

**CLASSIFIED PERSONNEL**

**Exemption from Classified Service - Merit System**

Individuals hired solely for the following purposes are exempt from the classified service:

1. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the Santa Clara County Office of Education (Education Code 45256)
2. Apprentices (Education Code 45256)
3. Professional experts employed on a temporary basis for a specific project (Education Code 45256)
4. Full-time students employed part time (Education Code 45256)
5. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district pursuant to Education Code 51760 et seq. and which is financed by state or federal funds (Education Code 45256)
6. Positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days or 720 hours in a fiscal year, provided the authorized duties are not those normally assigned to a class of positions in the classified service, are approved by the personnel commission in advance of employment, and a regular classified SCCOE employee does not receive a concurrent appointment to such a position (Education Code 45258)

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. (Education Code 45106)

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*  
*(cf. 4212 - Appointment and Conditions of Employment)*  
*(cf. 4212.5 - Criminal Record Check)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

The County Superintendent or designee shall approve the appointment of all classified employees.

Individuals appointed to the classified staff shall, at a minimum:

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)  
*(cf. 4212.5 - Criminal Record Check)*
3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*
4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)  
*(cf. 3515.5 - Sex Offender Notification)*
6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)
7. Submit to a physical examination or provide proof thereof as required by law and Board policy (Education Code 45122, 49406)  
*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*
8. File the oath or affirmation of allegiance required by Government Code 3100-3109  
*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*
9. Submit to drug and alcohol testing as required by SCCOE policy  
*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*
10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT** (continued)

(cf. 4112.8/4212.8/4312.8 - *Employment of Relatives*)

**Notification of Classification and Compensation**

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

(cf. 4112.9/4212.9/4312.9 - *Employee Notifications*)

(cf. 4151/4251/4351 - *Employee Compensation*)

*Legal Reference:*EDUCATION CODE

35161 Powers and duties

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications

45108 Restricted positions

45113 Rules and regulations for classified service in districts not incorporating the merit system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

49406 Examination for tuberculosis

60850-60856 High school exit exam

GOVERNMENT CODE

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by person required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

**CRIMINAL RECORD CHECK**

**Applicants for Employment**

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a Santa Clara County Office of Education school/program who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code 45125)

The County Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If SCCOE is using the Live Scan system, the County Superintendent or designee shall also provide the applicant with a Live Scan request form. A list of nearby Live Scan locations shall also be made available.

The County Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code 45125)

1. Has not resided in the State of California for at least one year immediately preceding the application for employment
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor

The County Superintendent shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

*(cf. 4212 - Appointment and Conditions of Employment)*

The County Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 45122.1)

The County Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

**CRIMINAL RECORD CHECK** (continued)

**Subsequent Arrest Notification**

The County Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

**Current Employees**

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the County Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the County Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or SCCOE procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the County Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

*Legal Reference: (see next page)*

**CRIMINAL RECORD CHECK (continued)**

*Legal Reference:*

EDUCATION CODE

44332.6 *Criminal record check, county board of education*  
44346.1 *Applicants for credential, conviction of a violent or serious felony*  
44830.1 *Certificated employees, conviction of a violent or serious felony*  
44830.2 *Certificated employees; Interagency agreements*  
45122.1 *Classified employees, conviction of a violent or serious felony*  
45125 *Use of personal identification cards to ascertain conviction of crime*  
45125.01 *Classified employees; interagency agreements*  
45125.1 *Fingerprint for contractors*  
45125.5 *Automated records check*  
45126 *Duty of Department of Justice to furnish information*

GOVERNMENT CODE

6200-6203 *Crimes related to public records*

PENAL CODE

502 *Unauthorized access to computers*  
667.5 *Violent felonies*  
1192.7 *Serious felonies*  
11075-11081 *Criminal record dissemination*  
11105-11105.75 *Criminal identification*  
11140-11144 *Furnishing of state criminal history information*  
13300-13305 *Local summary criminal history information*

CODE OF REGULATIONS, TITLE 11

703 *Release of criminal offender record information*  
708 *Destruction of criminal offender record information*

**EVALUATION/SUPERVISION**

The County Superintendent recognizes that appropriate supervision and regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts and based on job-specific standards of performance.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

The County Superintendent expects supervisors to gauge employees' on-the-job effectiveness and skills in a fair, objective, and consistent manner. Evaluations shall address the competence and care with which the employee executes his/her assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or Santa Clara County Office of Education rules and regulations.

*(cf. 4219.21 - Code of Ethics)*

The County Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the SCCOE.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When the evaluation indicates areas needing improvement, the County Superintendent expects employees to accept responsibility and take initiative to improve their performance. The County Superintendent or designee shall assist employees in obtaining needed job skills.

*(cf. 4231 - Staff Development)*

The evaluation shall be dated and signed by both the employee and the supervisor.

*(cf. 4112.6/4212.6/4312.6 - Personnel Records)*

The County Superintendent or designee shall ensure that classified employees have access to rules and procedures related to performance evaluations.

*Legal Reference: (see next page)*

**EVALUATION/SUPERVISION (continued)**

*Legal Reference:*

EDUCATION CODE

*45113 Rules and regulations for the classified service in districts not incorporating the merit system*

*45261 Subjects of rules (merit system districts)*

*45262 Distribution of rules*

GOVERNMENT CODE

*3543.2 Scope of representation*



**LAYOFF/REHIRE**

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

**Order of Layoff/Determination of Seniority**

The order of layoff within the class shall be determined by length of service. (Education Code 45114, 45308)

Length of service shall be equivalent to all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. Hours in paid status shall not include hours compensated solely on an overtime basis in accordance with Education Code 45128 and shall not be interpreted to mean any service performed prior to entering into probationary or permanent status, except service in restricted positions. The employee who has been employed the shortest time in a particular class, plus time served in higher classes, shall be laid off first. (Education Code 45114, 45308)

Length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war as a member of the Military Reserve or the National Guard. (Education Code 45297, 45308)

*(cf. 4161.5/4261.5/4361.5 - Military Leave)*

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308, 45114)

*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

*(cf. 4121 - Temporary/Substitute Personnel)*

**LAYOFF/REHIRE** (continued)

**Notice of Layoff**

Classified employees subject to layoff because of lack of work in the event of a bona fide reduction or elimination of service being performed shall receive notice of the layoff 45 days before the effective date. They shall be informed of their displacement rights, if any, and their reemployment rights. (Education Code 45117)

In cases where positions in specially funded programs expire at the end of any school year, classified employees subject to layoff for lack of funds shall receive written notice on or before April 29. The notice shall inform them of the layoff effective at the end of the school year, their displacement rights, if any, and reemployment rights. If the termination date of the specially funded program is other than June 30, the notice shall be given at least 45 days before the effective date of the layoff. (Education Code 45117)

The Santa Clara County Office of Education is not bound to provide 45 days' notice in the event of an actual and existing financial inability to pay the salaries of classified employees or if the layoff is due to a lack of work resulting from conditions not foreseeable or preventable by the SCCOE. (Education Code 45117)

The SCCOE also is not bound to provide 45 days' notice to any person hired as a short-term employee for a period not exceeding 45 days. (Education Code 45117)

**Voluntary Demotion or Voluntary Reduction of Hours**

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off. (Education Code 45114, 45298)

**Reemployment Eligibility**

Classified employees laid off because of lack of work or lack of funds are eligible for reemployment within a period of 39 months and shall be reemployed in preference to new applicants. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the SCCOE during the 39-month period. (Education Code 45114, 45298)

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, reclassification or reassignment shall retain eligibility to be considered for reemployment in a position of the previously held class or positions with increased assigned time, provided that the same tests of fitness under which they qualified for appointment to the class are still applicable. The length of this additional period of time shall be determined by the County Superintendent on a class-by-class basis and shall not exceed 24 months. (Education Code 45114, 45298)

**LAYOFF/REHIRE** (continued)

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available, and without limitation of time. If there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

Upon rejecting two equal offers of reemployment, the employee's name will be removed from the reemployment list and he/she will forfeit all reemployment rights to which he/she would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by SCCOE procedures, his/her name will be removed from the reemployment list and he/she will forfeit all reemployment rights to which he/she would otherwise be entitled.

**Reemployment Procedures**

Reemployment shall be in reverse order of layoff. (Education Code 45114, 45298, 45308)

In order to be reinstated, an employee must be fully capable of performing the normal and customary duties of the job. Employees whose physical condition is such that they cannot be reinstated at the time called for reemployment will be kept on the reemployment list until physically capable of returning to work or for a period not to exceed 39 calendar months.

*(cf. 4032 - Reasonable Accommodation)*

When a vacancy occurs, the senior employee who has held prior permanency in the position shall be so notified by certified U.S. mail at his/her last known address and given the opportunity to accept or reject appointment into the vacant position. The employee shall advise the SCCOE of his/her decision no later than 10 calendar days following notification. If the employee accepts, he/she shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the SCCOE.

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded to him/her at the time of layoff. A laid-off probationary employee shall be reemployed as a probationary employee, and the time served toward the completion of the required probationary period shall be counted. He/she shall also be reemployed with all rights and benefits accorded to him/her at the time of layoff.

**LAYOFF/REHIRE** (continued)

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which he/she would have progressed had he/she remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the SCCOE.

*Legal Reference:*EDUCATION CODE45101 *Definitions*45103 *Classified service in districts not incorporating the merit system*45105 *Positions under various acts not requiring certification qualifications; classification*45113 *Rules and regulations for classified service in districts not incorporating the merit system*45114 *Layoff and reemployment procedures; definitions*45115 *Layoff: Reinstatement from service retirement*45117 *Notice of layoff*45286 *Limited term employees*45297 *Right to take equivalent examination while employee in military service*45298 *Reemployment and promotional examination preference of persons laid off; voluntary demotions or reductions in time*45308 *Order of layoff and reemployment; length of service*45309 *Reinstatement of permanent noncertified employees after resignation*UNITED STATES CODE, TITLE 384301-4307 *Veterans' Reemployment Rights*COURT DECISIONS*San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850, 866*

**TEACHER AIDES/PARAPROFESSIONALS**

The County Superintendent recognizes that paraprofessionals support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, SCCOE policy and administrative regulation.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4200 - Classified Personnel)*

*(cf. 6171 - Title I Programs)*

The County Superintendent or designee shall ensure that paraprofessionals possess the qualifications required by law for their positions.

Paraprofessionals shall be under the immediate supervision and direction of certificated personnel.

In determining the assignment of paraprofessionals, the County Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

The County Superintendent or designee shall ensure that all paraprofessionals receive ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

*(cf. 4131 - Staff Development)*

*(cf. 4212 - Appointment and Conditions of Employment)*

*(cf. 4215 - Evaluation/Supervision)*

*(cf. 4231 - Staff Development)*

The County Superintendent encourages qualified paraprofessionals to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

*Legal Reference: (see next page)*

**TEACHER AIDES/PARAPROFESSIONALS** (continued)

*Legal Reference:*

EDUCATION CODE

44390-44393 *California School Paraprofessional Teacher Training Program*

44833 *Postsecondary students as nonteaching aides*

44835 *Duties of nonteaching work study aides*

45330 *Paraprofessionals*

45340-45349 *Instructional aides*

45350-45354 *Teacher assistants*

45360-45367 *Teacher aides*

54480-54486 *Special Teacher Employment Programs*

CODE OF REGULATIONS, TITLE 5

12065-12070 *Teacher aides for Special Teacher Employment Programs*

UNITED STATES CODE, TITLE 20

6311 *State plans*

6314 *Schoolwide programs*

6315 *Targeted assistance schools*

6318 *Parent involvement*

6319 *Qualifications for teachers and paraprofessionals*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.58-200.59 *Qualifications and duties of paraprofessionals*

**TEACHER AIDES/PARAPROFESSIONALS**

**Qualifications and Duties of Paraprofessionals**

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for high school seniors pursuant to Education Code 51220(a) and (f) in the high school district that includes all or the largest portion of the county. (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a proficiency test in another district and was employed in the same capacity shall be considered to have met the Santa Clara County Office of Education 's proficiency standards, unless the SCCOE determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45344)

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

**Additional Qualifications and Duties of Paraprofessionals in Title I Programs**

All paraprofessionals working in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (20 USC 6319; 34 CFR 200.58; Education Code 45330)

*(cf. 6171 - Title I Programs)*

In addition, at least one of the following criteria shall be met immediately by paraprofessionals hired on or after January 8, 2002, and by the end of the 2005-06 school year by paraprofessionals hired before January 8, 2002: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Completion of at least two years of study at an institution of higher education

In accordance with the definition adopted by the State Board of Education, "two years of study" shall be equal to 48 semester units or equivalent quarter units.

2. Possession of an associate's degree or higher

**TEACHER AIDES/PARAPROFESSIONALS** (continued)

3. Knowledge of and ability to assist in instructing reading, writing, and mathematics, as demonstrated through a local or state assessment

A paraprofessional who was hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of and an ability to assist in instructing reading, writing, and mathematics. (Education Code 45330)

When a paraprofessional has previously worked in another county office of education or school district, the Superintendent or designee may determine whether any assessments conducted by the previous employer satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator
2. Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318

Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher
2. Assist with classroom management, such as organizing instructional and other materials
3. Provide assistance in a computer laboratory
4. Conduct parental involvement activities
5. Provide support in a library or media center
6. Act as a translator
7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher



**TEACHER AIDES/PARAPROFESSIONALS** (continued)

Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319; 34 CFR 200.59)

The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and SCCOE office and shall be available to the public upon request. (20 USC 6319)

**Parental Notification**

At the beginning of each school year, a parent/guardian shall be notified that he/she may request information regarding whether his/her child is provided services by paraprofessionals and, if so, their qualifications. (20 USC 6311)

*(cf. 5145.6 - Parental Notifications)*

**TEACHER AIDES/PARAPROFESSIONALS**

**ATTESTATION REGARDING TITLE I PARAPROFESSIONALS**

School: \_\_\_\_\_ Principal: \_\_\_\_\_

1. I certify that every paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to 20 USC 6319:
  - a. Completed at least two years of study at an institution of higher education
  - b. Obtained an associate's or higher degree
  - c. Met a rigorous standard of quality and demonstrated, through a locally determined academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness
  
2. All paraprofessionals working in a Title I program are performing duties consistent with 20 USC 6319.

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

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

**STAFF DEVELOPMENT**

Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, retrain to meet changing conditions in the Santa Clara County Office of Education, and/or enhance personal growth.

*(cf. 4261.3 - Professional Leaves)*

The County Superintendent or designee shall develop a program of ongoing staff development which may include, but not be limited to, activities related to:

1. General workplace skills and/or skills and knowledge specific to the duties of each classified position

*(cf. 1340 - Access to District Records)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 3542 - School Bus Drivers)*  
*(cf. 4200 - Classified Personnel)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.3 - Preschool/Early Childhood Education)*

2. The role of classified staff in achieving SCCOE goals and promoting student achievement

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*

3. The use of technologies to improve job performance

*(cf. 0440 - District Technology Plan)*

4. Effective communication and interaction with other staff, students, parents/guardians, and community members

*(cf. 6020 - Parent Involvement)*  
*(cf. 6171 - Title I Programs)*

5. Topics related to student health, safety, and welfare

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.5 - Sex Offender Notification)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.63 - Steroids)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5149 - At-Risk Students)*

**STAFF DEVELOPMENT** (continued)

6. Topics related to employee health, safety, and security

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 4158/4258/4358 - Employee Security)*

7. For classroom instructional aides, staff development activities may also include academic content of the core curriculum; teaching strategies; classroom management; or other training designed to improve student performance, conflict resolution, and intolerance and hatred prevention

*(cf. 4131 - Staff Development)*

The Superintendent or designee shall involve classified staff, site and SCCOE administrators, and others, as appropriate, in the development of the SCCOE's staff development program. He/she shall ensure that the SCCOE's staff development program is aligned with SCCOE goals, school improvement objectives, and school plans.

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*  
*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0420.1 - School-Based Program Coordination)*  
*(cf. 0520.1 - High Priority Schools Grant Program)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*

The SCCOE's staff evaluation process may be used to recommend additional staff development for individual employees.

*(cf. 4215 - Evaluation/Supervision)*

The SCCOE may budget for actual and reasonable expenses incurred by classified staff who participate in staff development activities.

*(cf. 3350 - Travel Expenses)*

The County Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and the SCCOE.

*(cf. 0500 - Accountability)*  
*(cf. 9000 - Role of the Board)*

**STAFF DEVELOPMENT** (continued)

*Legal Reference:*

EDUCATION CODE

41530-41532 Professional Development Block Grant

44032 Travel expense payment

44390-44393 California School Paraprofessional Teacher Training Program

45380-45387 Retraining and study leave (classified)

56240-56245 Staff development; service to persons with disabilities

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

**STAFF DEVELOPMENT**

Upon approval of the County Superintendent or designee, classified staff members may participate in staff development opportunities which may include, but are not limited to:

1. Orientation and support for new employees
2. Visits to other schools and school districts
3. Attendance at professional conferences or committee meetings
4. Classes and workshops offered by the Santa Clara County Office of Education, institutions of higher education, private organizations, or other appropriate agencies

*(cf. 4261.3 - Professional Leaves)*

5. Joint staff preparation time and staff meetings
6. Follow-up activities that help staff implement newly acquired skills

**PERSONAL ILLNESS/INJURY LEAVE**

**Purposes of Leave**

A classified employee may use personal illness or injury leave granted by the Santa Clara County Office of Education for the following purposes:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease (Education Code 45199)

2. Absences due to pregnancy, childbirth, and recovery (Education Code 45193)

*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*

3. Cases of personal necessity as specified in Education Code 45207

*(cf. 4161.2/4261.2/4361.2 - Personal Leaves)*

4. Medical or dental appointments.

5. Cases of industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

*(cf. 4261.11 - Industrial Accident/Illness Leave)*

6. Illness of the employee's child, parent, spouse, registered domestic partner, or domestic partner's child.

**Notification of Absence**

An employee shall notify the designated manager or supervisor of his/her 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 notify his/her manager. If the duration of absence becomes shorter than estimated, the employee shall notify his/her manager not later than 3 p.m. of the day preceding the day on which he/she intends to return to work.

**Verification Requirements**

After any absence due to illness or injury, the employee shall submit a completed and signed SCCOE absence form to his/her immediate supervisor.

**PERSONAL ILLNESS/INJURY LEAVE** (continued)

The County Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The County Superintendent or designee may require an employee to visit a physician selected by the SCCOE and at SCCOE expense in order to receive a statement as to 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 statement concludes that the employee's condition does not warrant continued absence, the County Superintendent or designee, after giving notice to the employee, may deny further leave.

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 his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

*(cf. 4032 - Reasonable Accommodation)*  
*(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)*

Verification requirements shall not discriminate against any employee on the basis of his/her religious practice.

*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

**Accrual of Leave**

Any classified employee employed five days a week is entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. An employee who serves less than a full fiscal year or fewer than five days a week shall be granted comparable leave in proportion to the time he/she works. (Education Code 45191)

*(cf. 4161/4261/4361 - Leaves)*  
*(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)*

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 employee shall not be entitled to more than six days of such leave until he/she has completed six months of active service with the SCCOE. (Education Code 45191)

Unused days of personal illness or injury leave shall be accumulated from year to year without limitation. (Education Code 45191)



**PERSONAL ILLNESS/INJURY LEAVE** (continued)

At the beginning of each school year, each employee shall be notified of the amount of leave which he/she has accumulated.

Upon employment with the SCCOE, a new classified employee shall receive credit for any personal illness or injury leave accumulated in a previous school district, county office of education, or community college district if he/she left employment with that district within the previous year and had been employed by the previous district for at least one year. If the employee's previous employment had been terminated for cause, the County Superintendent may determine whether to accept the transfer of the accumulated leave. (Education Code 45202)

An employee who does not complete a given year of service shall be charged for any unearned personal illness or injury leave used as of the date of termination.

**Extension of Leave**

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available personal illness or injury leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The County Superintendent 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. Total leave so granted shall not exceed 18 months. (Education Code 45195)

*(cf. 4216 - Probationary/Permanent Status)*

If the employee is still unable to resume his/her duties 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 able to resume the duties of his/her position, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. 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 his/her seniority. (Education Code 45195)

**PERSONAL ILLNESS/INJURY LEAVE** (continued)

**Compensation**

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

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 50 percent of the employee's regular salary. Any such 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.

*Legal Reference:*

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

LABOR CODE

233 Illness of child, parent, spouse or domestic partner

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

**INDUSTRIAL ACCIDENT/ILLNESS LEAVE**

Leave of absence for industrial accidents or illnesses shall be provided to classified employees.

In each fiscal year, allowable leave for any single industrial accident or illness shall be for 60 working days. (Education Code 45192)

*(cf. 4113.4/4213.4/4313.4 - Temporary/Modified Light-Duty Assignment)*

*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*

*(cf. 4157.2/4257.2/4357.2 - Ergonomics)*

*(cf. 4161/4261/4361 - Leaves)*

Allowable leave shall not accumulate from year to year. (Education Code 45192)

When a classified employee is absent from his/her duties because of an industrial accident or illness: (Education Code 45192)

1. Industrial accident or illness leave shall start on the first day of absence.
2. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a compensation award made under workers' compensation.
4. If an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee shall use personal illness and injury leave as provided by Education Code 45191. If the employee continues to receive workers' compensation, he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated compensating time, vacation or other available leave as, when added to the employee's workers' compensation award, will provide for a full day's wage or salary. (Education Code 45192)

*(cf. 4261.1 - Personal Illness/Injury Leave)*

During any paid leave of absence, the employee shall endorse to the SCCOE the workers' compensation checks received on account of his/her industrial accident or illness. In those cases, the SCCOE shall issue appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions. (Education Code 45192)

## **INDUSTRIAL ACCIDENT/ILLNESS LEAVE** (continued)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code 45192)

When all available leaves of absence, paid or unpaid, have been exhausted and the employee is not medically able to assume the duties of his/her position, the employee shall be placed either in another position or on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list and has been medically released for return to duty, but fails to accept an appropriate assignment, shall be dismissed. (Education Code 45192)

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 45192)

During this leave, the employee may return to his/her position without suffering any loss of status or benefits. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee. (Education Code 45192)

*Legal Reference:*

EDUCATION CODE

*45191 Leave of absence for illness or injury*

*45192 Industrial accident and illness leaves for classified employees*