to any departmentalized classroom in grades TK - 8 after the District follows the following procedures for verifying adequate knowledge of the subject.

### **Subject Matter Assessment**

The determination of whether a credentialed teacher possesses sufficient subject-matter competence shall be made by the Superintendent. Subject matter assessment panels may be convened either at the District or school site level if so, deemed by the Superintendent. The subject matter panel shall include individuals who are subject-matter specialists in the subject area of the class in which the teacher will be assigned. The District will ensure that all members of the assessment panel receive training in District policies and procedures.

### **Subject Matter Specialists**

The “subject matter specialists” can be any of the following:

### **Purpose**

The purpose of this policy is to provide policies and procedures for the voluntary assignment of credentialed teachers to departmentalized classes that are not within the scope of their credential(s). The Board seeks to ensure that teachers assigned to classes outside the scope of their credential possess sufficient knowledge of the curriculum and content to be taught.



1. Administrators
2. Mentor teachers
3. Curriculum specialists
4. Resource teachers
5. Classroom teachers certified to teach a subject
6. College faculty

### **Subject Matter Assessment**

The subject-matter assessment panel shall review evidence of the teacher's knowledge of the subject-matter to be taught including the teacher's ability to teach the appropriate content to the age group of the proposed class.

The assessment process shall include one or more of the following procedures:

1. Observation by subject matter specialists
2. Oral interviews
3. Demonstration lessons
4. Presentation of curricular portfolios
5. Written examinations

### **Assessment Criteria and Standards**

When conducting the assessment, the assessment team will utilize specific criteria and standards to verify the subject-matter knowledge of the teacher.

The criteria shall include, but need not be limited to, evidence of the teacher's knowledge of the subject matter to be taught, including demonstrated knowledge of the curriculum framework for the subject to be taught and the specific content of the course of study for the subject at the grade level to be taught.

### **Teaching Assignment Valid Only in District**

Teaching assignments made pursuant to this policy are only valid in the District. (Ed. Code, § 44258.3.)

*Adopted on:*  
12/11/2025

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## Exemptions from Classified Service (Substitutes, Etc.) Policy 5-102

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### Exempt Classified Employees

A person employed by the District in any of the following capacities is exempt from classified service:

#### Purpose

This purpose of this policy is to define the categories of employees which are exempt from the classified service.

#### 1. Substitute Employees

Any substitute employee who is employed and paid for less than 75 percent of a school year is exempt from classified service. The “substitute employee” may be either:

- A person employed to replace a classified employee who is temporarily absent from duty; or
- A person hired to fill a vacancy in any classified position while the district is in the process of hiring a permanent. An employee is only exempt if the period of employment of one or more employees does not exceed 60 calendar days unless the applicable collective bargaining agreement provides for a different period of time.

For the purpose of this section, “Seventy-Five percent of a school year” is 195 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day.

#### 2. Short-Term Employees

Any “short-term employee” who is employed and paid for less than 75 percent of a school year is exempt from classified service. A “short-term employee” is someone hired to perform a service for the District and there is no continuing basis or need for that service. Prior to hiring someone for “short-term” employment, the Board, at one of its regular meetings, shall specify the nature of the “short-term” work to be performed, and shall also certify the ending date for



that work. The Board may change the ending date as long as the “short-term” work period does not extend beyond 75 percent of the school year.

For the purpose of this section, “Seventy-Five percent of a school year” is 195 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of number of hours worked per day.

### **3. Apprentices and Professional Experts**

An apprentice or professional expert employed on a temporary basis for a specific District project, regardless of length of employment, shall not be a part of the classified service. Students employed in this manner shall not displace any classified personnel in the District or impair any existing service contracts.

### **4. Full Time College Students Employed Part-Time**

Full-time college students working part-time in the District are exempt from classified service.

### **5. Part-Time College Students Employed Part-Time in Work Study/Experience Programs**

Part time college students employed part-time in a college work-study or work experience program are exempt from classified service.

### **Listed Categories Are the Only Exempt Categories**

Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by the District, except as authorized by this section.

### **Physical Examination/Fingerprinting/TB Screening Still Required**

Individuals who are exempt from the classified service pursuant to applicable law and Board policy must still meet the requirements for physical examinations, fingerprinting, and a tuberculosis risk assessment as set forth in the Education Code. (Ed. Code §§ 45101, 45103, 45106, 45256, 45122, 45125, 49406, 51750.)



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## Transitional Kindergarten Credential & Equivalency Checklist Policy 5-103

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### Scope:

This policy establishes the criteria and procedures for assigning teachers to Transitional Kindergarten (TK) classrooms in accordance with California Education Code § 48000(g). It applies to all certificated personnel being considered for TK assignments within the district. The policy outlines both the minimum credentialing requirements and the process by which a teacher's relevant experience may be determined equivalent to the statutory 24 units of early childhood education or child development coursework. It further delegates authority to the Superintendent or designee to evaluate experience-based equivalency and recommend assignments for Board approval. This ensures compliance with legal mandates while supporting flexibility in staffing decisions based on practical experience and demonstrated competence.

### Purpose

To ensure compliance with California Education Code § 48000(g), this policy authorizes the superintendent or designee to determine whether a teacher's prior classroom experience qualifies as equivalent to the required early childhood education (ECE) coursework for Transitional Kindergarten (TK) assignments.

### Policy Statement

#### 1. Minimum Credential Requirement

Teachers assigned to TK must hold a valid California Multiple Subject Teaching Credential or another credential authorizing instruction in a self-contained classroom, as required by state law.

#### 2. Experience-Based Equivalency

A teacher may qualify for a TK assignment without 24 units of early childhood education or child development coursework if the Superintendent or designee determines the teacher has at least two years of relevant classroom teaching experience that meets the criteria outlined below.

#### 3. Board Authorization

The Board authorizes the Superintendent or designee to make such determinations and to recommend the TK assignment for Board approval.



## Administrative Regulations

The following procedures shall guide the Superintendent or designee in determining whether a teacher’s experience qualifies as equivalent to the 24-unit ECE requirement:

### 1. Minimum Experience Standard

- The teacher must have completed at least two full school years of full-time teaching experience in a self-contained classroom with preschool-aged children or TK students.
- Experience must be consecutive and within the past five years.
- Enrolled in a program to clear units for TK Authorization.

### 2. Equivalency Rubric

A candidate who demonstrates experience in at least four of the six domains below shall be considered to have satisfied the equivalency:

Domain	Required Experience	Example Documentation
Curriculum & Instruction	Designed and delivered developmentally appropriate lessons	Lesson plans, class schedules
Literacy & Numeracy Foundations	Provided instruction in early language and math development	Classroom materials, student samples
Social-Emotional Learning	Facilitated SEL activities and behavioral guidance	Reflections, behavior plans
Assessment Practices	Used observation tools or formal assessments (e.g., DRDP)	Progress reports, assessment logs
Family Engagement	Regular communication with parents/guardians	Newsletters, family conference logs



### **3. Documentation and Recommendation**

The Superintendent or designee shall complete a TK Experience Equivalency Checklist and retain it in the employee's personnel file. Upon determining equivalency, the Superintendent or designee shall recommend the assignment to the Board for approval.

#### **Legal References**

- Education Code § 48000(g) (TK teacher qualifications and equivalency)
- SB 876 (2022)
- Title 5, California Code of Regulations § 80005



## Transitional Kindergarten (TK) Experience Equivalency Checklist

### Teacher & Assignment Information

Teacher Name:	
Credential Held:	
School Site:	
Position/Grade Level (TK):	
Review Date:	
Reviewed By:	

### 1. Basic Eligibility

- Holds valid California Multiple Subject or equivalent credential
- Taught full-time in a self-contained classroom with preschool-aged children or TK students
- Has at least 2 full and consecutive years of qualifying experience

### 2. Experience Domains (Check all that apply)

- Curriculum & Instruction - Designed and taught age-appropriate lessons aligned to ECE/TK standards
- Literacy & Numeracy Foundations - Taught language, pre-reading, or math foundational skills
- Social-Emotional Learning - Led SEL activities and positive behavior supports
- Assessment - Used tools like DRDP, observations, or progress reports
- Family Engagement - Conducted parent conferences or sent regular home communication
- Professional Learning - Attended ECE-related training or collaboration meetings

*Minimum: 4 of 6 domains must be marked 'Yes' to qualify for equivalency.*

### 3. Final Determination

- Experience is equivalent to 24 ECE units under Ed. Code § 48000(g)(3)
- Experience does NOT meet equivalency criteria

Adopted on:  
12/11/2025

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Superintendent or designee Signature

Name: \_\_\_\_\_

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

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

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



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## Non-Reelection of Certificated Probationary Employees (Under 250 ADA) Policy 5-105

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### Policy:

#### 1. Probationary Status

All certificated employees of the District shall be employed on a probationary basis and shall not attain permanent status unless and until the Governing Board affirmatively classifies the employee as permanent pursuant to Education Code section 44929.23.

#### 2. Annual Reelection

In accordance with Education Code section 44929.23, probationary employees may be reelected on a year-to-year basis. The Governing Board is not required to grant permanent classification after any specific period of service unless the Board formally elects to do so.

#### 3. Non-Reelection of Probationary Employees

- During an employee’s first two probationary years, the Governing Board may determine not to reelect the employee for the succeeding school year without cause, provided written notice is given by the statutory deadline.
- Beginning with the third consecutive probationary year, an employee shall not be non-reelected except for cause and pursuant to the procedures set forth in Education Code section 44948.5.

#### 4. Collective Bargaining

The provisions of this policy shall be applied unless otherwise provided in a collective bargaining agreement lawfully entered into by the District.

### Purpose

The Governing Board recognizes its responsibility to employ and retain certificated staff members who will advance the educational program of the District. This policy establishes the rules for the classification, reelections, and release of probationary certificated employees in school districts with fewer than 250 average daily attendance (ADA), in accordance with the California Educational Code.



## **5. Administrative Regulations**

The Superintendent or designee shall establish administrative regulations governing the process for notice, hearing, and final determination in cases of non-reelection of probationary employees.



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## Administrative Regulations

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### 1. Non-Reelection During First Two Years of Probation

- A probationary certificated employee serving in their first or second year may be released without cause at the discretion of the Governing Board.
- Written notice of non-reelection shall be provided to the employee on or before March 15 of the current school year.

### 2. Non-Reelection After Second Year of Probation

- A probationary certificated employee serving in their third consecutive year or beyond may be released only for cause.
- The District shall comply with Education Code section 44948.5, which requires:
  - Written notice of intent to release provided on or before March 15
  - The employee's right to request a hearing before an administrative law judge
  - Final Governing Board action on the release on or before May 15

### 3. Employee Rights

- Employees released for cause after the second probationary year shall have all procedural rights guaranteed under Education Code section 44948.5 and the Administrative Procedure Act.

### 4. Documentation and Recordkeeping

- The Superintendent or designee shall maintain appropriate evaluation records, notices, and hearing documents to ensure compliance.
- The District may, but is not required to, issue a Notice of Unsatisfactory Performance by December 15 as a best practice to support due process and provide the employee an opportunity to improve.

### 5. Collective Bargaining Agreements

- The provisions of this regulation shall be applied unless otherwise agreed to in a collective bargaining agreement lawfully entered into by the District.



**Legal References:**

- **Education Code § 44929.21** – Permanent classification in districts with ADA  $\geq$  250
- **Education Code § 44929.23** – Classification and probationary status in districts with ADA  $<$  250
- **Education Code § 44948.5** – Dismissal of probationary employees in districts with ADA  $<$  250
- **Education Code § 44938** – Notice of unsatisfactory performance
- **Government Code § 3540 et seq.** – Educational Employment Relations Act (collective bargaining)



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## Employee Leaves of Absence Policy 5-201

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### Scope:

The District shall provide leave entitlements in accordance with California Education Code, the California Labor Code, the California Family Rights Act (CFRA), the federal Family and Medical Leave Act (FMLA), and other applicable state and federal laws.

### Types of Leave:

#### 1. Sick Leave

Employees accrue paid sick leave annually for personal illness or injury. This accrual is based on full-time equivalency and prorated for part-time employees. Sick leave accrual and usage comply with Education Code §§ 44978 and 45191.

#### 2. Extended Sick Leave / Differential Pay

After exhausting full paid sick leave, employees may receive differential pay for up to five (5) school months. The District follows the substitute cost method: regular salary minus the cost of a substitute. Refer to Ed. Code §§ 44977 and 45196.

#### 3. Pregnancy Disability Leave

Employees disabled by pregnancy are entitled to up to four (4) months (17.3 weeks) of unpaid, job-protected leave per pregnancy. Sick leave or differential pay may be used if available. Governed by Gov. Code § 12945 and 2 CCR § 11035 et seq.

#### 4. Parental Leave

Eligible employees may take up to twelve (12) workweeks of job-protected leave under CFRA to bond with a new child within one year of birth or placement. This may run concurrently with FMLA. Total bonding leave may not exceed 12 weeks. See Ed. Code §§ 44977.5, 45196.1, Gov. Code § 12945.2. See also Policy 5-401: Childbirth, Parenting, and Lactation Accommodation.

### Purpose

The District recognizes that employees may need time away from work for illness, family responsibilities, civic duties, and professional development. This policy ensures that all employees—classified and certificated—understand their leave rights and that the District complies with all applicable laws while supporting staff wellbeing.



## **5. Personal Necessity Leave**

Employees may use up to five (5) days of accrued sick leave per year for personal necessity, such as family emergencies or legal matters. Verification may be required for personal necessity leave at the discretion of the District.

## **6. Bereavement Leave**

Employees are entitled to five (5) days of paid leave for the death of an immediate family member. Governed by Ed. Code §§ 44985 and 45194.

## **7. Industrial Accident/Illness Leave**

Employees injured on the job may receive up to sixty (60) working days of paid leave per incident without deduction from other leaves. Temporary disability checks must be endorsed back to the District for wage continuation. Refer to Ed. Code §§ 44984 and 45192.

## **8. Jury Duty**

Employees are granted paid leave for required jury duty. Certificated employees may be required to reimburse jury pay. Refer to Ed. Code §§ 44036–44037.

## **9. Military Leave**

Employees called to active military duty may receive up to thirty (30) days of paid leave per year. Governed by Military & Veterans Code § 395.01.

## **10. Catastrophic Leave**

Employees with a serious illness or injury may be eligible to receive donated leave time under the District's catastrophic leave program, as outlined in the applicable collective bargaining agreement.

## **11. Sabbatical or Study Leave**

Certificated employees may be eligible for paid or unpaid sabbatical leave after a minimum period of service. Classified employees may be granted study leave under Ed. Code §§ 44962–44966 and 45298, respectively.

## **12. Legal Duty**

Leave Employees subpoenaed as witnesses or participants in legal proceedings unrelated to their employment may be granted leave under Labor Code § 230.



### **13. Victim Leave**

Employees who are victims of domestic violence, sexual assault, or stalking may take protected leave for related legal or support services. Sick leave may be used. Governed by Labor Code §§ 230, 230.1, 246.5.

### **14. Voting Leave**

Employees who do not have sufficient time to vote outside working hours are entitled to up to two (2) hours of paid time off. Refer to Elections Code § 14000.

### **15. Union Leave**

Employees may be granted leave for official union duties in accordance with applicable collective bargaining agreements. Refer to Ed. Code § 44987.3.

### **16. Additional Provisions**

The District shall administer these leaves in accordance with applicable law and collective bargaining agreements. Employees shall submit leave requests in writing and may be required to provide documentation. Questions regarding eligibility or coordination of leave should be directed to Human Resources.



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## **Administrative Regulations**

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### **1. Leave Requests**

All leave requests should be submitted in writing to the employee's immediate supervisor and/or the Human Resources Department as early as possible. Requests for foreseeable leaves (e.g., planned medical procedures, parental leave, jury duty) should be made at least 30 days in advance when possible.

### **2. Verification Requirements**

The District may require documentation verifying the need for leave. This includes, but is not limited to, medical certification for illness or disability, court documentation for jury duty or legal leave, and proof of relationship for bereavement leave. Medical certification may be required for certain leaves such as pregnancy disability, or family medical leave. The District may require verification for absences exceeding three consecutive days or where abuse of leave is suspected. Acceptable documentation includes a healthcare provider's note or, in appropriate circumstances, a signed statement under penalty of perjury.

### **3. Coordination with Other Leave Laws**

The Human Resources Professional shall ensure that leave entitlements under CFRA, FMLA, and Pregnancy Disability Leave are coordinated appropriately to ensure compliance and prevent duplication or overuse. Employees will be notified of their rights under applicable laws when requesting leave. Parental leave under CFRA runs concurrently with any applicable FMLA leave. Employees are not entitled to more than 12 weeks of total bonding leave under both laws. For additional details, refer to the District's Childbirth, Parenting, and Lactation Policy.

The District uses the substitute cost method for differential pay: the employee receives their regular salary minus the actual or estimated cost of a substitute. This may be modified by collective bargaining agreements.

### **4. Communication and Documentation**

Employees are responsible for maintaining communication with the District during extended absences and must notify Human Resources of any changes to the duration or purpose of their leave. The District shall maintain records of all leave requests and approvals in accordance with legal requirements.



## **5. Collective Bargaining Agreements**

All leaves shall be administered in coordination with applicable bargaining unit agreements.

## **6. Disability Checks**

Employees may be required to endorse temporary disability checks from the workers' compensation carrier to the District. The District will integrate such payments to ensure full wage continuation when possible.

## **Legal References**

- Education Code §§ 44962–44987.3, 45191–45298
- Government Code §§ 12940–12945.6 (FEHA, CFRA)
- Labor Code §§ 230, 230.1, 246.5, 1030–1034
- 29 U.S.C. § 2601 et seq. (FMLA)
- 2 CCR §§ 11035–11051 (Pregnancy Disability)
- Military & Veterans Code § 395.01
- Elections Code § 14000



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# Employee Performance Evaluation and Feedback

## Policy 5-301

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### Scope:

This policy applies to all employees of the District, including certificated, classified, and administrative staff.

### 1. Evaluation and Feedback

All employees shall be evaluated on a regular basis using standards and criteria that are:

- Job-related
- Aligned with District goals and student success
- Conducted fairly, consistently, and in compliance with applicable law

### 2. Documentation

Performance evaluations shall be **documented in writing** and maintained in the employee's personnel file. Employees shall have the right to review, discuss, and respond in writing to their evaluations.

### 3. Collective Bargaining Agreements

In the event of any conflict between this policy/its administrative regulations and a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

### 4. Administrative Regulations

The Superintendent or designee shall develop administrative regulations to guide the evaluation and feedback process, consistent with this policy and applicable law.

### Purpose

The Governing Board recognizes that effective evaluation and constructive feedback are essential to the success of the District, the growth of its employees, and the achievement of the student outcomes. The evaluation process is designed to promote professional growth, improve services, and ensure accountability across all employee groups.



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## Administrative Regulations

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### 1. Frequency of Evaluation

- **Certificated Employees:** In accordance with Education Code §§ 44660–44664:
  - Probationary certificated employees shall be evaluated annually.
  - Permanent certificated employees shall be evaluated at least every other year.
  - Permanent certificated employees with  $\geq 10$  years of service may, by mutual agreement, be evaluated every five years, provided prior evaluations were satisfactory.
- **Classified Employees:** Shall be evaluated on a regular cycle determined by the Superintendent or designee, and as required by applicable CBAs.
- **Administrators:** Shall be evaluated regularly under standards aligned with District goals and Education Code requirements.

### 2. Evaluation Standards

- Performance standards shall be:
  - Based on **objective, job-related criteria**
  - Free from unlawful discrimination
  - **Communicated to employees in advance of the evaluation.**

### 3. Feedback and Improvement

- Evaluations shall include constructive feedback and, where necessary, specific recommendations for improvement.
- Employees shall be provided opportunities for professional development and support when areas of growth are identified.

### 4. Documentation

- All evaluations shall be reduced to writing, signed by both the evaluator and the employee, and placed in the personnel file.



- Employees may submit a written response within a reasonable timeframe, which shall be attached to the evaluation and maintained in the personnel file.

## **5. Due Process and Fairness**

- Evaluations shall be conducted in a manner consistent with principles of fairness and due process.
- For certificated employees, Education Code procedures (including notices of unsatisfactory performance under § 44938, where applicable) shall be followed.
- For classified and administrative staff, evaluation processes shall comply with applicable laws and the principles established in **Loudermill** and related case law, ensuring notice and opportunity to respond in cases leading to adverse employment action.

## **6. Collective Bargaining Agreements**

- These administrative regulations shall be applied unless otherwise provided in a collective bargaining agreement lawfully entered into by the District.

### **Legal References:**

- Education Code §§ 44660–44664 – Certificated employee evaluation systems and frequency.
- Education Code § 44938 – Notice of unsatisfactory performance (certificated)
- Government Code § 3540 et seq. – Educational Employment Relations Act (collective bargaining)
- Title VII, Civil Rights Act of 1964; California Fair Employment and Housing Act (FEHA) – Nondiscrimination in employment practices.
- Cleveland Board of Education v. Loudermill (1985) – Due process rights for public employees
- Mt. Healthy City School District v. Doyle (1977) – Burden of proof in employment actions.



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## Employee Discipline Policy 5-302

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### Scope:

This policy applies to all district employees, including certificated, classified, and administrative personnel. This policy addresses discipline only. Layoffs and reductions in force are governed separately by law and Board policy.

### Guiding Principles

#### 1. Progressive and Corrective

- The District generally employs a progressive discipline model that begins with the least severe action appropriate to the situation and escalates only when necessary.
- The intent of discipline is corrective: to notify the employee of inappropriate conduct or performance and provide an opportunity to improve.

#### 2. Flexibility and Serious Misconduct

- When circumstances are egregious, extreme, or pose risks to safety, the District may impose more serious or immediate disciplinary action without following every progressive step.

#### 3. Due Process and Fairness

- Employees shall receive fair notice of concerns, an opportunity to respond, and the full procedural protections guaranteed by law, case precedent, and collective bargaining agreements.

#### 4. Legal Compliance

### Purpose

The Governing Board of the District is committed to fostering a fair, respectful, and effective workplace. While disciplining an employee is never an ideal or desired situation, sometimes circumstances warrant it. In these cases, the District will act consistently with law, contract, and fairness to protect the integrity of its educational program and workplace.



- All disciplinary actions will comply with the California Education Code, Government Code, Title 5 of the California Code of Regulations, constitutional due process, and applicable case law (including *Skelly*).

## **5. Collective Bargaining Agreements**

- Where provisions of a collective bargaining agreement differ from this policy or its regulations, the agreement shall prevail to the extent permitted by law.



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## Administrative Regulations

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### Overview

Discipline of employees shall follow a consistent and fair process that respects the rights of employees while protecting the interests of the District and its students. The following procedures outline the general approach and minimum requirements.

### 1. General Progressive Process

- **Informal Counseling/Verbal Warning**
  - Supervisor discusses concerns, clarifies expectations, and documents the conversation informally.
- **Written Warning/Reprimand**
  - If the concern continues or is more serious, the employee receives written notice of the conduct and expectations for improvement.
- **Suspension or Demotion**
  - For repeated misconduct or more serious violations, suspension without pay or demotion may be imposed in compliance with applicable statutes and agreements.
- **Dismissal**
  - Permanent termination may be pursued only in accordance with statutory requirements and due process protections.

### 2. Due Process Requirements

- Prior to suspension, demotion, or dismissal, the District shall provide the employee with:
  - Written notice of the charges
  - A summary of the evidence supporting the charges
  - An opportunity to respond before final action is taken (Skelly process where required)



- Certificated employees are entitled to procedures set forth in Education Code §§44932–44988.
- Classified employees are entitled to procedures established under Education Code §45113 or, in merit system districts, Personnel Commission rules.

### **3. Flexibility**

- While progressive discipline is the general approach, the District reserves the right to accelerate or bypass steps when conduct is sufficiently serious.
- Nothing in this regulation prevents immediate suspension or dismissal if required by law, safety, or the severity of the misconduct.

### **4. Recordkeeping**

- All disciplinary actions shall be documented in accordance with district policy, statutory requirements, and collective bargaining agreements.
- No written disciplinary document or other derogatory information shall be placed in an employee’s personnel file without first giving the employee notice and an opportunity to review the material.
- The employee shall have the right to prepare a written response within ten (10) working days of receiving the document. Any such response shall be attached to and become part of the personnel record containing the disciplinary document.

### **Legal References:**

#### ***Education Code***

- §44009 – Applicability of provisions to all employees
- §44031 – Right to review and respond to derogatory information in personnel file
- §44806 – Grounds for dismissal of certificated employees (immoral/unprofessional conduct)
- §§44830–44988 – Employment, dismissal, and due process for certificated staff
- §44932 – Grounds for dismissal of permanent certificated employees
- §§44934–44944 – Notice, charges, and hearing procedures for dismissal
- §44948.3 – Procedures for probationary certificated employees



- §44951 – Release/reassignment of administrators
- §45113 – Rules for disciplinary action, classified employees
- §§45114–45117 – Layoff provisions for classified staff (excluded from this policy)
- §45302 – Merit system personnel commission rules

### ***Government Code***

- §§3540–3549.3 – Educational Employment Relations Act (EERA) – collective bargaining
- §3300 et seq. – Peace Officers’ Bill of Rights (applies to school police)
- §19572 – Grounds for discipline of state employees (analogous reference)

### ***California Code of Regulations, Title 5***

- §§80300–80349 – Commission on Teacher Credentialing: rules of professional conduct and discipline

### ***Constitutional & Case Law***

- *Skelly v. State Personnel Board* (15 Cal.3d 194 (1975)) – Due process rights before discipline
- *Morrison v. State Board of Education* (1 Cal.3d 214 (1969)) – Interpretation of immoral/unprofessional conduct
- *Bekiaris v. Board of Education* (6 Cal.3d 575 (1972)) – Standards for teacher discipline
- *Miller v. Chico Unified School District* (24 Cal.3d 703 (1979)) – Employee right to review/respond to derogatory information



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# Childbirth, Parenting, and Lactation Accommodation Policy 5-401

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## Scope:

This policy applies to all district employees, including certificated, classified, part-time, and probationary employees.

### 1. Pregnancy and Childbirth Accommodation

- The District shall provide reasonable accommodations for pregnancy, childbirth, or related medical conditions upon request and with medical certification. Accommodations may include modified duties, additional breaks, seating, temporary transfer, or a leave of absence. The District shall engage in a timely, good faith interactive process with the employee to identify appropriate accommodations.

### 2. Pregnancy Disability Leave (PDL)

- An employee disabled by pregnancy is entitled to up to four months (17.3 weeks) of protected leave per pregnancy. Leave may be taken intermittently or on a reduced schedule. PDL may run concurrently with other leave entitlements, and the employee is entitled to reinstatement to the same or comparable position. Policy Intent The Governing Board recognizes the importance of supporting employees through all stages of family development, including pregnancy, childbirth, bonding with a new child, and lactation. This policy ensures compliance with applicable federal and state laws and reflects the District’s commitment to providing a family-friendly and equitable workplace.

### 3. Parental Leave – Bonding with a New Child

## Purpose

The Governing Board recognizes the importance of supporting employees through all stages of family development, including pregnancy, childbirth, bonding with a new child, and lactation. This policy ensures compliance with applicable federal and state laws and reflects the District’s commitment to providing a family-friendly and equitable workplace.



- Eligible employees are entitled to up to 12 workweeks of job-protected leave under the California Family Rights Act (CFRA) to bond with a newborn, adopted, or foster child within one year of birth or placement. This may run concurrently with federal FMLA leave. Employees may use accrued sick leave, vacation, or differential pay. Parental leave is available to all parents, regardless of gender or birthing status.

#### **4. Lactation Accommodation**

- The District shall provide a private space (not a bathroom) that is:
  - Close to the employee's worksite
  - Shielded from view and free from intrusion
  - Equipped with a chair, a flat surface to place a breast pump, and access to an electrical outlet or alternative power
  - Located near a sink with running water
  - Includes access to a refrigerator or cooler suitable for storing milk

Employees shall be granted a reasonable amount of time to express milk. Breaks shall run concurrently with existing paid rest breaks. Additional time beyond normal breaks may be unpaid.

#### **5. Non-Discrimination and Retaliation**

- No employee shall be discriminated or retaliated against for requesting or taking leave or accommodation related to pregnancy, childbirth, or lactation.

#### **6. Complaint Procedures**

- Employees denied accommodation or adequate lactation facilities may file a complaint with the California Labor Commissioner's Office.

#### **7. Policy Distribution**

- This policy shall be provided:
  - Upon hire
  - Upon an employee's request for parental or disability-related leave



- Upon any request for lactation accommodation
- It shall also be included in employee handbooks and posted in prominent workplace locations.

## **8. Undue Hardship Clause**

- If the District has fewer than 50 employees and can demonstrate that compliance would impose an undue hardship, it may request an exemption, provided it engages in reasonable efforts to provide alternative accommodations.



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## **Administrative Regulations**

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### **1. Request Process**

- Employees shall submit written requests for leave or accommodation to Human Resources or their site administrator. Requests for lactation accommodation should include proposed timing and duration of lactation breaks.

### **2. Interactive Process**

- HR shall engage in a timely, good faith interactive process with the employee to identify accommodations. Medical documentation may be required for pregnancy-related accommodations.

### **3. Leave Management**

- Employees may elect to use accrued leave balances. Once exhausted, differential, or unpaid leave shall apply according to the employee's classification and applicable law or contract.

### **4. Lactation Room Implementation**

- Each site administrator shall identify a compliant space. Temporary solutions shall be arranged for itinerant staff or campuses lacking a permanent room.

### **5. Training**

- HR staff, supervisors, and site administrators shall receive periodic training on employee rights, accommodation procedures, and policy enforcement.

### **Legal References:**

- California Labor Code §§ 1030–1034 (Lactation Accommodation)
- Government Code §§ 12940, 12945, 12945.2, 12945.6 (FEHA, CFRA)
- Education Code §§ 44965, 44977, 45193, 45196 (Leave Rights)
- 29 U.S.C. § 2601 et seq. (Family and Medical Leave Act - FMLA)
- Cal. Code Regs., Title 2, § 11035 et seq. (Pregnancy Disability Leave)
- Section 504 of the Rehabilitation Act
- Americans with Disabilities Act (ADA)