



Capital School District

Board of Education Policy

Section: Human Resources
Title: Absences and Leaves Policy
Policy #: 500-10
Date Approved: 12/10/25
Date Revised: 12/2/25

Purpose: To establish standardized leave policies for employees throughout the Capital School District.

ABSENCES - PERSONAL ILLNESS

Sick leave and absences for other reasons will be granted according to Title 14, Delaware Code, Chapter 13, Sections 1318, 1319 and 1320.

- 10 days annual sick leave for 10-month employees
- 11 days annual sick leave for 11-month employees
- 12 days annual sick leave for 12-month employees

An employee must submit a Leave Request through either AESOP (10 or 11 month employees) or Data Service Center (12 month employees), for approval. Before approving sick leave, the employee's supervisor may at the supervisor's discretion require a doctor's note. In the case of an absence of more than 5 consecutive days, a doctor's note is required as a condition of approval. Any unused sick days shall be accumulated to the employee's credit without limit.

ABSENCES – BEREAVEMENT – IMMEDIATE FAMILY

In the case of a death in the immediate family of the employee, there shall be no reduction of salary of said employee for an absence not to exceed five (5) working days. Members of the immediate family shall be defined as: Employee's spouse or domestic partner; parent, stepparent or child of the employee; employee's grandparent or grandchild; employee's sibling; spouse of employee's child; any relative who resides in the same household; or any minor child for whom the employee assumed and carried out parental responsibilities. This absence shall be in addition to other leaves granted the employee. A copy of the obituary may be required prior to approval.

ABSENCES - BEREAVEMENT – OTHER THAN IMMEDIATE FAMILY

In the case of the death of a near relative, there shall be no deduction in salary of the employee for absence on the day of the funeral. A near relative shall be defined as: first cousin, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, grandparent-in-law, or any other friend living in the employee's household. This absence shall be in addition to other leaves granted the employee. A copy of the obituary may be required prior to approval.

PAID LEAVE FOR BIRTH OR ADOPTION OF A CHILD

Pursuant to Title 14, Delaware Code, Chapter 14, Section 1333, an employee employed by the District for at least 12 consecutive months immediately prior to the date of the birth or adoption shall be is entitled to 12 weeks paid leave upon the birth of a child of the employee, or upon the adoption by the employee of a child who is 6 years old or younger. The birth of the child or adoption of a child must

occur on or after April 1, 2019. An employee's entitlement to paid leave is determined on the date of the birth of the child, or adoption of the child. Paid leave is for the purpose of caring for and bonding with the child and the entitlement for paid leave shall expire at the end of the 12-month period beginning with the birth or adoption creating the entitlement to paid leave. The use of paid leave shall run concurrently with unpaid FMLA leave and Short-term disability. For further information, please see the District's Guidance Document "Paid Leave for Birth or Adoption of a Child." The Board reserves the right to revise or rescind this portion of Policy 500-10 and/or these guidelines should Section 1333 be amended. If Section 1333 is repealed, this policy is null and void.

OBSERVANCE OF RECOGNIZED RELIGIOUS HOLIDAYS

Pursuant to Title 14, Delaware Code, Chapter 14, Section 1318(e), in the case of recognized religious holidays, an employee may be absent without loss of pay on no more than 3 calendar days per year. The days so lost are to be counted in the sick leave of the employee. The employee must submit a Leave Request through either ASEOP (10 or 11 month employees) or Data Service Center (12 month employees), for approval.

SABBATICAL LEAVE

Sabbatical leave of absence will be granted according to the provisions of Section 1325, Chapter 13, Title 14, of the Delaware State Code. A Leave Request Form must be completed and submitted for final approval by the Board of Education.

VACATION LEAVE

Vacation leave allowances are for 12-month employees only. Vacation time for 12-month employees is based upon years of service and covered under their individual bargaining agreements. The employee must submit a Leave Request through Data Service Center for approval. The maximum amount of vacation leave that an employee may carry forward into a new fiscal year is 42 days.

EXTENDED LEAVE OF ABSENCE (2 weeks or longer)

Leave of absences are categorized for the protection of the employee and the District and must be requested in writing and approved by the Board of Education. Below you will see the categories of leaves.

FAMILY MEDICAL LEAVE ACT (FMLA)

FMLA allows an employee who has worked 1 continuous year and 1250 hours to take up to 12 work weeks of leave in a 12 month period for qualifying reasons. FMLA protects the employees' job and benefits for 12 work weeks. This leave renews every 12 months, as long as the employee continues to meet the eligibility requirements. In order to qualify for FMLA you must have worked the allotted time as stated above and you must complete and submit a Leave Request Form along with medical certification to your Human Resource Specialists supporting the need for leave for one of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

- For a serious health condition that makes the employee unable to perform the employee's job.

MILITARY FAMILY LEAVE ENTITLEMENTS

1. Eligible employees with a spouse, son, daughter or parent on active duty or who has been called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, short-notice deployment; arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
2. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave in a single 12 month period to care for service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This leave is a per-injury, per-service member entitlement.

MILITARY LEAVE

Military Leave allows an employee to request leave for active military duty. Leave of absence for military service will be granted according to the provisions of Section 1327, Chapter 13, Title 14, of the Delaware Code. Employee must complete and submit the Leave Request Form along with a copy of military orders. If employee is being activated for more than 2 weeks, a copy of the Leave and Earnings statement must accompany the Leave Request Form.

PROFESSIONAL CONFERENCES

Professional Development leave/absences shall be requested electronically using the District's leave systems; AESOP (10 month employees) and Data Service Center (12 month employees). No arrangements shall be made or expenses incurred before leave requests are approved. Reimbursement for conferences/travel will comply with school board policy 200-13 Travel Policy.

COURT DUTY

All employees who are selected to serve on jury duty shall receive their regular pay for that day in addition to the amount received for jury duty. A copy of the Court Summons may be required prior to approval.

OTHER ABSENCES

For each day's absence for reasons other than those permitted under Section 1318 of Title 14, there shall be deducted $\frac{1}{188}^{\text{th}}$ of the annual salary of the employee who is employed for 10 months; $\frac{1}{204}^{\text{th}}$ for the employee who is employed for 11 months; and $\frac{1}{222}^{\text{nd}}$ for the employee who is employed for 12 months, for each day of unexcused absence.

WORK DAYS FOR TEACHERS

Board policy concerning the adjournment of school for approved professional development meetings is based on Title 14, Section 1305(g).

Salary derived from subsection (a) and (b) of Section 1305 for ten (10) months' employment shall mean a total of 188 days. The 188 days shall be full work days with 180 days devoted to actual school sessions for pupils, two (2) days for startup and closing of the school year, and six (6) days of professional development programs or other programs approved by the State Board of Education, except that the Department of Education with State Board of Education approval may reduce the number of days devoted to school sessions for pupils and/or educators for just cause or upon showing of unusual circumstances. Full workdays shall be defined by the Department of Education with the approval of the State Board of Education.

PAID LEAVE FOR BIRTH OR ADOPTION OF A CHILD

I. Purpose

The purpose of this procedure is to provide guidelines under which eligible employees may exercise their right to take paid leave upon the birth or adoption of a child pursuant to Board of Education Policy 500-10 and Section 1333 of Title 14 of the Delaware ("Section 1333").

II. Definitions

An eligible employee means a full-time or part-time employee in a leave-eligible position, is not a casual/seasonal employee, who has worked for a State agency, reorganized school district, charter school, or vocational school for 12 months or 52 weeks and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. For eligible employees who are employed part-time, the maximum number of daily hours the employee is eligible to receive will be determined on a pro-rata basis.

A. **12 weeks of paid leave** means 12 work weeks. The fact that a holiday may occur within a week of paid leave has no effect in that the week counts as a week of paid leave. If, however, an employee is not expected to work for an entire week (e.g., school closing for Winter Holiday, Spring Break, or Summer Break), the week does not count against the employee's paid leave entitlement.

B. **The District** refers to the Capital School District.

C. **Intermittent leave** is leave taken in separate blocks of time due to a single qualifying reason. If an employee works less than 12 months in a year, paid leave taken for a period ending at the end of a school year, and resuming at the beginning of the following school year, is leave taken consecutively rather than intermittently.

D. **Reduced leave schedule** is a leave schedule that reduces an employee's usual number of working hours per workweek, or per workday.

E. **Paid leave** refers to the paid leave taken pursuant to Section 1333(a).

F. **Parent** means legal parent as evidenced by birth certificate, adoption documents, court order, or other legal documents.

G. **Multiple births/adoptions** mean more than one child is born from the same pregnancy, or more than 1 child adopted through the same adoption process, or on the same date.

H. **FMLA** refers to the Family Medical Leave Act.

I. **STD** refers to Short Term Disability.

J. **Written notice** means written notice to the District's Human Resources Department.

III. Paid Leave Entitlement

A. An eligible employee employed by a reorganized school district, charter school, or vocational school district for at least 12 months immediately prior to the date of the birth or adoption (see definition of "eligible employee" in Section II.) shall be entitled to 12 weeks of paid leave upon the birth of a child of the employee, or upon adoption by the employee of a child. Multiple births/adoptions do not increase the length of paid leave. An employee's entitlement to paid leave is determined on the date of the birth of the child, or adoption of a child.

B. Paid leave is for the purpose of caring for and bonding with the child. If the employee is not caring for and bonding with the child, the employee is not eligible for paid leave. If, for whatever reason, the child is no longer in the care of the employee, the paid leave shall terminate.

C. The entitlement to paid leave shall expire at the end of the 12-month period beginning on the date of the birth or adoption creating the entitlement to paid leave. If, for example, an employee

entitled to paid leave takes 6 weeks of paid leave during this 12-month period, there will be no entitlement to take the remaining 6 weeks of paid leave subsequent to the expiration of the 12-month period following the birth or adoption creating the entitlement to paid leave. If an employee receiving paid leave terminates employment prior to the end of the 12-month period, there shall be no payment for unused paid leave.

D. Paid leave cannot be taken on an intermittent basis, or be used to create a reduced leave schedule. Paid leave must be taken for a continuous block of time up to a maximum of 12 weeks.

E. If two District employees are eligible for paid leave for the same birth or adoption, each of the employees is eligible for 12 weeks of paid leave. Paid leave for the employees ends at the expiration of the 12-month period beginning on the date of the birth or adoption.

IV. Right to Use Accumulated Sick Leave

A. Employees who are not eligible for paid leave may use accumulated sick leave upon the birth or adoption of a child pursuant to Section 1333(c). Employees eligible for paid leave cannot use accumulated sick leave to extend paid leave upon the birth or adoption of a child beyond the 12 weeks of paid leave provided by Section 1333(a), unless otherwise approved by the District's Board of Education

B. The right to use accumulated sick leave pursuant to Section 1333(c) is without regard to length of employment.

V. Impact on FMLA Leave Entitlement and STD

The use of paid leave, or the use of accumulated sick leave under § 1333(c), shall run concurrently with FMLA leave, and STD. If, for example, a full-time employee uses 12 weeks of paid leave, the use of the 12 weeks of paid leave will also result in the use of 12 weeks of FMLA leave. When the use of paid leave runs concurrently with STD, STD shall pay 75% of the employee's salary, and paid leave shall pay 25% of the employee's salary.

VI. Notice and Certification

A. If an employee intends to take paid leave upon the birth of the employee's child, the employee shall provide the District written notice of intent to take paid leave at least 30 days in advance of the expected date of birth. If an employee intends to take paid leave based upon the adoption of a child, the employee must provide written notice of intent to take paid leave at least 30 days in advance of the adoption if the date of the adoption is foreseeable. If the date of the adoption is not foreseeable, the employee shall provide the District written notice of the date of adoption as soon as practicable.

B. If an employee requests paid leave based upon the birth or adoption of a child, the employee shall provide documentation of the birth or adoption within 30 days of the birth or adoption, or as soon as documentation is available. The name of a legal parent must appear on the birth certificate, a legal document establishing paternity, or a legal document establishing adoption. Situations where a legal document cannot be provided at the time of birth or adoption, or within a reasonable time thereafter, will be considered on a case-by-case basis. Legal documents considered include a report of birth, a birth certificate, and an adoption order. The documents provided shall show the date of the birth or adoption age of the adopted child, and name of the parent(s). An employee's stepchild is not the child of the employee, unless the employee adopts the stepchild.

VII. Amendment or Repeal of Section 1333

The Board reserves the right to revise or rescind Policy 500-10 and/or these guidelines. If Section 1333 is amended, the policy and/or guidelines will be revised to conform the policy and/or guidelines to the amendment. If Section 1333 is repealed, these guidelines are null and void.

VIII. Effective Date

This guidance takes effect on August 20, 2025.

PAID FAMILY AND MEDICAL LEAVE/PAID PARENTAL LEAVE

This Section of the Policy shall take effect on January 1, 2026.

The District complies with all applicable statutes and regulations governing leaves of absence. In addition to the Family Medical Leave Act, 29 U.S.C. § 2601 et seq., its implementing regulations, 29 C.F.R. Part 825, 14 Del. Code §1333 and any applicable Collective Bargaining Agreement, the District

shall comply with the regulations set forth by the Delaware Department of Labor, Division of Paid Leave, in 19 Del. Admin. Code §1401 et. seq. regarding paid leaves of absence. The District reserves the right to deny any leave of absence which is not otherwise protected by law.

The District elects to use the following definition of a 12-month period: "A 'rolling' 12-month period measured backward" is 12-month period measured backward from the date an employee uses any family and medical leave. Under the "rolling" 12-month period, each time an employee takes family and medical leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12-months. The District shall uniformly apply this "rolling 12-month period measured backward" to all employees. Any change to the District's selected application year shall be made consistently with FMLA standards.

The District reserves all rights to revise or rescind this Section of the Policy if the Department of Labor, Division of Paid Leave, amends its regulations or if 19 Del. Admin Code §1401 et. Seq. is repealed.

For more information regarding Delaware Paid Leave or to apply, please visit www.labor.delaware.gov.