

Administrative Procedure 438

Human Resources

LEAVE OF ABSENCE

BACKGROUND

The Charter Board believes in being a responsible and supportive employer and will consider granting leaves of absence to staff in accordance with operational needs.

This Administrative Procedure applies to leaves of absence without pay only.

Staff members granted leave under this Administrative Procedure may choose to continue to receive benefit coverage at their cost, subject to the terms and limitations of the applicable benefit plans.

PROCEDURES

1. General Leave of Absence
 - 1.1. Upon application by a staff member, a general leave of absence without pay may be granted for a period of up to one (1) year, at no cost to the Charter Board.
 - 1.2. Leaves granted for the purpose of employment with another school authority or school board shall be limited to a maximum of one (1) year and are not eligible for extension.
2. Approval
 - 2.1. Application for a general leave of absence shall be submitted to the Superintendent by March 15th of the school year prior to the commencement of the leave, except in cases of emergent or unforeseen circumstances. All leaves of absence and extensions granted under this Administrative Procedure require Superintendent approval.
3. Extension of Leave
 - 3.1. A general leave of absence may be extended upon written application by the Superintendent. Requests for extension shall be submitted by February 15th of the school year during which the leave is being taken.
 - 3.2. Leaves granted for the purpose of educational advancement, professional study, or training may be extended beyond one (1) year, at the discretion of the Superintendent.
4. Refusal of Leave
 - 4.1. Should the application for leave or extension be refused, the applicant shall receive written notification.
5. Early Return from Leave
 - 5.1. Upon request, and with prior approval of the Superintendent, a teacher may return to duties prior to the scheduled return date, provided a suitable position is available.
6. Notice of Return
 - 6.1. Teachers scheduled to return to duties at the start of the school year following a leave of absence shall notify the Superintendent in writing by March 15th of the preceding school year.

- 6.2. Teachers scheduled to return at a time other than the start of a school year shall notify the Superintendent in writing at least sixty (60) calendar days prior to the intended return date.
 - 6.3. Teachers returning from a leave granted due to emergent or unforeseen circumstances shall notify the Superintendent at least thirty (30) calendar days prior to the intended return date.
7. Failure to Notify
 - 7.1. Teachers who fail to provide written notice of their intention to return by the applicable deadline shall be notified by registered mail to an address agreed upon by the teacher and Human Resources Director at the commencement of the leave and required to respond within forty-five (45) calendar days. Teachers indicating an intention to resign must provide 30 days' written notice in accordance of section 216 of the *Education Act*.
8. Deemed Termination
 - 8.1. Failure to respond within the time frame specified in clause 7 shall result in the contract of employment being deemed to be terminated by mutual consent pursuant to section 214 of the *Education Act*.
9. Return to Position
 - 9.1. Teachers granted a leave of absence shall be on leave from the Charter Board, not from a specific position. Upon return, placement shall be in the former position or, if unavailable, a comparable position consistent with the teacher's experience or training gained during the leave. Salary and allowances shall be determined in accordance with applicable provisions and qualifications.
10. Experience Credit
 - 10.1. Staff members on leave shall not be eligible for experience increments during the leave period unless actively engaged in teaching and meeting the requirements for experience recognition.

Legal Reference:	<i>Education Act</i> <i>Employment Standards Act</i>
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