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AB-642 Emergencies proclaimed by the Governor: school employee catastrophic leave. (2025-2026)

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Date Published: 07/30/2025 09:00 PM

Assembly Bill No. 642

CHAPTER 83

An act to amend Section 44043.5 of, and to add Section 44043.6 to, the Education Code, relating to emergencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2025. Filed with Secretary of State July 30, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 642, Muratsuchi. Emergencies proclaimed by the Governor: school employee catastrophic leave.

Existing law authorizes the governing board of a school district or county office of education to establish a catastrophic leave program to permit employees of that school district or county office of education, if specified conditions are met, to donate eligible leave credits to an employee when that employee or a member of their family suffers from a catastrophic illness or injury, as provided.

This bill would extend the above-described authorization to the governing body of a charter school and would authorize the governing board or body of a school district, county office of education, or charter school to also permit employees to donate eligible leave credits to an employee impacted by a state of emergency that has been proclaimed by the Governor, as provided.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44043.5 of the Education Code is amended to read:

44043.5. (a) The governing board or body of a school district, county office of education, or charter school may establish a catastrophic leave program to permit employees of that school district, county office of education, or charter school to donate eligible leave credits to an employee when that employee or a member of the employee's family suffers from a catastrophic illness or injury.

(b) For the purposes of this section, the following definitions apply:

(1) "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because they have exhausted all of their sick leave and other paid time off.

(2) "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

(c) Eligible leave credits may be donated to an employee for purposes of subdivision (a) if all of the following requirements are met:

(1) The employee, who is, or whose family member is, suffering from a catastrophic illness or injury, requests that eligible leave credits be donated and provides verification of catastrophic injury or illness as required by the governing board or body of the school district, county office of education, or charter school in which the employee is employed.

(2) The governing board or body of the school district, county office of education, or charter school determines that the employee is unable to work due to the employee's or their family member's catastrophic illness or injury.

(3) The employee has exhausted all accrued paid leave credits.

(d) If the transfer of eligible leave credits is approved by the governing board or body of the school district, county office of education, or charter school, any employee may, upon written notice to the governing board or body of the school district, county office of education, or charter school, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

(e) The governing board or body of a school district, county office of education, or charter school that provides a catastrophic leave program pursuant to this section shall adopt rules and regulations for the administration of this section, including, but not limited to, the following:

(1) The maximum amount of time for which donated leave credits may be used, but not to exceed use for a maximum period of 12 consecutive months.

(2) The verification of catastrophic injury or illness required pursuant to paragraph (1) of subdivision (c).

(3) Making all transfers of eligible leave credit irrevocable.

(f) An employee who receives paid leave pursuant to subdivision (c) shall use any leave credits that they continue to accrue on a monthly basis before receiving paid leave pursuant to this section.

(g) Notwithstanding this section, the governing board or body of a school district, county office of education, or charter school and an exclusive bargaining representative of employees in that school district, county office of education, or charter school may agree to include in any collective bargaining agreement, a provision setting forth requirements for a catastrophic leave program.

SEC. 2. Section 44043.6 is added to the Education Code, to read:

44043.6. (a) The governing board or body of a school district, county office of education, or charter school may establish a catastrophic leave program to permit employees of that school district, county office of education, or charter school to donate eligible leave credits to an employee when that employee is impacted by a state of emergency.

(b) For the purposes of this section, the following definitions apply:

(1) "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

(2) "State of emergency" means a state of emergency that has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(c) Eligible leave credits may be donated to an employee for purposes of subdivision (a) if all of the following requirements are met:

(1) The employee, who is impacted by a state of emergency, requests that eligible leave credits be donated and provides verification of impacts of a state of emergency on the employee as required by the governing board or body of the school district, county office of education, or charter school in which the employee is employed.

(2) The governing board or body of the school district, county office of education, or charter school determines that the employee is unable to work due to the impact of a state of emergency on the employee.

(3) The employee has exhausted all accrued paid leave credits.

(d) If the transfer of eligible leave credits is approved by the governing board or body of the school district, county office of education, or charter school, any employee may, upon written notice to the governing board or body of the school district, county office of education, or charter school, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

(e) The governing board or body of a school district, county office of education, or charter school that provides a catastrophic leave program pursuant to this section shall adopt rules and regulations for the administration of this section, including, but not

limited to, all of the following:

- (1) The maximum amount of time for which donated leave credits may be used, but not to exceed use for a maximum period of 12 consecutive months.
- (2) The verification of impacts of a state of emergency on the employee required pursuant to paragraph (1) of subdivision (c).
- (3) Making all transfers of eligible leave credit irrevocable.

(f) An employee who receives paid leave pursuant to subdivision (c) shall use any leave credits that they continue to accrue on a monthly basis before receiving paid leave pursuant to this section.

(g) Notwithstanding this section, the governing board or body of a school district, county office of education, or charter school and an exclusive bargaining representative of employees in that school district, county office of education, or charter school may agree to include in any collective bargaining agreement a provision setting forth requirements for a catastrophic leave program.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Due to the devastating impact of the recent Los Angeles fires, many educators and staff members have been left without sufficient leave to recover from personal losses, and pupils displaced by the fires risk significant educational disruptions. In order to ensure that both school employees and pupils receive necessary support during and after these crises and that these hardships do not have lasting effects on both employees' financial stability and pupils' academic success, it is necessary for this act to take effect immediately.