

CVUSD

Board Policy

BP 4313.2

Personnel

Demotion/Reassignment

***Note: The following optional policy and administrative regulation do not address the "transfer" of an administrative or supervisory employee to an identical position at a different location. Such transfers are addressed at BP/AR 4314 - Transfers. The determination as to whether an action is a "transfer to an identical position" or a "demotion/reassignment" is complex and dependent on the facts of the situation (e.g, placement on the salary schedule). Districts should proceed cautiously and consult legal counsel as appropriate. ***

Note: Pursuant to 20 USC 6316 and Education Code 52055.57, schools and districts that have been identified for program improvement and fail to make "adequate yearly progress" are subject to "corrective actions." One such "corrective action" may be the reassignment of school staff. See BP/AR 0520.2 - Title I Program Improvement Schools and BP/AR 0520.3 - Title I Program Improvement Districts. In addition, pursuant to Education Code 52055.5 and 52055.650, a principal of a school participating in either the Immediate Intervention/Underperforming Schools Program or High Priority Schools Grant Program may be reassigned if that school fails to make "sufficient progress." See BP/AR 0520 - Intervention for Underperforming Schools and BP/AR 0520.1 - High Priority Schools Grant Program.

Note: When an administrator is to be returned to the classroom the following year, courts have held that the Board must authorize the reassignment and notice must be given in accordance with Education Code 44951, as specified in the accompanying administrative regulation.

The Governing Board may authorize the demotion or reassignment of any administrative or supervisory employee upon the recommendation of the Superintendent or designee and when such action is determined to be in the best interest of the district.

(cf. 0520.1 - High Performing Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 4300 - Administrative and Supervisory Personnel)
(cf. 4312.1 - Contracts)
(cf. 4314 - Transfers)

The Superintendent or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures when an employee is to be demoted or reassigned.

Legal Reference:

EDUCATION CODE

35031 Senior management employee in the classified service: nonreelection
44660-44665 Evaluation and assessment of performance of certificated employees
44850.1 No tenure in administrative or supervisory positions
44896 Transfer of administrator or supervisor to teaching position
44897 Classification of administrator or supervisor to a teaching position
44951 Continuation in position unless notified
45101 Definitions (including disciplinary action, cause)
45113 Rules for classified service in districts not incorporating the merit system
52055.5 Meeting or exceeding growth requirements
52055.650 Review by state board
52055.57 Districts identified or at risk of identification for program improvement

UNITED STATES CODE, TITLE 20

6316 School and district improvement

COURT DECISIONS

Jefferson v. Compton Unified School District, (1993) 14 Cal. App. 4th 32
Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768
Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348
Skelly v. California Personnel Board, (1975) 15 Cal.3d 194
Hentschke v. Sink, (1973) 34 Cal. App. 3d 19

CSBA: (7/86 10/94) 3/07

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