

MANAGEMENT, SUPERVISORY AND CONFIDENTIAL PERSONNEL

The Board of Trustees recognizes that effective management is vital to the success of district operations. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation and oversight of district programs. Supervisors shall promote the productivity, professional growth and teamwork of district staff.

The Board shall adopt policies related to management, supervisory and confidential personnel insofar as they are needed to comply with law and describe circumstances of employment within the district.

The Board may, by resolution, establish or abolish positions designated as senior management of the classified service.

Legal Reference:

EDUCATION CODE

35031 *Term of employment*

45100.5 *Senior management positions*

45104.5 *Abolishment of senior classified management positions*

45108.5 *Definitions of senior classified management employees*

45108.7 *Waiver of provisions of 45108.5*

45128 *Overtime*

45130 *Exclusion from overtime provisions*

45256.5 *Designation of certain positions*

GOVERNMENT CODE

3540.1 *Definitions*

3543.4 *Management position; representation*

3545 *Appropriateness of unit; basis*

COURT DECISIONS

Auer v. Robbins, (1997) 117 S.Ct. 905

MANAGEMENT, SUPERVISORY AND CONFIDENTIAL PERSONNEL

Management, supervisory and confidential positions shall be classified as follows:
(Government Code 3540.1)

1. *Management employees* are those having significant responsibilities for formulating district policies or administering district programs and who serve in a position which the Board of Trustees has legally designated as a management position.
2. *Supervisory employees* are those who, using independent judgment, have the authority, in the interest of the district, to make or effectively recommend:
 - a. Hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, or discipline
 - b. Assigning work to employees and directing them
 - c. Adjusting employee grievances

(cf. 2220 - Administrative Staff Organization)

3. *Confidential employees* are those who are required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

Senior Management of the Classified Service

A senior management employee is either a fiscal advisor to the Superintendent or an employee in the highest position not requiring certification in a principal district program area, with districtwide responsibility for formulating policy or administering the program.
(Education Code 45108.5)

Employees designated as senior management are part of the classified service and shall have the same rights, benefits and duties except the right to permanent status in these positions.
(Education Code 45100.5)

(cf. 4312.1 - Contracts)

Positions in the senior management of the classified service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have been found qualified for the positions as specified by the Superintendent and determined by the personnel commission. (Education Code 45256.5)

CONTRACTS

In order to attract and retain qualified staff, the Board of Trustees may employ certificated administrators and supervisors and senior management of the classified staff on a contract basis.

(cf. 4313.1 - Load/Scheduling/Hours of Employment)

(cf. 4313.2 - Promotion/Demotion/Reassignment)

(cf. 4314 - Transfers)

Contracts with the Superintendent and, if any, with the deputy, assistant or associate superintendent shall be ratified at an open Board meeting and reflected in the Board's minutes. Copies of the contracts shall be available to the public upon request. Contracts with these administrators may not be for more than four years. (Education Code 35031; Government Code 53262)

(cf. 2121 - Superintendent's Contract)

Certificated supervisors and administrators, other than the Superintendent or deputy, assistant or associate superintendent, may be offered a continuing contract covering a period longer than one year but not exceeding four years.

Employee contracts shall include a provision specifying the legal maximum cash settlement that the employee may receive upon termination of the contract. (Government Code 53260)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

If the Board decides not to reelect or reemploy the Superintendent, a deputy, associate or assistant superintendent, or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 60 days prior to the expiration of the term of the contract. (Education Code 35031)

Legal Reference:

EDUCATION CODE

35030 Title of deputy, associate or assistant superintendent for certain positions

35031 Term of employment

44842 Automatic declining of employment

44843 Notice of employment (to county superintendent)

44929.20 Continuing contract

44951 Continuation in position unless notified

GOVERNMENT CODE

53260-53264 Employment contracts

LOAD/SCHEDULING/HOURS OF EMPLOYMENT

The Board of Trustees designates in accordance with law salaried positions which are exempt from overtime. Persons holding these positions work whatever hours are necessary in order to fulfill their assignments. Their positions are set apart from other positions by virtue of the duties, flexibility of hours, salary, benefit structure and authority which they entail.

Employees serving in positions excluded from overtime shall not be unreasonably discriminated against as a result of the exclusion. (Education Code 45130)

Legal Reference:

EDUCATION CODE

45130 *Exclusion from overtime provisions*

UNITED STATES CODE, TITLE 29

201-215 *Fair Labor Standards Acts*

CODE OF FEDERAL REGULATIONS, TITLE 29

511-800 *Department of Labor Relations*

COURT DECISIONS

Abshire v. County of Kern, (9th Cir. 1990) 908 F.2d 483

PROMOTION/DEMOTION/REASSIGNMENT

The Board of Trustees may promote, demote, and reassign management and confidential employees when such action is determined to be in the best interest of the district. The Board shall consider the recommendation of the Superintendent or designee when making decisions related to promotion, demotion and reassignment.

The Superintendent or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures.

(cf. 4317.3 - Personnel Reduction)

Legal Reference:

EDUCATION CODE

35031 Senior management employee in the classified service: nonreelection

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 Transfer of administrator or supervisor to teaching position

44951 Continuation in position unless notified (position requiring administrative or supervisory credential)

45101 Definitions (including disciplinary action, cause)

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

COURT DECISIONS

Jefferson v. Compton Unified School District, (1993) 14 Cal.App. 4th 32

Ellerbroek v. Saddleback Valley Unified School District, (1981) 177 Cal. Rptr. 910

Hentschke v. Sink, (1973) 34 Cal.App. 3d 19

PROMOTION/DEMOTION/REASSIGNMENT

Certificated Management and Supervisory Personnel

Certificated employees holding an administrative or supervisory credential may be released and placed in a different position for the following year.

Before March 15, the Board of Trustees shall meet and determine whether the identified employee may be released from his/her position effective the end of the school year and reassigned to a different position.

By March 15, the employee shall be notified of the Board's action by registered mail or in person. If the notice is presented to the employee in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the written notice. (Education Code 44951)

Before July 1, the Board shall take additional action to bring into effect the release and reassignment of employees who received the above notice.

If the reassignment is to a teaching position, the Board shall give the employee, if requested, a written statement of the reasons for the reassignment. If these reasons include incompetency as an administrator or supervisor, the district shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date. (Education Code 44896)

Classified Management, Supervisory and Confidential Personnel

For personnel in this classification:

Demotion means assignment to an inferior position or status, without the employee's written voluntary consent. (Education Code 45101)

Reclassification means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

If assigned to a position within a bargaining unit, management, supervisory and confidential classified employees shall be reclassified at the discretion of the district subject to provisions of the applicable collective bargaining agreement.

(cf. 4312.1 - Contracts)

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeal rights, and procedure set forth in district policy, regulation or collective bargaining agreements for disciplinary action against classified employees. (Education Code 45113)

PROMOTION/DEMOTION/REASSIGNMENT (continued)

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

The Board shall provide 45 days' notice before demoting a deputy, associate or assistant superintendent or employee in the senior management of the classified service. (Education Code 35031)

In initiating the involuntary reassignment of a classified manager, the Superintendent or designee shall provide the classified manager with prior written notice of the intent to reassign him/her to a designated position. The notice will inform the manager of the specific reasons for the reassignment, his/her right to a hearing, and the time within which an appeal must be filed. The notice shall also contain a card or paper for requesting a hearing. The classified manager may, within five days after receiving such notice, file a written request for hearing before the Board.

The request for hearing shall be filed in the office of the Superintendent or designee. If the manager fails to file a request for hearing as specified above, he/she will be deemed to have waived the right to a hearing and the reassignment may be made effective immediately.

If a request for hearing is filed as specified above, a hearing shall be scheduled before the Board. The Board shall hear the matter, with the party initiating the reassignment bearing the burden of proving the reasons for the reassignment. The hearing shall be recorded by a reporter or tape recording. After the hearing, the Board shall determine whether to approve, modify, or revoke the reassignment. The decision of the Board shall be final.

TRANSFERS

The Superintendent or designee shall assess the needs of the district and place management personnel in positions which will meet those needs.

Voluntary Transfer

The Board of Trustees recognizes that management employees may wish to request transfers to vacant positions for which they are qualified in order to promote their professional growth and broaden their management background. The Superintendent or designee shall establish procedures for the transfer of management personnel.

Involuntary Transfer

Involuntary transfers within an administrator's classification (same job title) shall be initiated at the recommendation of the Superintendent or designee in the best interests of the district.

Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent

COURT DECISIONS

Hentschke v. Sink (1973) 34 Cal.App. 3d 19

TRANSFERS

Voluntary Transfer

Requests for voluntary transfers shall be submitted to the Superintendent or designee at the time of the known vacancy. The employee will be notified in writing of the decision within 15 days.

Transfer requests may be withdrawn by the employee at any time.

Involuntary Transfer

Before recommending the involuntary transfer or lateral end-of-the-year rotation of administrators, the Superintendent or designee shall confer with the affected employee and notify him/her of the intent to recommend the transfer or rotation and the specific reasons for the transfer. For transfers effective at the beginning of the school year, this conference shall take place before May 30.

If, after the conference, the recommendation to transfer or rotate administrators is made, the Superintendent or designee shall so notify the affected employee in writing at least 20 days before the transfer, except in emergency situations. This notice shall stipulate the reasons for the transfer.

EVALUATION/SUPERVISION

Certificated Management

The Board of Trustees shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:

1. The administrator's progress toward agreed-upon goals, objectives and tasks
2. General expectations of performance which recognize professional responsibility, accountability and attitude
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board
4. Additional factors as determined by the Superintendent or designee

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Each administrator shall be evaluated formally at least once every other school year. Administrators new to a position may be evaluated each year for the first two years in the position. Evaluation is a continuous process and may occur between scheduled periods at the request of the administrator, the administrator's immediate supervisor or any higher supervisor.

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent or designee. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

The evaluation report must be signed by the evaluator and the evaluatee and may be reviewed by the evaluator's immediate supervisor at the request of either party. The signature of the evaluated administrator shall not show agreement with the evaluation unless so indicated above his/her signature.

A copy of the report shall be given to the administrator within 10 working days following the evaluation and no later than 30 days before the last scheduled school day. The employee may make a written response to the evaluation at any time up to 10 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file.

For 12-month employees, the written evaluation report shall be given to the administrator no later than June 30 and a discussion of the evaluation shall be held no later than July 30 of the year in which the evaluation takes place. (Education Code 44663)

EVALUATION/SUPERVISION (continued)

The Superintendent or designee shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to administrative and supervisory personnel. (Education Code 35171)

Classified Management Employees

Classified management personnel will be evaluated according to the procedures developed by the Superintendent or designee and approved by the Board. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

The evaluation form must be signed by both the person being evaluated and the supervisor making the evaluation. The signature of the evaluated management employee shall not show agreement with the evaluation unless so indicated above the signature of the employee. The employee may make written response to the evaluation at any time up to ____ days after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

Confidential Personnel

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but nonconfidential positions with the district.

Legal Reference:

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

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

GOVERNMENT CODE

3543.2 Scope of representation (re evaluation procedures)

STAFF EVALUATING TEACHERS

The Board of Trustees expects that administrators assigned to evaluate teachers shall:

1. Possess a valid administrative credential
2. Be competent in the instructional methodologies used by the teachers they evaluate
3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Be familiar with district curriculum priorities, policies and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation and staff development
5. Participate in at least one inservice per year in clinical supervision and/or other approved instructional and evaluational techniques

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

(cf. 4131.5 - Professional Growth)

(cf. 4331 - Staff Development)

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

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

The Superintendent or designee shall ensure that administrators who evaluate teachers meet the above criteria and shall observe each administrator while he/she is conducting a teacher evaluation. This observation shall be a factor in the subsequent evaluation of the administrator. The Superintendent or designee also shall discuss his/her observations with the administrator and may develop and implement an appropriate professional improvement program for the administrator.

(cf. 4315 - Evaluation/Supervision)

Legal Reference:

EDUCATION CODE

33039 *Guidelines for teacher evaluation*

44660-44665 *Evaluation and assessment of performance of certificated employees*

44681-44689 *Administrator training and evaluation*

GOVERNMENT CODE

3543.2 *Scope of representation (re evaluation procedures)*

PERSONNEL REDUCTION

When the district needs to reduce the kind and/or number of management staff, layoff proceedings shall be initiated at the recommendation of the Superintendent or designee and after consultation with legal counsel.

Certificated Management

When the district needs to reduce the number and/or kind of certificated management staff and also needs to reduce the overall number of certificated employees, the district shall proceed pursuant to the requirements of Education Code 44955. By March 15, affected employees shall be notified of the Board's action by registered mail or in person.

When the district needs to reduce the number and/or kind of certificated management staff and intends to place the displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of the district), the district shall proceed pursuant to Education Code 44951. By March 15, affected employees shall be notified of the Board's action by registered mail or in person. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the notice.

During the time period between five days after enactment of the Budget Act and August 15, the Board may determine that the total revenue limit per ADA has not increased by at least two percent and that the district needs to reduce the number and/or kind of management staff pursuant to Education Code 44955.5. In such a situation, the Board shall adopt a schedule of notice and hearings and shall otherwise proceed pursuant to Education Code 44951 or 44955.

An employee who has served as an administrator in the district for at least two years shall have permanent certificated status in the district as a teacher. (Education Code 44893, 44894, 44929.21) However, the period of employment in the administrative position is not included when calculating seniority related to layoff and reemployment, except for: (Education Code 44956.5)

1. Site administrators who are entitled to earn up to three years' seniority for these purposes.
2. Administrators who were initially employed in an administrative position before July 1, 1983.

Classified Management/Confidential Employees

Classified managers shall be entitled to the same procedure and have the same layoff rights as all other classified employees.

(cf. 4217.3 - Layoff/Rehire)

(cf. 4300 - Management, Supervisory and Confidential Personnel)

PERSONNEL REDUCTION (continued)

Senior Management of the Classified Service

The Board may by resolution abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if the employee had not been in a senior management position. (Education Code 45104.5)

Legal Reference:

EDUCATION CODE

- 44951 Continuation in position unless notified*
- 44955 Certificated employee layoff*
- 44955.5 Termination of certificated employees; insufficient increase in revenue limits*
- 44956 Reemployment rights of laid-off certificated employees*
- 44956.5 Seniority of certificated administrators*
- 45100.5 Senior management positions*
- 45104.5 Abolition of position*
- 45108.5 Senior management employee*
- 45114 Layoff and reemployment procedures*
- 45117 Notice of layoff*
- 45298 Reemployment and promotional exam*
- 45308 Order of layoff and reemployment*

PROFESSIONAL STANDARDS

**CALIFORNIA PROFESSIONAL STANDARDS FOR
EDUCATIONAL LEADERS**

Preamble

The administrator(s) at a school site have numerous responsibilities that ultimately lead to the improvement of the performance of all students in the school. By acquiring the skills, attitudes and behaviors as outlined in the following Professional Standards for School Leaders, students have the best opportunity to achieve the mission and vision of the district and to meet the expectations of high standards for student learning.

Standards

A school administrator is an educational leader who promotes the success of all students by:

1. Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community
2. Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth
3. Ensuring management of the organization, operations, and resources for a safe, efficient and effective learning environment
4. Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources
5. Modeling a personal code of ethics and developing professional leadership capacity
6. Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context

Source: California Professional Standards for Educational Leaders, 2001

STAFF DEVELOPMENT

The Board of Trustees recognizes that professional development opportunities enhance employee effectiveness and contribute to personal growth. Staff development for management, supervisory and confidential personnel shall be designed to guide instructional improvement, build leadership skills, and enhance overall management efficiency.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

The Superintendent or designee shall develop a plan for administrator support and development activities based on a systematic assessment of the needs of district students and staff and aligned to the district's vision and goals. The Board desires that all administrators participate in planning activities that are pertinent to their specific areas of responsibility.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

Within budget parameters, the Superintendent or designee may approve participation in activities that will benefit individual administrators and enhance their contributions to the district.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

44510-44517 Principal training program

44681-44689.2 Administrator training and evaluation

60119 Instructional materials funds

Management Resources:

CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

CTC: <http://www.ctc.ca.gov>

CDE: <http://www.cde.ca.gov>

Association of California School Administrators: <http://www.acsa.org>

California School Leadership Academy: <http://www.csla.org>

STAFF DEVELOPMENT

Staff development activities may include but are not limited to:

1. Professional education conferences or committee meetings
2. Courses offered by institutions of higher education
3. Workshops offered by the district, county office of education, or state
4. Small-group activities
5. Self-directed learning
6. Observation of other schools
7. Follow-up activities that help staff implement newly acquired skills

(cf. 3350 - Travel Expenses)

(cf. 4361 - Leaves)

Principal Training Program

The Superintendent or designee may approve a staff development program for principals and vice principals if the principal training program is the selected in-service option, it must include the following:

1. According to Education Code 44510-44517, the principal training program shall have a duration of at least 80 hours of intensive individualized support and professional development. An additional 80 hours of intensive individualized support and professional development may be completed over a period of up to two years once the initial 80 hours of training commences. (Education Code 44513)

Training shall include instruction in the following areas: (Education Code 44511)

- a. School financial and personnel management, including hiring, recruitment, and retention practices, and misassignments of certificated personnel

(cf. 4111 - Recruitment and Selection)

(cf. 4113 - Assignment)

- b. Core academic standards

(cf. 6011 - Academic Standards)

STAFF DEVELOPMENT (continued)

- c. Curriculum frameworks and instructional materials aligned to the state academic standards, including ensuring the provisions of textbooks and instructional materials as defined in Education Code 60119

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

- d. The use of student assessment instruments, specific ways of mastering the use of assessment data from the Standardized Testing and Reporting program, and school management technology to improve student performance

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)

- e. The provision of instructional leadership and management strategies regarding the use of instructional technology to improve student performance

(cf. 6162.7 - Use of Technology in Instruction)

- f. Extension of the knowledge, skills, and abilities acquired in the preliminary administrative preparation program that is designed to strengthen the ability of administrators to serve all students in the school to which they are assigned

- 2. The training may include additional areas that may impact student learning, such as pedagogies of learning, motivation of student learning, collaboration, conflict resolution, diversity, parental involvement, employee relations, and the creation of effective learning and workplace environments. (Education Code 44511)
- 3. For purposes of this program, the Superintendent or designee shall select a staff development provider approved by the State Board of Education. (Education Code 44513)

LEAVES

The Board of Trustees recognizes the need to provide for leaves which management and confidential personnel may take for justifiable reasons. Such leaves shall be authorized pursuant to Board policies and/or administrative regulations.

Certificated management and supervisory employees shall be entitled to those leave provisions provided in the certificated agreement unless otherwise specified in Board policy, administrative regulations or individual contract.

Legal Reference:

EDUCATION CODE

44036 Leaves of absence for judicial and official appearances

44037 Unlawful to encourage exemption from jury duty

44940 Sex offenses and narcotic offenses; compulsory leave

44962-44988 Leaves of absence (certificated)

45190-45210 Leaves of absence (classified)