

# CSBA Sample Board Policy

## Certificated Personnel

BP 4113(a)

### ASSIGNMENT

Note: Education Code 35035 gives the Superintendent or designee the authority to assign personnel subject to Governing Board approval. The following **optional** policy may be revised to reflect district practice.

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, professional experience, and aptitude qualify them.

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

*(cf. 4112.22 - Staff Teaching English Language Learners)*

*(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 or Board policy.

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

### Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

~~Note: All teachers assigned to teach core academic subjects are required to fulfill qualifications for "highly qualified teachers" (HQT) specified in the No Child Left Behind Act pursuant to 20 USC 6319 and 7801, 34 \*CFR 200.55-200.57, and 5 CCR 6100-6126; see BP/AR/E 4112.24 Teacher Qualifications Under the No Child Left Behind Act.~~

~~Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)~~

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

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Note: The Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual describes "local teaching assignment options" available to districts when assigning a teacher outside his/her credential authorization. See the accompanying administrative regulation for requirements pertaining to assignments to

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departmentalized classes in grades K-12 (Education Code 44258.3) or elective courses (Education Code 44258.7).

According to the CTC manual, it is inappropriate to use a local teaching assignment option for an individual who holds an emergency permit, provisional internship permit (PIP), or short-term staff permit (STSP). For information about the circumstances under which persons holding these permits may be employed, see BP/AR 4112.2 - Certification. If a district uses a local teaching assignment option for a holder of an internship credential, the CTC cautions that the district must ensure that the individual meets the specific requirements of the teaching assignment option as well as the requirements of the internship credential; see BP/AR 4112.21 - Interns for further information about internship programs.

The CTC manual indicates that a district may use the options at its discretion. The following paragraph may be revised to reflect options available in the district.

**When specifically authorized by law or regulation,** the Superintendent or designee may assign a teacher, with his/her consent, to a position outside his/her credential authorization when specifically authorized by law or regulation, and in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's **(CTC) Administrator's Assignment Manual**. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

*(cf. 3580 - District Records)*

Note: Education Code 44258.9 provides that the County Superintendent of Schools is responsible for monitoring district assignment practices and vacancies, as defined in Education Code 33126, and reporting the results to the CTC. Pursuant to Education Code 44258.9, the County Superintendent must annually monitor and review assignment practices in (1) schools and districts likely to have problems with teacher misassignment (i.e., placement of a certificated employee in a position for which he/she does not hold a legally recognized certificate or credential or is not otherwise authorized by statute to hold) and vacancies based on past experience and other available information, and (2) schools ranked in deciles 1-3 on the statewide Academic Performance Index **(API). However, the API has been suspended pending transition to a new state accountability system.** All other schools undergo review of assignment practices on a four-year cycle. In counties in which there is a single school district, the CTC is responsible for monitoring teacher assignments.

Education Code 44265.1, as amended by AB 2302 (Ch. 41, Statutes of 2008), expands the reporting requirement to include a report when students with autism are taught by a teacher whose credential authorizes instruction to students with mild/moderate disabilities rather than moderate/severe disabilities; see AR 4112.23 - Special Education Staff.

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Education Code 33126 requires that vacancies and misassignments be reported on the School Accountability Report Card. Also, Education Code 35186 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.

Pursuant to Education Code 44258.9, the County Superintendent is required to notify any certificated

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## ASSIGNMENT (continued)

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 five 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 teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or **Commission on Teacher Credentialing CTC**, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

## Equitable Distribution of Qualified Teachers

Note: **Items #1-4 below reflect actions required under California's approved Revised State Plan for the No Child Left Behind Act, developed pursuant to 20 USC 6311, to ensure that poor, minority, and/or underperforming students are not taught by inexperienced, underqualified, or out of field teachers at higher rates than are other students in the district. As a part of these efforts, the California Department of Education (CDE) may require districts to develop a Board policy that addresses the assignment of interns and persons holding a PIP or STSP, as provided in items #2 and 3 below. The following section may be revised to reflect district practice. 20 USC 6312, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), maintains the requirement that the Title I local educational agency (LEA) plan include a description of how the district will identify and address, consistent with the state's ESSA plan, any disparities that result in low-income or minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers. The LEA plan will be transitioned out at the end of the 2016-17 school year. According to the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), districts will meet Title I planning requirements through the local control and accountability plan and the consolidated application reporting system beginning with the 2017-18 school year.**

**According to the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), the approved State Plan to Ensure Equitable Access to Excellent Educators remains in effect through the 2016-17 school year and states may, but are not required to, amend the plan. The CDE's transition plan indicates that districts will not be required to**

participate in the state's Compliance Monitoring, Interventions and Sanctions (CMIS) program in the 2016-17 school year and that the CDE intends to update the CMIS with new guidelines.

~~In order to~~ **The Superintendent or designee shall** ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. ~~the Superintendent or designee shall:~~ He/she shall annually report to the Board ~~and~~

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## ASSIGNMENT (continued)

~~the California Department of Education (CDE)~~ comparisons of teacher qualifications across district schools, **including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.**

*(cf. 0520.2 - Title I Program Improvement Schools)*

**Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.**

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 4111 - Recruitment and Selection)*

*(cf. 4114 - Transfers)*

*(cf. 4131 - Staff Development)*

*(cf. 4131.1 - ~~Beginning Teacher Support/Induction~~Teacher Support and Guidance)*

*(cf. 6171 - Title I Programs)*

- ~~1. Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long term solutions for ensuring that all core academic classes will be taught by highly qualified teachers~~
- ~~2. Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide Academic Performance Index~~
- ~~3. Not place interns in high poverty, low performing schools in greater numbers than in schools with low poverty or higher academic achievement~~
- ~~4. Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard to staff schools~~

~~Note: All districts are required to submit to the CDE a worksheet, available on the web site of the Santa Clara County Office of Education's Personnel Management Assistance Team, listing teachers' education levels, years of teaching experience, credential types and authorizations, and compliance with HQT requirements when~~

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applicable. Additional worksheets may need to be submitted and additional actions taken depending on whether the district is fully compliant with HQT requirements and has met adequate yearly progress (AYP) requirements; see definition of AYP in AR 0520.2 Title I Program Improvement Schools. In accordance with criteria developed by the CDE, Level A districts, those that are not fully compliant with HQT requirements but have met AYP, are not required to submit an equitable distribution plan. Level B districts, those that have failed to meet AYP and HQT for two consecutive years, must submit an equitable distribution plan. Level C districts, those that have failed to meet AYP and HQT for three consecutive years, must fully implement their equitable distribution plan and must develop a Title II, Part A budget in agreement with the CDE. The following **optional** paragraph may be revised to reflect district practice.

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**ASSIGNMENT** (continued)

The Superintendent or designee shall annually report to the Board and the California Department of Education (CDE) comparisons of teacher qualifications across district schools. When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified teachers in low-performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high-need schools in accordance with law and the collective bargaining agreement, and/or may align district resources to improve the skills and qualifications of teachers at those schools.

*Legal Reference: (see next page)*

**ASSIGNMENT** (continued)

*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  
44314 Subject matter programs, approved subjects  
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~~

80003-80005 Credential authorizations

80020-80020.5 Additional assignment authorizations

80335 Performance of unauthorized professional services

80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan

**6312 Local educational agency plans**

~~6319 Highly qualified teachers~~

6601-6651 Teacher and Principal Training and Recruiting Fund

~~7801 Definitions, highly qualified teacher~~

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.55-200.57 Highly qualified teachers~~

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

**California State Plan to Ensure Equitable Access to Excellent Educators**

~~Revised State Plan for the No Child Left Behind Act, rev. September 2008~~

**Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016**

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

**Administrator's Assignment Manual - Updates and Revisions, May 2014**

~~The Administrator's Assignment Manual, rev. September 2007~~

U.S. DEPARTMENT OF EDUCATION GUIDANCE

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***Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, May 4, 2016***

*Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006*

***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>

~~Santa Clara County Office of Education, Personnel Management Assistance Team:~~

~~<http://www.sccoe.org/depts/pmat>~~

U.S. Department of Education: <http://www.ed.gov>

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**Policy Reference UPDATE Service**

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