

TEMPORARY/SUBSTITUTE PERSONNEL

Hiring

The Governing Board may employ substitute certificated personnel to fill positions of regularly employed persons absent from service. (Education Code 44917)

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

In addition, after September 1 of any school year, the Board 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)

During the period of their preferred right to reappointment, permanent and probationary certificated employees who have been laid off due to a reduction in force shall be offered prior opportunity for substitute service. (Education Code 44955, 44956, 44957)

(cf. 4117.3 - Personnel Reduction)

Classification

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one school year. Persons whose service begins in the second semester and before March 15 may be classified as temporary employees 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 semester 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 semester (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 semester (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)

TEMPORARY/SUBSTITUTE PERSONNEL (continued)

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)

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

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

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 positions 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)

All persons employed on a substitute or temporary basis in a capacity designated in his/her credential shall 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)

Qualifications for Special Education

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

TEMPORARY/SUBSTITUTE PERSONNEL (continued)

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 school days unless, upon application by the district, a 20-day extension is approved by the Superintendent of Public Instruction. In extraordinary circumstances the district may seek an extension longer than 20 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 and second priority to substitute teachers with any other special education credential. If no substitute with a special education credential is available, the district shall use a substitute teacher 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)

If an employee who was previously laid off due to a reduction in force serves as a substitute employee for 21 days or more within a period of 60 school days, he/she shall receive compensation at a rate equal to or greater than the amount he/she would have received upon reappointment. (Education Code 44956)

Temporary employees shall participate in the health and welfare plans or other fringe benefits of the district.

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

Granting Probationary Status

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 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)

TEMPORARY/SUBSTITUTE PERSONNEL (continued)

Temporary employees 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 probationary employees if the duties continue beyond the those time limits. (Education Code 44919)

Release from Employment/Dismissal

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

The Board may release temporary employees at its discretion if such employees have served less than 75 percent of the school year. Temporary employees who have served 75 percent or more of the school year may be released as long as such employees are notified before the end of the school year of the district's decision not to reelect them 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 at least 75 percent of the previous school year 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, temporary or substitute employees who were released pursuant to Education Code 44954 but who have 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)

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*
- 44845-44846 Criteria for reemployment preferences*
- 44914 Substitute and probationary employment in 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*

Personnel

BP 4127 (a)
4227
4327

TEMPORARY ATHLETIC TEAM COACHES

The Governing Board recognizes the importance of hiring qualified temporary athletic team coaches for the district's sports program in order to enhance the knowledge, skills, motivation, and safety of student athletes.

(cf. 6142.7 - Physical Education and Activity)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee may employ a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

(cf. 4121 - Temporary/Substitute Personnel)

The Superintendent 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 the proper credential or Activity Supervisor Clearance Certificate and 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)

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

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

Qualifications

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, obtain a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

TEMPORARY ATHLETIC TEAM COACHES (continued)

An individual who possesses a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have satisfied district requirements for the criminal background check. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4212.5 - Criminal Record Check)

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

Personnel

AR 4127(a)
4227
4327

TEMPORARY ATHLETIC TEAM COACHES

At the first regular Governing Board 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 5593). By April 1 of each year the Board shall certify to the State Board of Education that the provisions of 5CCR 5593 have been met (5 CCR 5594)

Qualifications

The Superintendent or designee shall establish minimum qualification criteria for temporary athletic team coaches. These criteria shall include, but not necessarily be limited to, competencies in the following areas: (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:

TEMPORARY ATHLETIC TEAM COACHES (continued)

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

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such 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)

Additional Competencies for Noncertificated Personnel

In addition to the qualifications 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)

Beginning July 1, 2010, any noncertificated employee or volunteer who supervises, directs, or coaches an interscholastic athletic team shall be required to obtain a Department of Justice and Federal Bureau of Investigation criminal background check in accordance with Board policy. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

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

TEMPORARY ATHLETIC TEAM COACHES (continued)

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
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
(*cf. 5131.63 - Steroids*)
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 Governing Board 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.

Upon recommendation of the Superintendent, the Governing Board 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 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 will work the equivalent of half of the school days required of full-time teachers and will perform a proportionate share of adjunct duties.
2. 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.
3. 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.
4. 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

Each eligible teacher will be required to participate in the district's medical, dental, and/or vision plan as per negotiated contract provisions. District-paid premiums may be prorated, based on the number of days or hours worked. In a job-share, one teacher may decline district-paid benefits and the other may receive district-paid benefits. The district's cost shall not exceed the cost of a one full-time teacher/benefits.

STAFF DEVELOPMENT

The Governing Board 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 - Family Life/Sex Education)
(cf. 6142.2 - 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 students of racial and ethnic groups, students with disabilities, English language learners and economically disadvantaged students, gifted and talented students, and at risk students, and ability to meet those needs

(cf. 4112.22/4212.22 - 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)

STAFF DEVELOPMENT (continued)

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

7. Ability to interpret and use data and assessment results to guide instruction

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

(cf. 6162.5 – Student Assessment)

8. 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 Reporting Procedures)

(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 by 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. 0420.2 - School Improvement Program)

(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 - District Interns)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4131.5 - Professional Growth)

(cf. 4138 - Mentor Teachers)

STAFF DEVELOPMENT (continued)

The Superintendent or designee shall provide staff development and support to teachers which contributes to competence, performance, and effectiveness in teaching and classroom assignments and, as necessary, assists them in meeting state or federal requirements to be fully qualified for their positions.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

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

(cf. 4131.1 - Beginning Teacher Support/Induction)

(cf. 4138 - Mentor Teachers)

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>

Policy
adopted: July 10, 2001
Revised: February 19, 2009

PALERMO UNION SCHOOL DISTRICT
Palermo, California

STAFF DEVELOPMENT

The Superintendent or designee shall ensure that certificated staff members have opportunities to learn both from outside sources and from each other. 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. Travel, study and research in subject matter content and effective educational practices

(cf. 4161.3 - Professional Leaves)

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

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

Professional Development 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:

1. The program shall meet the district's educational priorities as defined by the Governing Board 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)

STAFF DEVELOPMENT (continued)

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 as per the Single School Plan for Student Achievement and goals and objectives in the LEA Plan. (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. (Education Code 44579.1)

(cf. 5145.6 - Parental Notifications)

(cf. 6111 - School Calendar)

Mathematics and Reading Professional Development Program

With the approval of the State Board of Education, the district shall offer or contract with a training provider to provide professional development to teachers, instructional aides, and paraprofessionals who directly assist with classroom instruction in mathematics and/or reading. (Education Code 99232, 99237)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

The program shall provide 40 hours of professional development per subject area focused primarily on the statewide academic content standards for mathematics or English language arts, state curriculum frameworks for mathematics or English language arts, and instructional materials aligned to mathematics or English language arts content standards. The program shall include instructional strategies designed to help all students gain mastery of the state content standards, with special emphasis on English language learners and students with disabilities. (Education Code 99237; 5 CCR 11984)

(cf. 6011 - Academic Standards)

Within two years of completing the above professional development, participating teachers shall complete 80 hours of follow-up instruction, coaching, or additional school-site assistance based on individual teacher or school needs as appropriate. (Education Code 99237, 99237.6)

STAFF DEVELOPMENT (continued)

Contingent upon state funding, teachers of English language learners who have completed at least the initial 40 hours of professional development described above may receive an additional 40 hours of instruction, follow-up instruction, and support in mathematics and reading/language arts instruction. Completion of the English learner professional development may be counted toward the 80-hour follow-up training requirement described above. (Education Code 99237.5; 5 CCR 11981.3, 11985)

The Superintendent or designee shall retain and submit preprogram and postprogram student achievement data to the California Department of Education upon request. He/she also shall retain, for no less than five years, all records related to the professional development provided to all program participants, including, but not limited to: (5 CCR 11982)

1. The number of hours of training attended
2. Attendance records
3. Subject content
4. The dates of each training session taken by teachers and paraprofessionals
5. The name(s) of the providers

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

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)

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

Regulation
approved: July 10, 2001
Revised: February 19, 2009

PALERMO UNION SCHOOL DISTRICT
Palermo, California\

PROFESSIONAL GROWTH

The Governing Board 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)

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)

adopted: July 10, 2001
Certificated Personnel

Palermo, California
AR 4131.5

PROFESSIONAL GROWTH

When selecting professional growth advisors, the Superintendent 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 Governing Board 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. However, the Superintendent'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 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.

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

(cf. 4137 - Tutoring)

Staff shall not distribute promotional, political, controversial or other noninstructional materials unless approved by the Superintendent.

(cf. 1325 - Advertising and Promotion)

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

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 a private business 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.

Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds" and the like shall be a matter of individual discretion.

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises

All Personnel

BP 4136(a)

4236

NONSCHOOL EMPLOYMENT

4336

The Governing Board 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)

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with his/her immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent 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)

NONSCHOOL EMPLOYMENT (continued)

Tutoring

Other than extra duty after contract hours, a certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es). An employee who wishes to tutor another district student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use district facilities, equipment, or supplies when providing the tutoring service.

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 Governing Board 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

BARGAINING UNITS

The Governing Board 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 Governing Board 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 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 Governing Board 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 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 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 Governing Board 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 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 Governing Board 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 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 Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed and encouraging public comment throughout the negotiations process. The Board shall inform the public about contract proposals and shall disclose the major provisions of the proposed agreement as required by law.

(cf. 1100 - Communication with the Public)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)
(cf. 4143/4243 - Negotiations/Consultation)

Public Notice of Initial Proposals

All initial contract proposals of the Governing 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)

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

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

(cf. 4143/4243 - Negotiations/Consultation)

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 of Proposed Agreement

Before entering into a negotiated agreement, 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)

In order to provide reasonable time for public review, the district shall make available to the public a copy of the proposed agreement at least 10 days prior to a meeting.

PUBLIC NOTICE - PERSONNEL NEGOTIATIONS (continued)

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 and shall submit the certification to the Board prior to the Board's approval 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:

GOVERNMENT CODE

3547 *Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations*

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

PUBLIC NOTICE - PERSONNEL NEGOTIATIONS

Public Disclosure of Proposed Agreement

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

1. Major provisions of the agreement that affect compensation, such as the percentage change in salaries; changes in health and welfare benefits; changes in health and welfare benefit dollar contributions by the district; changes in step and column or longevity provisions; changes in overtime, differential, callback and standby pay provisions; changes in staffing ratios; one-time bonuses or off-the-schedule increases; percentage change of total compensation for the average represented employee
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, for salaries, benefits, other compensation and other noncompensation costs, including percentage increase of total compensation (salaries, benefits, and other compensation provisions) for the average represented employee as a result of the agreement 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 grievance procedures

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

All Personnel

BP 4144

4244

COMPLAINTS

4344

The Governing Board 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 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 Governing Board, 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.

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.

COMPLAINTS (continued)

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 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 a report describing attempts to resolve the complaint at Step 1.

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

The Superintendent 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 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)

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 Governing Board 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.

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 4141/4241 - Collective Bargaining Agreement)

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. Benefits will be provided in accordance with negotiated employee agreements.

Benefits for employees who are not in bargaining units shall be the same unless otherwise specified in Board policy or individual contract.

The Superintendent or designee shall advise all employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes.

Retired Certificated Employees

The district health insurance program (including dental care and vision benefits) shall be available to retired former certificated employees and their spouses, and to the spouses of certificated employees who died while employed by the district. (Education Code 7000)

The insurance shall provide full benefits for retired employees up to the age at which they become eligible for Medicare/Medicaid, and afterwards shall cover only those eligible expenses not covered by Medicare, Medicaid or other health insurance programs.

Coverage under this program will continue only as long as the retiree reimburses the district monthly for the premium paid the insurance carrier. Retirees who fail to make this payment will no longer be eligible for the program.

(cf. 3530 - Risk Management/Insurance)
(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference: (see next page)

HEALTH & WELFARE BENEFITS (continued)

Legal Reference:

EDUCATION CODE

1252 *Power to contract for group workers' compensation insurance (county superintendent)*

7000-7005 *Health and welfare benefits, retired certificated employees*

7008 *Employees disabled by violent act in scope of employment*

35208 *Liability insurance*

35213 *Reimbursement for loss, destruction or damage of personal property*

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*

GOVERNMENT CODE

22009.03 *Public agency includes school districts*

22156 *Medicare coverage for school district employees*

22754 *Definitions*

22858 *Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans*

22859 *Participation in Medicare reimbursement program*

53200-53210 *Group insurance, especially*

53200 *Definitions: group insurance, local agency; health and welfare benefits, employees*

UNEMPLOYMENT INSURANCE CODE

2613 *Education program; notice of rights and benefits*

CONSOLIDATED OMNIBUS RECONCILIATION ACT

Public Law 99-272

All Personnel

AR 4154

4254

HEALTH AND WELFARE BENEFITS

4354

If they so choose, district employees may retain health insurance coverage when they retire, reduce their working hours, or are released from employment. Continued coverage through the district shall also be made available to an employee's spouse and dependents upon the employee's death, separation or divorce, eligibility for Medicare or upon termination of a child's dependent status under the district health insurance program. Employees who are fired for gross misconduct may not retain health insurance coverage.

Persons who choose to retain health insurance coverage shall be charged the full costs of coverage within legal limits. Those who have reduced their working hours or who have been released from employment may retain the coverage for no more than 18 months. All other qualifying persons may retain the coverage for no more than 36 months. Coverage will end if the employee or beneficiary 1) fails to pay the insurance premium; 2) secures health insurance coverage through subsequent employment or remarriage; or 3) becomes eligible for Medicare benefits.

Disability Applicants

Notice of state disability insurance rights and benefits shall be given to each new employee and to each employee leaving work due to pregnancy or nonoccupational sickness or injury. (Unemployment Insurance Code 2613)

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 Governing Board believes the district's employees are its most valuable resource and encourages recognition of the services they provide. The Superintendent 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 and Purchases)

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution, including Day of the Teacher, and Classified School Employee Week.

(cf. 6115 - Ceremonies and Observances)

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

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

The Superintendent shall establish regulations governing employee awards.

Monetary awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

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

Policy

adopted: July 10, 2001

revised: March 23, 2011

PALERMO UNION SCHOOL DISTRICT

Palermo, California

All Personnel

BP 4156.2

4256.2

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Palermo, California