

CVUSD Board Policy

BP 4113

Personnel

Assignment

Note: Education Code 35035 gives the Superintendent or designee the authority to assign personnel subject to Board approval.

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, experience, and aptitude qualify them.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

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

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement.

(cf. 4141/4241- Collective Bargaining Agreement)

The Board encourages the assignment of experienced and fully credentialed teachers, including those who have attained National Board for Professional Teaching Standards certification, to schools with the greatest need to improve student achievement.

Note: If teachers are newly hired to teach core academic subjects in programs supported by Title I funds, or are assigned to teach core academic subjects in any classroom after the 2005-06 school year, the district must use criteria specified in the No Child Left Behind Act (20 USC 6319, 7801; 34 CFR 200.55-200.57) and 5 CCR 6100-6126 to ensure that these teachers have demonstrated subject matter competence in each subject to be taught and have met other qualifications. See BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.

Teachers shall be assigned to teach core academic subjects in Title I and non-Title I programs in accordance with the requirements of the No Child Left Behind Act pertaining to teacher qualifications. (20 USC 6319, 7801; 5 CCR 6100-6126)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 6171 - Title I Programs)

***Note: Education Code 44258.3 allows the Board to assign the holder of a credential other than an emergency permit to teach any subjects in departmentalized classes in any of grades K-12, with the teacher's consent, provided that the Board first verifies that the teacher has adequate knowledge of each subject to be taught. If the district makes such assignments, Education Code 44258.3 mandates the Board to establish policies and procedures for verifying the adequacy of these teachers' subject knowledge. ***

The Superintendent or designee may assign holders of a credential other than an emergency permit, with their consent, to teach subjects outside their credential authorization in departmentalized classes. The Superintendent or designee shall, with the assistance of subject matter specialists, develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made. (Education Code 44258.3)

***Note: As amended by AB 3001 (Ch. 902, Statutes of 2004), Education Code 44258.9 provides that the County Superintendent of Schools is responsible for monitoring district teacher assignment practices and vacancies, as defined in Education Code 33126, and reporting the results to the Commission on Teacher Credentialing (CTC). As amended by SB 512 (Ch. 677, Statutes of 2005), Education Code 44258.9 requires the County Superintendent of Schools to annually monitor and review assignment practices in (1) schools and districts likely to have problems with teacher misassignment and vacancies based on past experience and other available information and (2) schools ranked in deciles 1-3 Academic Performance Index. In all other schools, such review of assignment practices must be on a four-year cycle. In addition, Education Code 44258.9, as amended, requires the County Superintendent to investigate district efforts to ensure that a teacher in an assignment requiring a certificate or training to teach English learners completes the necessary requirements. In counties in which there is a single school district, the CTC is responsible for monitoring teacher assignments. ***

Note: Education Code 33126, as amended by SB 550 (Ch. 900, Statutes of 2004), requires that misassignments and vacancies be reported on the School Accountability Report Card. Also, Education Code 35186, as added by SB 550, requires districts to develop procedures by which a parent/guardian can file a complaint related to teacher misassignments or vacancies. See AR/E 1312.4 - Williams Uniform Complaint Procedures.

Note: Pursuant to Education Code 44258.9, the County Superintendent is required to notify any certificated administrator responsible for a misassignment and advise him/her to correct it within 30 calendar days. The County Superintendent is also required to notify the Superintendent of any district where 5 percent or more of the certificated teachers in the secondary schools are misassigned, advising him/her to correct the misassignments within 120 calendar days. If a teacher believes he/she has been misassigned, he/she is authorized, after exhausting any local remedies, to file a written notification with the County Superintendent, who must advise the teacher as to the legality of the assignment within 15 working days.

The Superintendent or designee shall periodically report to the Board on any teacher misassignments or vacancies. He/she shall report to the Board the results of the County Superintendent's review of district misassignments and vacancies, and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Committee on Assignments

The Superintendent or designee may establish a committee on assignments which may grant approval for the voluntary assignment of full-time teachers to teach one or more elective courses outside their credential authorization in an area for which they have special skills or preparation. (Education Code 44258.7)

Legal Reference:

EDUCATION CODE

33126 School accountability report card
35035 Additional powers and duties of superintendent
35186 Complaint process
37616 Assignment of teachers to year-round schools
44225.6 Commission report to the legislature re: teachers
44250-44277 Credentials and assignments of teachers
44395-44398 Incentives for assigning NBPTS-certified teachers to high-priority schools
44824 Assignment of teachers to weekend classes
44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

Management Resources:

WEB SITES

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

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

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

CSBA: (3/01 3/04) 11/04

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