

**TEMPORARY/SUBSTITUTE PERSONNEL**

**Hiring**

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board of Trustees may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

*(cf. 4117.14 - Employment of Retired Teachers)*

**Classification**

The Board may classify as substitute certificated personnel a teacher hired to fill a position of regularly employed person absent from service. (Education Code 44917)

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one complete school year. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day-to-day during the first three months of any term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

5. Are employed only for the first semester because the district expects a reduction in student enrollment during the second semester due to midyear graduations (Education Code 44921)

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

Before his/her first day of work, each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year confirming his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

*Time of initial employment* means before the employee starts work. (Kavanaugh v. West Sonoma County Union High School District)

The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented and evaluated.

*(cf. 4113 - Assignment)*

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

**Qualifications**

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions.

*(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)*

*(cf. 4112.2 - Certification)*

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

*(cf. 4112.5/4312.5 - Criminal Record Check)*

Any person employed on a substitute or temporary basis in a capacity designated in his/her credential shall also be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

## **TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

### **Qualifications for Special Education**

A noncredentialed person shall not substitute for any special education certificated position. (Education Code 56060)

A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 cumulative school days for each special education teacher absent during each school year. Upon application by the district, the Superintendent of Public Instruction may approve an extension of 20 school days. In extraordinary circumstances the district may seek an extension beyond the initial 20 school days. (Education Code 56061)

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. (Education Code 56062)

The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56063)

### **Salary/Benefits**

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

### **Granting Probationary Status**

Unless released from employment pursuant to Education Code 44954, and with the exception of on-call, day-to-day substitutes, any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year. (Education Code 44918)

*(cf. 4116 - Probationary/Permanent Status)*

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

A temporary employee hired to teach temporary classes or perform other certificated duties not expected to last more than the first three months of any semester, or to teach special day and evening classes for adults or in schools for migratory populations for the first four months of a semester, shall be classified as a probationary employee if the duties continue beyond the time limits. (Education Code 44919)

A temporary employee hired to teach only the first semester due to anticipated midyear high school graduations shall be classified as a probationary employee for the entire school year if the employment continues beyond the first semester. (Education Code 44921)

**Release from Employment/Dismissal**

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained. After serving during one school year 75 percent of the number of days the regular schools of the district are maintained, a temporary employee may be released as long as the employee is notified before the end of the school year of the district's decision not to reelect him/her for the following school year. (Education Code 44954)

**Reemployment Rights**

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served during one school year at least 75 percent of the number of days the regular schools of the district were maintained and who was not released pursuant to Education Code 44954 prior to the end of the school year shall be reemployed for the following school year to fill any vacant positions in the district. (Education Code 44918)

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive years, for at least 75 percent of each year, shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

A person employed for only the first semester because of anticipated midyear high school graduations shall be reemployed to fill any vacant positions in the district for which the employee is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

*Legal Reference: (see next page)*

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

*Legal Reference:*

EDUCATION CODE

- 44252.5 *State basic skills assessment required for certificated personnel*
- 44300 *Emergency teaching or specialist permits*
- 44830 *Employment of certificated persons; requirements of proficiency in basic skills*
- 44839.5 *Employment of retirant*
- 44846 *Criteria for reemployment preferences*
- 44914 *Substitute and probationary employment computation for classification as permanent employee*
- 44915 *Classification of probationary employees*
- 44916 *Time of classification; statement of employment status*
- 44917 *Classification of substitute employees*
- 44918 *Substitute or temporary employee deemed probationary employee; reemployment rights*
- 44919 *Classification of temporary employees*
- 44920 *Employment of certain temporary employees; classifications*
- 44921 *Employment of temporary employees; reemployment rights (unified and high school districts)*
- 44953 *Dismissal of substitute employees*
- 44954 *Release of temporary employees*
- 44956 *Rights of laid-off permanent employees to substitute positions*
- 44957 *Rights of laid-off probationary employees to substitute positions*
- 44977 *Salary schedule for substitute employees*
- 45030 *Substitutes*
- 45041 *Computation of salary*
- 45042 *Alternative method of computation for less than one school year*
- 45043 *Compensation for employment beginning in the second semester*
- 56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

- 5502 *Filing of notice of physical examination for employment of retired person*
- 5503 *Physical examination for employment of retired persons*

COURT DECISIONS

- Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4<sup>th</sup> 911*

*Management Resources:*

WEB SITES

- CTC: <http://www.ctc.ca.gov>
- CSBA: <http://www.csba.org>

**All Personnel**

BP 4127

4227

**TEMPORARY ATHLETIC TEAM COACHES**

4327

The Board of Trustees recognizes the importance of hiring qualified temporary athletic team coaches for the district's sports program.

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and with district standards and priorities. These criteria shall ensure that all temporary coaches possess an appropriate level of competence, knowledge and skill.

Any certificated teacher employed by the district who applies for a position as a temporary athletic team coach and who satisfies the qualification criteria established for the position shall first be offered the position. (Education Code 44919)

In addition, all coaches shall be subject to Board policy, administrative regulation and the codes of ethical conduct published by the state and the California Interscholastic Federation.

*(cf. 5131.1 - Bus Conduct)*  
*(cf. 6145.2 - Athletic Competition)*

**Volunteer Coaches**

Volunteer athletic team coaches who do not meet the district qualification criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

*(cf. 1240 - Volunteer Assistance)*

*Legal Reference:*

EDUCATION CODE

35179.7 Interscholastic athletic program and activities

44010 Sex offense

44011 Controlled substance offense

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities of pupils

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

CTA v. Rialto Unified School District, (1997 )14 Cal. 4th 627

San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal. App. 3d 1376, 281 Cal. Rptr. 724

**All Personnel**

AR 4127(a)  
4227  
4327

**TEMPORARY ATHLETIC TEAM COACHES**

At the first regular Board of Trustees meeting or within 30 days after selection of a temporary athletic team coach, whichever is sooner, the Superintendent or designee shall certify to the Board that all temporary athletic team coaches meet the qualifications and competencies required by law. (5 CCR 5594)

Upon the recommendation of the Superintendent or designee, the Board shall certify to the State Board of Education, by April 1 of each year, that the district conforms with state requirements governing the employment of temporary athletic team coaches. (5 CCR 5594)

**Competencies**

The Superintendent or designee shall determine whether a temporary athletic team coach is knowledgeable and competent in the areas of: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures

The Superintendent or designee shall establish qualifications in this competency area as evidenced by one or more of the following:

- a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
  - b. A valid sports injury certificate or first aid card, and a valid cardiopulmonary resuscitation (CPR) card
  - c. A valid Emergency Medical Technician (EMT) I or II card
  - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
  - e. Practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning and both valid CPR and first aid cards
2. Coaching techniques

The Superintendent or designee shall establish qualifications in coaching theory and techniques in the sport or game being coached as evidenced by one or more of the following:

- a. Completion of a college course in coaching theory and techniques

**TEMPORARY ATHLETIC TEAM COACHES** (continued)

- b. Completion of inservice programs arranged by a school district or county office of education
  - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
  - d. Prior coaching in community youth athletic programs in the sport being coached
  - e. Prior participation in organized competitive athletics at high school level or above in the sport being coached
3. Rules and regulations in the athletic activity being coached

The Superintendent or designee shall establish knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules and, at the high school level, regulations of the California Interscholastic Federation.

4. Child or adolescent psychology, whichever is appropriate to the grade level of the involved activity

The Superintendent or designee shall establish competency in knowledge of child or adolescent psychology as it relates to sport participation as evidenced by one or more of the following:

- a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
- b. Completion of a seminar or workshop on human growth and development of youth
- c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)



## **TEMPORARY ATHLETIC TEAM COACHES** (continued)

### **Additional Competencies for Noncertificated Personnel**

In addition to the competencies listed above, the Superintendent or designee shall determine that a noncertificated person employed as a temporary athletic team coach: (5 CCR 5592)

1. Has not been convicted of any offense referred to in Education Code 44010, 44011 or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children.

*(cf. 4212.5 - Criminal Record Check)*

2. Is free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district.

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

### **Code of Ethical Conduct**

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment

**TEMPORARY ATHLETIC TEAM COACHES** (continued)

9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing or encouraging any athlete to use nonprescriptive drugs, anabolic steroids or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the Board and the league in which the district participates

**SHARED TEACHING ASSIGNMENTS**

The Board of Trustees realizes that for personal reasons, a certificated teacher sometimes may prefer to share the responsibility, salary and benefits of a full-time teaching position with one of his/her fellow teachers. When those sharing a position have compatible work patterns and similar goals, this situation can benefit teachers and students alike. By accommodating requests for shared teaching assignments, the district is more likely to retain teachers of outstanding capabilities.

The Superintendent or designee may authorize two teachers to share one full teaching assignment under terms and conditions specified in administrative regulations.

*Legal Reference:*

GOVERNMENT CODE

*3543.2 Scope of representation*

**SHARED TEACHING ASSIGNMENTS**

**Eligibility**

1. Shared teaching assignments shall be available only to tenured teachers who possess a clear credential, who are already employed by the district and who have mutually agreed to work together. Teachers may submit their request for such an assignment to the Superintendent or designee by March 1 of the preceding school year.
2. Teachers requesting a shared assignment shall be informed of the status of their proposal by June 10.
3. The Superintendent or designee shall annually review the effectiveness of the shared teaching assignment and determine whether or not it may continue the following year. He/she shall notify the teachers of this decision on or before March 15 of each year.

**Hours and Responsibilities**

1. Both teachers shall meet with the principal before school opens to establish exact working days and meeting responsibilities. Although the teacher not on duty will not normally be required to attend staff meetings, both teachers shall attend parent conferences, open house, and back-to-school nights. Both teachers also may be expected to attend specific inservice meetings and to work a full day on at least the first two days of the first week of school.
2. Both teachers shall assume full responsibility for the class instructional program. They will regularly meet to jointly develop lesson plans and ensure clear lines of communication with parents/guardians.
3. The principal shall approve the teachers' working calendar before school opens.

**Salary, Leaves and Absences**

1. Each teacher will receive one half of his/her annual salary according to individual placement on the salary schedule.
2. The employee and the district's contribution to the retirement system shall be one half of that normally paid. Upon completing a year's work at half time, the teacher will receive one-half year of service toward advancement on the salary schedule and one-half year's credit toward years of service in the teachers' retirement system.

**SHARED TEACHING ASSIGNMENTS** (continued)

3. Whenever one of the teachers sharing an assignment is absent, the other teacher sharing the assignment shall make every reasonable effort to perform substitute teaching duties. For this service, his/her pay shall correspond with district substitute pay for day-to-day substituting. If an absence extends beyond two consecutive weeks, he/she shall receive his/her regular teacher's pay beginning with the first day of substitute service.
4. Teachers sharing an assignment shall accrue sick leave and other leave benefits at one half the normal rate. Worker compensation insurance shall be paid on the employee's actual salary.

**Health Plan**

Unless he/she is a dependent spouse of another district employee who is covered by the district's health and welfare plan, each teacher will be required to participate in this plan if so required by the insurance carrier. Premiums will be prorated, based on the number of days or hours worked.

**STAFF DEVELOPMENT**

The Board of Trustees believes that in order to maximize student learning certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and increase their knowledge of academic content in the core curriculum. The program may include but is not limited to:

1. Mastery of discipline-based knowledge, including the state-adopted standards, and effective subject-specific pedagogical skills

*(cf. 6011 - Academic Standards)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6142.5 - Environmental Education)*

*(cf. 6142.6 - Visual and Performing Arts Education)*

*(cf. 6142.7 - Physical Education)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6142.93 - Science Instruction)*

2. Teaching methods and strategies, including the use of technologies to enhance instruction

*(cf. 0440 - District Technology Plan)*

*(cf. 6162.7 - Use of Technology in Instruction)*

3. Sensitivity to the needs of diverse student populations, including minorities, students with disabilities, English language learners and economically disadvantaged students, and ability to meet those needs

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

4. Understanding of how academic and vocational instruction can be integrated and implemented to increase student learning; skill in evaluating and combining available instructional resources; opportunities to collaborate with other staff members in the alignment of academic and vocational curricula

*(cf. 6030 - Integrated Academic and Vocational Instruction)*

5. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education

*(cf. 6020 - Parent Involvement)*

6. Effective classroom management skills, ability to relate to students, understand their various stages of growth and development, and motivate them to learn

**STAFF DEVELOPMENT** (continued)

7. Training related to student health, safety and welfare

*(cf. 3515.5 - Sex Offender Notification)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5149 - At-Risk Students)*

The district's staff development program shall provide maximum opportunities for staff participation without impacting the number of instructional days offered to students as required by law.

*(cf. 6111 - School Calendar)*

The Superintendent or designee shall develop a district staff development plan that is coordinated with school improvement objectives and school plans established with the guidance of individuals who are closest to the classroom and most knowledgeable about the needs of the school and its students.

*(cf. 0420.1 - School-Based Program Coordination)*  
*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*  
*(cf. 4131.6 - Professional Development Program)*

The Superintendent or designee shall ensure that the district meets its obligations related to the professional growth of individual probationary and permanent teachers.

*(cf. 4112.21 - Interns)*  
*(cf. 4116 - Probationary/Permanent Status)*  
*(cf. 4131.5 - Professional Growth)*

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

*(cf. 3350 - Travel Expenses)*

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and students.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

## STAFF DEVELOPMENT (continued)

### Legal Reference:

#### EDUCATION CODE

44032 Travel expense payment  
44259.5 Standards for preparation for all students  
44277-44279 Professional growth requirements for maintaining valid credentials  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44560 Inservice preparation in ethnic backgrounds  
44570-44578 Inservice training - personnel, secondary education  
44579-44579.5 Instructional Time and Staff Development Reform Program  
44580-44591 Inservice training - personnel, elementary teachers  
44630-44643 Professional Development and Program Improvement Act of 1968  
44670.1-44680.8 School personnel staff development and resource centers  
44681-44689 Administrator training and evaluation  
44700-44705 Classroom teacher instructional improvement program  
44755-44759.7 Inservice training in reading instruction, grades K-3 and 4-8  
48980 Notification of parents/guardians: schedule of minimum days  
51210 Courses of study for grades 1-6  
51220 Courses of study for grades 7-12  
51226.3 Legislative intent for staff development on the Great Irish Famine  
52800-52870 School-Based Program Coordination Act  
54720-54734 School-Based Pupil Motivation and Maintenance Program  
56240-56245 Staff development; service to persons with disabilities

#### GOVERNMENT CODE

3543.2 Scope of representation of employee organization

#### CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional time and staff development reform program  
13025-13044 Professional development and program improvement programs

#### UNITED STATES CODE, TITLE 20

6101-6251 School-to-Work Opportunities Act of 1994  
6601-6702 Dwight D. Eisenhower Professional Development Program

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

San Mateo City School District, (1984) PERB Dec. No. 375, 8 PERC 15021  
Jefferson School Districts, (1980) PERB Dec. No. 133, 4 PERC 11117

### Management Resources:

#### CTC PUBLICATIONS

California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers, 1997

#### LABOR LAW REPORTER

Public Sector Labor Relations, Matthew Bender & Co., Inc. Rel. 2-5/91, Pub. 176, Section 11.05[14]

#### WEB SITES

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



**STAFF DEVELOPMENT**

Certificated staff members will be afforded opportunities to learn both from outside sources and from each other, as district resources allow. These opportunities may include release time, leaves of absence or use of noninstructional time for:

1. Visits to other classrooms and other schools
2. Attendance at professional education conferences or committee meetings
3. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work
4. Peer conferences and/or joint staff preparation time
5. Discussions with representatives of business and community agencies for the purpose of identifying the skills, knowledge and aptitudes necessary for specific career paths and developing meaningful career-related, work-based learning experiences
6. Internships in industry and community agencies where teachers can learn how academic skills are used in the workplace

*(cf. 1700 - Relations Between Private Industry and the Schools)*

7. Travel, study and research in subject matter content and effective educational practices

*(cf. 4161.3 - Professional Leaves)*

8. Training classes and workshops offered by the district, county office of education or state projects
9. Training in institutions of higher education, including credit courses conducted in or near the district whenever possible
10. Follow-up activities that help staff to implement newly acquired skills

The Superintendent or designee shall provide an up-to-date professional library for use by staff.

**Instructional Time and Staff Development Reform Program**

The Superintendent or designee shall design a program which provides staff development opportunities for certificated classroom teachers and certificated teaching assistants on days that are not counted as instructional time. This staff development program shall meet the following conditions:

**STAFF DEVELOPMENT** (continued)

1. The program shall meet the district's educational priorities as defined by the Board of Trustees and be consistent with regulations adopted by the State Board of Education. (Education Code 44579.1)

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 6010 - Goals and Objectives)*

2. The program shall provide staff development in the academic content of the core curriculum; in instructional methods, including teaching strategies and classroom management; and in any other training designed to improve student performance. (Education Code 44579.1)

"Core curriculum areas" means those areas of study specified in Education Code 51210(a)-(g) and 51220(a)-(j). (5 CCR 6000)

3. For each staff development day provided under this program, records of attendance shall be maintained and participants shall be present for the full day. (Education Code 44579.1)

The district shall maintain a certification of the contemporaneous record of attendance of the eligible participants who attended each full staff development day for which the district requests funding. If a single staff development day is conducted over several calendar days, the contemporaneous records must evidence that each employee who participated in the staff development day was present for the equivalent of a full-time instructional work day. (5 CCR 6001)

4. Each staff development day shall be at least as long as the full-time instructional day for certificated employees of the district. However, a single staff development day may be conducted over several calendar days. (Education Code 44579.1)
5. If the staff development day is conducted after completion of an instructional day, it may not be held on a minimum day for which parents/guardians were notified pursuant to Education Code 48980. (Education Code 44579.1)

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6111 - School Calendar)*

**Beginning Teacher Support**

To support teachers who are serving in their first or second year of service and enhance their effectiveness in teaching district students, the Superintendent or designee shall: (Education Code 44279.2)

**STAFF DEVELOPMENT** (continued)

1. Develop, implement and evaluate a teacher induction program which meets the Quality and Effectiveness for Beginning Teacher Induction Program Standards adopted by the Commission on Teacher Credentialing
2. Support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession adopted by the Commission on Teacher Credentialing
3. Meet criteria for the cost-effective delivery of program services

**PROFESSIONAL GROWTH**

The Board of Trustees recognizes its obligation to help teachers meet their responsibility for fulfilling the professional growth requirements of their credentials. The Board expects that the increased competence attained by these teachers during their professional growth activities will contribute significantly to the district's educational program.

The Superintendent or designee shall maintain procedures for the selection of professional growth advisors. These procedures shall be designed to provide for the best possible match between teachers and advisors.

The Board may appoint one or more professional growth panels to participate in selecting, orienting and assisting professional growth advisors. (5 CCR 80556)

The Board may appoint one or more professional growth panels to resolve disputes between teachers and professional growth advisors. (5 CCR 80556)

The Superintendent or designee shall provide the Board with recommendations for panel membership. Panels may include administrators, teachers, parents and other members of the community.

Professional growth activities shall remain in accordance with provisions of negotiated employee contracts.

*Legal Reference:*

EDUCATION CODE

44277-44279 *Requirements for professional growth*

CALIFORNIA CODE OF REGULATIONS, TITLE 5

80550-80565 *Generally, especially:*

80550 *Professional growth requirements definitions*

80552-80553 *Specific renewal requirements*

80554-80555 *Elements of professional growth plan and professional growth record*

80556 *Professional growth advisors, and employing agencies; roles and responsibilities*

80558 *Definition of professional growth activities*

80565 *Professional service requirements*

*Management Resources:*

CTC PUBLICATIONS

*California Professional Growth Manual, second revision (1990)*

**PROFESSIONAL GROWTH**

When selecting professional growth advisors, the Superintendent or designee shall consider: (5 CCR 80556)

1. Subject matter compatibility, interest in special topics, and interactive skills
2. Proximity to the work location of the teacher and reasonable workload for the advisor

The professional growth advisor shall:

1. Advise teachers of school district and state professional growth requirements.
2. Identify growth needs of the district.
3. Assist in defining the teacher's goals and objectives for professional growth.
4. Approve all plans prior to their implementation and upon completion.

The Superintendent or designee shall provide all teachers with the names and work locations of the district's designated professional growth advisors. (5 CCR 80556)

**All Personnel**

BP 4132

4232

**PUBLICATION OR CREATION OF MATERIALS**

4332

The Board of Trustees recognizes that district employees may create copyrightable materials at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the Superintendent or designee. However, the Superintendent or designee's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered district property. (Education Code 60076, 17 USC 201)

Materials developed during both school and leisure hours are owned jointly by the employee and the district. In such cases, the Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.

The Board may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

The Board may market or license any noneducational mainframe electronic software developed by the district. Proceeds from this marketing or licensing shall be used exclusively for educational purposes. (Education Code 35182)

*Legal Reference:*

EDUCATION CODE

32360 Copyrights; use of funds

32361 Copyrights; use of employee work time

35170 Authority to secure copyrights

35182 Marketing or licensing noneducational mainframe electronic data-processing software

60076 Royalties or other compensation

LABOR CODE

2870-2872 Inventions made by an employee

UNITED STATES CODE, TITLE 17

201 Copyright Law

201(a) Copyright Law

**All Personnel**

BP 4135

4235

**SOLICITING AND SELLING**

4335

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

*(cf. 1325 - Advertising and Promotion)*

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 4137 - Tutoring)*

*(cf. 5022 - Student and Family Privacy Rights)*

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

*(cf. 5125.1 - Release of Directory Information)*

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

*(cf. 3312.2 - Educational Travel Program Contracts)*

Staff participation in “flower funds,” “anniversary funds” or other similar funds shall be voluntary.

*(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)*

*Legal Reference:*

EDUCATION CODE

*51520 Prohibited solicitations on school premises*

**All Personnel**

BP 4136

4236

**NONSCHOOL EMPLOYMENT**

4336

The Board of Trustees recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities which are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

*(cf. 1321 - Solicitation of Funds from and by Students)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4135/4235/4335 - Soliciting and Selling)*  
*(cf. 4137 - Tutoring)*

District employees shall not perform, without prior Board approval, any outside paid service which will be wholly or in part subject to the approval or control of another district employee or a district officer.

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 9270 - Conflict of Interest)*

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent or designee shall so inform the employee. An employee who continues to pursue an incompatible activity may be subject to disciplinary action. Appeals shall be addressed in accordance with law, Board policy and administrative regulations.

*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*  
*(cf. 4144/4244/4344 - Complaints)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

51520 Prohibited solicitation on school premises

GOVERNMENT CODE

1126 Incompatible activities of employees



**TUTORING**

The Board of Trustees expects teachers and other members of the instructional staff to make every effort to resolve students' learning problems at school before recommending that parents/guardians engage a tutor or other professional help. By maintaining a competent, dedicated staff and adequate instructional resources, the Board seeks to minimize the need for individual tutoring.

To preclude conflicts of interest, teachers may not accept any kind of remuneration for tutoring a student enrolled in any of their classes. Teachers who tutor other students must perform this service outside of school facilities and make their own arrangements with parents/ guardians for the fees to be charged. The Board encourages teachers to tutor only in subjects or grade levels for which they are certificated.

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

*(cf. 4135 - Soliciting and Selling)*

*Legal Reference:*

GOVERNMENT CODE

*1126 Incompatible activities of employees*

**PEER ASSISTANCE AND REVIEW**

In order to assist teachers who may need additional development in subject matter knowledge and/or teaching strategies, the Board of Trustees shall work with the local teachers' organization to establish and maintain a program of peer assistance and review linking participating teachers with exemplary teachers serving as consulting teachers. Consulting teachers shall provide sustained, intensive support including, but not limited to, multiple classroom observations, recommendations for staff development and regular meetings with participating teachers.

*(cf. 4140/4240 - Bargaining Units)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

The Superintendent or designee shall establish in accordance with law a joint teacher-administrator peer review panel to manage the program.

Board decisions regarding the continued employment of an individual participating teacher shall include consideration of the results of the individual's participation in the peer assistance and review program and the recommendations of the consulting teacher and review panel.

*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4117.4 - Dismissal)*

The Board shall coordinate policies and procedures related to the district's peer assistance and review program with other district activities for staff development, teacher support and staff evaluation.

*(cf. 4131 - Staff Development)*  
*(cf. 4315.1 - Staff Evaluating Teachers)*

*Legal Reference: (see next page)*

**PEER ASSISTANCE AND REVIEW (continued)**

*Legal Reference:*

EDUCATION CODE

44279.1-44279.7 *Beginning teacher support and assessment*

44305-44308 *Pre-internship teaching program*

44325-44328 *District intern program*

44490-44497 *Mentor teacher program*

44500-44508 *Peer assistance and review program*

44662 *Evaluation of certificated employees*

44664 *Evaluation*

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>

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

California Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

**PEER ASSISTANCE AND REVIEW**

**Joint Teacher-Administrator Peer Review Panel**

The joint teacher-administrator peer review panel shall: (Education Code 44502)

1. Select teachers to serve as consulting teachers
2. Review peer review reports prepared by consulting teachers
3. Make recommendations to the Board of Trustees regarding participants in the peer assistance and review program including forwarding to the Board the names of individuals who, after sustained assistance, have been unable to demonstrate satisfactory improvement
4. Annually evaluate the impact of the program in order to improve the program, including but not limited to, interviews or surveys of program participants, and submit any recommendations for improvement to the Board and exclusive representative of certificated employees in the district

*(cf. 4140/4240 - Bargaining Units)*

The majority of the panel shall be composed of certificated classroom teachers chosen by other certificated classroom teachers. The remainder of the panel shall be composed of school administrators chosen by the Superintendent or designee. (Education Code 44502).

**Program Participation**

Teachers may volunteer to participate in the program or may be referred as a result of an unsatisfactory rating in their performance evaluation. Teachers also may be referred pursuant to a collective bargaining agreement. (Education Code 44500)

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4315.1 - Staff Evaluating Teachers)*

A teacher participating in the program shall be a permanent employee of the district. (Education Code 44500)

**Selection of Consulting Teachers**

Consulting teachers shall be selected by the majority vote of the joint teacher-administrator peer review panel. The selection process shall include provisions for the panel to observe the candidate's classroom. (Education Code 44502)

**PEER ASSISTANCE AND REVIEW** (continued)

A teacher selected to serve as a consulting teacher shall: (Education Code 44501)

1. Have substantial recent experience in classroom instruction
2. Have demonstrated exemplary teaching ability as indicated by, at a minimum, effective communication skills, subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of students in different contexts
3. Be a credentialed classroom teacher with permanent status in the district

**Program Components**

The district's peer assistance and review program shall include: (Education Code 44500)

1. Written performance goals for an individual teacher that are clearly stated, aligned with student learning and consistent with the evaluation criteria specified in Education Code 44662
2. Assistance and review through multiple observations of a teacher during periods of classroom instruction
3. A cooperative relationship between the consulting teacher and the principal with respect to the process of peer assistance and review
4. Sufficient staff development activities to assist a teacher to improve his/her teaching skills and knowledge
5. A monitoring component with a written record

The final evaluation of a teacher's participation in the program shall be made available for placement in the teacher's personnel file. (Education Code 44500)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

**BARGAINING UNITS**

The Board of Trustees recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the district.

The Board is committed to negotiating in good faith and respecting the rights of employees and employee organizations. As required by law, the Board shall negotiate only with the exclusive representative of each bargaining unit.

*(cf. 4141/4241 - Collective Bargaining Agreement)*  
*(cf. 4143/4243 - Negotiations/Consultation)*

Employees shall not be intimidated, restrained, coerced or discriminated against, either by the district or by employee organizations, because of their membership or nonmembership in an employee organization.

*Legal Reference:*

GOVERNMENT CODE  
*3540-3549.3 Educational Employment Relations Act*

**COLLECTIVE BARGAINING AGREEMENT**

The Board of Trustees recognizes that collective bargaining agreements are legally binding, bilateral agreements. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

In order to help prepare for future negotiations, the Superintendent or designee shall identify any portions of the agreement that hinder the district's efforts to meet district goals.

*(cf. 4140/4240 - Bargaining Units)*

*(cf. 4143/4243 - Negotiations/Consultation)*

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

GOVERNMENT CODE

*3540-3549.3 Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 8

*31001-32997 Regulations of employee relations boards*

**CONCERTED ACTION/WORK STOPPAGE**

The Board of Trustees recognizes the importance of maintaining positive relations with employees, employee organizations, parents/guardians and community members throughout the collective bargaining process. In the event of an impasse in negotiations, the Board shall make a good faith effort to reach an agreement with the employee organization through participation in state mediation and factfinding procedures.

*(cf. 4141/4241 - Collective Bargaining Agreement)*  
*(cf. 4143/4243 - Negotiations/Consultation)*

During any threatened or actual withholding of services, the Board shall keep parents/guardians and community informed about the status of district negotiations, the educational program and safety measures that have been taken by the district.

When feasible, the Board desires to keep schools operating during any work stoppage. The Superintendent or designee shall take steps necessary in order to help ensure the safety of students, staff and district property during a work stoppage. Such steps shall be reported to the Board as soon as possible.

The Board recognizes that preparation is necessary to reduce disruption during a work stoppage and to ensure that students receive the education to which they are entitled. The Superintendent or designee shall develop a written plan which shall delineate actions to be taken in the event of a strike or threatened strike. The plan shall include specific responsibilities of the Board and district staff, plans to maintain district operations, appropriate student instruction and supervision, as well as communication and safety issues.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1100 - Communications with the Public)*  
*(cf. 1112 - Media Relations)*  
*(cf. 9000 - Role of the Board)*

The Board believes that employees shall be held accountable for their behavior during any labor dispute. The district may take disciplinary action against employees, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4218 - Suspension/Disciplinary Action)*

*Legal Reference: (see next page)*



**CONCERTED ACTION/WORK STOPPAGE (continued)**

*Legal Reference:*

EDUCATION CODE

35204 Contract with attorney in private practice

35205 Contract for legal services

37200-37202 Instructional days

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3543.5-3543.6 Unfair labor practices

3548-3548.8 Impasse procedures

INSURANCE CODE

10116 Employee continuation of insurance coverage

UNITED STATES CODE, TITLE 29

1161-1169 Continuation coverage and additional standards for group health plan

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

*Management Resources:*

CSBA PUBLICATIONS

Before the Strike: Planning Ahead in Difficult Negotiations, 1996

**CONCERTED ACTION/WORK STOPPAGE**

**Maintenance of District Operations**

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Board of Trustees an appropriate rate of pay for such employees for the period of the work stoppage.

*(cf. 4113 - Assignment)*  
*(cf. 4121 - Temporary/Substitute Personnel)*

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

*(cf. 6111 - School Calendar)*

**Strike Plan**

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/ guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage including potential costs, availability of qualified substitutes or other staffing, the ability to maintain the quality of the educational program and other essential services, and the ability to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining, paying and communicating with temporary or substitute employees
6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits

**CONCERTED ACTION/WORK STOPPAGE** (continued)

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*  
*(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)*  
*(cf. 4161.2/4261.2/4361.3 - Personal Leaves)*  
*(cf. 4261.1 - Personal Illness/Injury Leave)*

7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons

*(cf. 1100 - Communications with the Public)*  
*(cf. 1112 - Media Relations)*  
*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*

8. Equipment and supply needs

9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

10. Contingency plans for transportation

*(cf. 3541 - Transportation Routes and Services)*

11. Contingency plans for the provision of food services

*(cf. 3550 - Food Service/Child Nutrition Program)*

12. Identification of outside resources who may be called upon to help with school operations

13. Coordination with law enforcement and other agencies

*(cf. 1020 - Youth Services)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*

14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members

*(cf. 0450 - Comprehensive Safety Plan)*

**CONCERTED ACTION/WORK STOPPAGE** (continued)

15. Provisions for safe, effective board meetings
16. Cost estimates for the various strategies to be implemented during a work stoppage
17. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization
18. Continuation of negotiations during a work stoppage

*(cf. 4143/4243 - Negotiations/Consultation)*

19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

**Activities of Employees**

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain in his/her possession any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

*(cf. 3512 - Equipment)*

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

*(cf. 6144 - Controversial Issues)*

**CONCERTED ACTION/WORK STOPPAGE** (continued)

**Salary and Benefits**

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation. However, the district shall offer employees the option of paying their own coverage under COBRA. (29 USC 1161-1169)

If the district determines that it will withhold its contributions to employees' life and disability insurance, employees shall be offered an opportunity to retain these coverages by paying the contributions themselves. (Insurance Code 10116)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, he/she shall be entitled to continued payment as long as he/she remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

**NEGOTIATIONS/CONSULTATION**

The Board of Trustees is legally responsible for negotiating in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

*(cf. 4140/4240 - Bargaining Units)*

The Board recognizes its responsibility to represent the public's interests in the collective bargaining process. The Board and/or Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations affect district goals.

*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*  
*(cf. 4143.1/4243.1- Public Notice - Personnel Negotiations)*

In reaching agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

*(cf. 0200 - Goals for the School District)*  
*(cf. 3100 - Budget)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

The Board endorses and uses an interest-based, nonadversarial approach to collective bargaining. The goal of negotiations shall be to reach an agreement which meets the interests of all concerned.

The Board believes that effective negotiations require the input of all levels of the administration. The Board shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Board with its bargaining team shall establish standards of conduct pertaining to the negotiations process for individual Board members and members of the bargaining team. Meetings related to negotiations are not subject to state open meeting laws and shall be held in closed session. Matters discussed in these meetings shall be kept in strict confidence.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions and may initiate proposals which promote the realization of district goals. The Board shall closely monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term goals.

**NEGOTIATIONS/CONSULTATION** (continued)

**Consultation**

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum and the selection of textbooks.

*(cf. 6010 - Goals and Objectives)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 9311 - Board Policies)*

*Legal Reference:*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS**

Because the Board of Trustees has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member.

*(cf. 1100 - Communication with the Public)*  
*(cf. 1112 - Media Relations)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*  
*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*  
*(cf. 4143/4243 - Negotiations/Consultation)*  
*(cf. 9000 - Role of the Board)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

**Public Notice**

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public meeting and shall thereafter be public records. (Government Code 3547)

*(cf. 1340 - Access to District Records)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*  
*(cf. 9321.1 - Closed Session Actions and Reports)*

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each member's vote also shall be made public within 24 hours. (Government Code 3547)

**Public Disclosure**

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including but not limited to the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.



**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS** (continued)

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

**Certification of Agreement**

Before the Board approves any agreement, the Superintendent and chief business official shall certify in writing that any costs incurred by the district under the agreement can be met by the district during the term of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

(cf. 3460 - Financial Reports and Accountability)

*Legal Reference:*

EDUCATION CODE

42130-41234 Financial reports and certifications

GOVERNMENT CODE

3540.2 Meeting and negotiating in public educational employment

3547 Proposals relating to representation; informing public

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

*Management Resources:*

CDE MANAGEMENT ADVISORIES

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

CSBA PUBLICATIONS

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

Maximizing School Board Leadership: Collective Bargaining, 1996

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS**

The Superintendent or designee shall prepare a summary of the proposed agreement which shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
  - a. Direct increases in salaries and percentage change in on-schedule salaries
  - b. Changes in health and welfare benefits
  - c. Changes in health and welfare benefit dollar contributions by the district
  - d. Changes in step and column or longevity provisions
  - e. Changes in overtime, differential, callback, and standby pay provisions
  - f. Changes in staffing ratios
  - g. One-time bonuses or off-the-schedule increases
2. Other provisions that will result in increased costs to the district even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation, and other noncompensation costs, including percent increase of total compensation (salaries, benefits, and other compensation provisions) for the average represented employee as a result of the settlement and the approximate cost to the district of providing a one percent increase in total compensation
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
5. Other major provisions that do not directly affect the district's costs, such as binding arbitration or grievance procedures

A copy of the summary shall be provided to the County Superintendent of Schools.

A copy of the Board policy implementing the public notice requirements shall be available in the district office. (8 CCR 32900)

**All Personnel**

BP 4144

4244

**COMPLAINTS**

4344

The Board of Trustees recognizes the need for providing employees with a complaint process.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*Legal Reference:*

GOVERNMENT CODE

*3543 Public school employees' rights*

*3543.1 Rights of employee organizations*

*53296 Definitions*

*53297 Filing complaint*

*53298 Reprisals*

*53298.5 Violations; punishment*

**All Personnel**

AR 4144(a)

4244

**COMPLAINTS**

4344

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Board of Trustees, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.
3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.
6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

**Informal Complaints**

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

## **COMPLAINTS** (continued)

### **Formal Complaint Procedure - Step 1**

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

### **Formal Complaint Procedure - Step 2**

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

### **Formal Complaint Procedure - Step 3**

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

*(cf. 9321 - Closed Session Purposes and Agendas)*

AR 4144(c)  
4244  
4344

**COMPLAINTS** (continued)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

**All Personnel**

BP 4151

4251

**EMPLOYEE COMPENSATION**

4351

In order to secure and hold staff committed to student learning, the Board of Trustees recognizes the importance of an attractive compensation package which includes salaries, health benefits and other amenities.

The Board shall adopt separate salary schedules for certificated, classified, and management/supervisory/confidential personnel. These schedules shall comply with law and negotiated agreements and shall be printed and made available for inspection at the district office. Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

*(cf. 4121 - Temporary/Substitute Personnel)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

District employees must work full time for 15 years prior to retirement in order to qualify for retirement benefits. Upon retirement, employees of retirement age who have worked in the district for 15 years are eligible for health care benefits up to age 65.

*Legal Reference:*

EDUCATION CODE

*44492-44494 Mentor teacher stipends*

*44977 Salary deductions during absence*

*45022-45061 Salaries, especially:*

*45023 Availability of salary schedule*

*45028 Salary schedule for certificated employees*

*45030 Salary schedule for substitutes*

*45032 Power of governing board to increase salaries*

*45160-45169 Salaries for classified employees*

*45268 Salary schedule for classified service in merit system districts*

GOVERNMENT CODE

*3540-3549 Meeting and negotiating, especially:*

*3543.2 Scope of representation*

*3543.7 Duty to meet and negotiate in good faith*

**All Personnel**

BP 4154(a)  
4254  
4354

**HEALTH AND WELFARE BENEFITS**

The district shall provide health and welfare benefits for certificated and classified employees in bargaining units in accordance with state and federal law and subject to negotiated employee agreements.

*(cf. 4140/4240 - Bargaining Units)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

Employees who are not in bargaining units shall receive the same benefits as those specified in the appropriate collective bargaining agreement for employees of a similar employment status.

The Superintendent or designee shall maintain the confidentiality of employee health records in accordance with law.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

**Retired Employees**

Retired employees and other qualified persons may continue to participate in the district's group health and welfare benefit plan and dental care benefit plan in accordance with state and federal law. The Superintendent or designee shall advise employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes in accordance with law and administrative regulation.

The district contribution toward continuation health coverage for covered employees or qualified beneficiaries under this program shall be the same as for current employees participating in the group health plan.

*Legal Reference: (see next page)*



## **HEALTH AND WELFARE BENEFITS (continued)**

*Legal Reference:*

EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

35208 Liability insurance

35214 Liability insurance (self-insurance)

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

44986 Leave of absence for disability allowance applicant

45136 Benefits for classified

FAMILY CODE

297.5 Rights, protections and benefits under law

GOVERNMENT CODE

22750-22944 Public Employees' Medical and Hospital Care Act, especially:

22931 Application of education code provisions relating to inclusion of certain retirees in local health and welfare benefit plans

53200-53210 Group insurance

HEALTH AND SAFETY CODE

1366.20-1366.28 Cal-COBRA program, health insurance

1373.621 Continuation coverage, age 60 or older after five years with district

INSURANCE CODE

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.58 Cal-COBRA program, disability insurance

LABOR CODE

2120-2200 Health Insurance Act of 2003

UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

UNITED STATES CODE, TITLE 26

4980B Failure to satisfy continuation coverage

UNITED STATES CODE, TITLE 29

1161-1168 COBRA continuation coverage

UNITED STATES CODE, TITLE 42

1395-1395g Medicare benefits

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

*Management Resources:*

WEB SITES

California Department of Industrial Relations: <http://www.dir.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

**All Personnel**

AR 4154(a)

4254

**HEALTH AND WELFARE BENEFITS**

4354

**Retired Certificated Employees**

The district's health and welfare benefit plan and dental care benefit plan provided for certificated employees shall permit enrollment by any former certificated employee who retired under any public retirement system and to his/her spouse. In addition, the plan shall be available to any surviving spouse of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. In addition, the Superintendent or designee shall annually select a one-month period during which former employees or their spouses may elect to enroll in the health or dental plan or change their enrollment from one plan to another. (Education Code 7000)

If a retired certificated employee or surviving spouse fails to enroll during the initial enrollment period, further opportunity to do so may be denied. A person who has previously received but then voluntarily terminated coverage also may be excluded from obtaining further coverage. (Education Code 7000)

**Continuation of Coverage**

Qualified district employees, their spouses and/or their dependent children shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (26 USC 4980B; Health and Safety Code 1366.23; Insurance Code 10128.53)

1. The death of a covered employee
2. The termination other than by reason of the employee's gross misconduct or reduction in hours of the covered employees employment

*(cf. 4117.4 - Dismissal)*

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

3. The divorce or legal separation of a covered employee
4. A covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of a covered employee

**HEALTH AND WELFARE BENEFITS** (continued)

The Superintendent or designee shall notify the plan administrator when a qualifying event has occurred, except that a qualified beneficiary or covered employee shall notify the plan administrator regarding a change in dependent child status, or a divorce or legal separation, within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B)

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (26 USC 4980B; Health and Safety Code 1366.23)

Continuation coverage shall apply as provided by law and by the district's insurance.

However, a former employee who worked for the district for at least five years and who is age 60 or older on the date employment ends, or his/her spouse or former spouse, may continue benefits until he/she reaches age 65, becomes covered under any other group health plan or becomes entitled to Medicare benefits, or five years after continuation coverage was scheduled to end for the spouse, whichever occurs first. (Health and Safety Code 1373.621)

**Disability Insurance**

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy or nonoccupational illness or injury. (Unemployment Insurance Code 2613)

*(cf. 4161 - Leaves)*

*(cf. 4161.1/4261.1 - Personal Illness/Injury Leave)*

*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*

*(cf. 4261.1 - Personal Illness and Injury Leave)*

*(cf. 4361 - Leaves)*

When disabled by an injury resulting from a violent act sustained while performing their job duties, certificated and classified employees may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

**All Personnel**

BP 4156.2

4256.2

**AWARDS AND RECOGNITION**

4356.2

The Board of Trustees believes the district's employees are its most valuable resource and encourages recognition of the services they provide. The Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with Board policy and administrative regulations.

*(cf. 1150 - Commendations and Awards)*

*(cf. 3300 - Expenditures/Expending Authority)*

The Board authorizes awards to employees who: (Education Code 44015)

1. Propose ideas or procedures which eliminate or reduce district expenditures or improve district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations
4. Provide exemplary service or instruction to students.

The Superintendent or designee shall recommend individuals to the Board for such awards.

The Superintendent or designee shall establish regulations governing employee awards.

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*35161 Powers and duties generally*

*44015 Awards to Employees*