

Senate Bill No. 259

CHAPTER 783

An act to amend Section 44018 of, and to add Section 87018 to, the Education Code, relating to school employees.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 259, Romero. School and community college employees: call to active military duty.

(1) Existing law authorizes the governing board of a school district to approve, as compensation from the school district, the difference between the amount of a certificated employee's California National Guard or United States Military Reserve pay and the amount the employee would have received as a certificated employee of the school district, including any merit raise that would otherwise have been granted and any benefits the employee would have received during the time the employee was on active military duty as a result of the Iraq-Kuwait crisis. Existing law limits the application of those benefits to active military duty served on or after August 2, 1990.

This bill would authorize the governing board of a school district or a community college district to approve this compensation for all employees who are called to active military duty, without reference to any particular conflict or crisis, and would delete the reference to August 2, 1990.

(2) Existing law requires school districts and community college districts to meet and negotiate on terms and conditions of employment, including leave.

This bill, by authorizing school districts and community college districts to give these leave benefits to those employees, would expand the terms and conditions of employment over which a school district and community college district must bargain and would thereby create a state-mandated local program.

(3) Existing law prescribes the terms for which teacher credentials and permits are valid and requires the Commission on Teacher Credentialing to establish procedures for the renewal of teacher credentials and permits.

This bill would provide that the credential of a certificated elementary or secondary school employee would not become invalid for failure to renew while the employee is on active military duty, and would grant a



period of 120 days after termination of the active duty for the employee to renew the credential.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 44018 of the Education Code is amended to read:

44018. (a) In addition to the benefits provided pursuant to Sections 395.01 and 395.02 of the Military and Veterans Code, any employee of a school district who, as a member of the California National Guard or a United States Military Reserve organization, is called into active military duty, may receive, on approval of the governing board of the school district, the benefits provided for in subdivision (b).

(b) Any employee to which subdivision (a) applies, while on active duty, may receive from the school employer, for a period not to exceed 180 calendar days, as part of his or her compensation, all of the following:

(1) The difference between the amount of his or her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.

(2) All benefits that he or she would have received had he or she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.

(c) The credential of a certificated employee may not become invalid for failure to renew while the employee, as a member of the California National Guard or a United States Military Reserve organization, is on active military duty. A certificated employee shall have a period of 120 days after the end of his or her active military duty to renew the credential.

SEC. 2. Section 87018 is added to the Education Code, to read:

87018. (a) In addition to the benefits provided pursuant to Sections 395.01 and 395.02 of the Military and Veterans Code, any employee of



a community college district who, as a member of the California National Guard or a United States Military Reserve organization, is called into active military duty, may receive, on approval of the governing board of the school district, the benefits provided for in subdivision (b).

(b) Any employee to which subdivision (a) applies, while on active duty, may receive from the community college employer, for a period not to exceed 180 calendar days, as part of his or her compensation, all of the following:

(1) The difference between the amount of his or her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.

(2) All benefits that he or she would have received had he or she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

