

TEMPORARY/SUBSTITUTE PERSONNEL

Hiring

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

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

(cf. 4117.14 – Postretirement Employment)

Classification

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

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one 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 term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any 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)
5. Are employed only for the first semester because the district expects a reduction in student enrollment during the second semester due to midyear graduations (Education Code 44921)

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

Before his/her first day of work, each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year ~~indicating~~ confirming 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)

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

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

(cf. 4113 - Assignment)
(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)

Qualifications

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such 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)
(cf. 4112.5/4312.5 - Criminal Record Check)

TEMPORARY/SUBSTITUTE PERSONNEL (continued)

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

Qualifications for Special Education

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

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

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

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

Salary/Benefits

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

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)

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

TEMPORARY/SUBSTITUTE PERSONNEL (continued)**Granting Probationary Status**

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

(cf. 4116 - Probationary/Permanent Status)

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

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

Release from Employment/Dismissal

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

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

Reemployment Rights

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

TEMPORARY/SUBSTITUTE PERSONNEL (continued)

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)

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

*Legal Reference:*EDUCATION CODE

44252.5 State basic skills assessment required for certificated personnel
 44300 Emergency teaching or specialist permits
 44830 Employment of certificated persons; requirements of proficiency in basic skills
 44839.5 Employment of retirant
 44846 Criteria for reemployment preferences
 44914 Substitute and probationary employment 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

COURT DECISIONS

Kavanaugh v. West Sonoma Union High School District, 92003) 29 Cal.4th 911

Management Resources;

WEB SITES

CTC: <http://www.ctc.ca.gov>

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

Personnel

BP 4127

4227

TEMPORARY ATHLETIC TEAM COACHES

4327

The Governing Board recognizes the importance of hiring qualified temporary athletic team coaches to the district's sports program and to the success of students in sports and interscholastic athletic activities.

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

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

In addition, all coaches shall be subject to Board policy, administrative regulation, and codes of ethical conduct.

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

Volunteer Coaches

Volunteer athletic team coaches shall meet all the qualification criteria required of temporary athletic team coaches employed by the district.

(cf. 1240 - Volunteer Assistance)

Legal Reference:

EDUCATION CODE

35179.7 Interscholastic athletic program and activities

44010 Sex offense

44011 Controlled substance offense

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

49039-39033 Performance-enhancing substances

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities of students

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

Management Resources:

CSBA POLICY BRIEFS

Steroids and Students: What Boards Need to Know, July 2005

WEB SITES

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

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

California Interscholastic Federation; <http://www.cifstte.org>

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 5594)

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

Competencies

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

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

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

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

2. Coaching techniques

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

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

TEMPORARY ATHLETIC TEAM COACHES (continued)

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

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

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

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

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

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

TEMPORARY ATHLETIC TEAM COACHES (continued)

Additional Competencies for Noncertificated Personnel

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

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

(cf. 4212.5 - Criminal Record Check)

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

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

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

Code of Ethical Conduct

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

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

TEMPORARY ATHLETIC TEAM COACHES (continued)

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

STAFF DEVELOPMENT

The Governing Board believes that in order to maximize student learning and achievement, 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 to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of discipline-based knowledge, including academic content in the core curriculum and academic standards.

(cf. 6011 - Academic Standards)

(cf. 6142.1 - Family Life/Sex Education)

(cf. 6142.2 - Sexual Health and HIV/ AIDS Prevention Instruction)

(cf. 6142.5 - Environmental Education)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

2. Use of effective, subject-specific teaching methods, strategies, and skills

(cf. 0440 - District Technology Plan)

3. Use of technologies to enhance instruction

(cf.0440 - District Technology Plan)

4. Sensitivity to and ability to meet the needs of diverse student populations, including but not limited to, students of various racial and ethnic groups, students with disabilities, English language learners, economically disadvantaged students, gifted and talented students, and at-risk students.

STAFF DEVELOPMENT

- (cf. 4112.22/4212.22 - Staff Teaching Students of Limited English Proficiency)*
(cf. 4112.23 – Special Education Staff)
(cf. 5147 – Dropout prevention)
(cf. 5149 – At-Risk Students)
(cf. 6141.5-Advanced Placement)
(cf. 6171- title I Programs)
(cf. 6172 – gifted and Talented Student Program)
(cf. 6173 – Education for Homeless Children)
(cf. 6173.1 – Education for English Language Learners)
(cf. 6175 – Migrant Education Program)
5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning.
- (cf. 6178 – Career Technical Education)*
6. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education
- (cf. 1240 – Volunteer assistance)*
(cf. 5020 – Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)
7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, and discipline, including conflict resolution and intolerance and hatred prevention
- (cf. 5137 – Positive School Climate)*
(cf. 5138 – Conflict Resolution/Peer Mediation)
(cf. 5145.9 – Hate-Motivated Behavior)
8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn
9. Ability to interpret and use data and assessment results to guide instruction
- (cf.5121 – Grades/Evaluation of Student achievement)*
(cf. 6162.5 – Student Assessment)
10. Knowledge of topics related to student health, safety, and welfare
- (cf. 0450 – Comprehensive Safety Plan)*
(cf. 3515.5 – Sex Offender Notification)
(cf. 5030 – Student Wellness)
(cf. 5131.6 – alcohol and Other Drugs)
(cf. 5131.63 – Steroids)
(cf. 5141.21 – Administering Medication and Monitoring Health Conditions)
(cf. 5141.4 – Child Abuse Prevention and Reporting)
(cf. 5141.52 – Suicide Prevention)

Certificated Personnel

STAFF DEVELOPMENT (continued)

(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)

11. Knowledge of topics related to employee health, safety, and security

(cf. 4119.11/4219.11/4319.11 – Sexual Harassment)
(cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 – Universal Precautions)
(cf. 4157/4257/4357 – Employee Safety)
(cf. 4158/4258/4358 – Employee Security)

The Superintendent or designee may, in conjunction with individual teachers and interns, develop an individualized program of professional growth 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 district's staff evaluation process may be used to recommend additional staff development for individual employees.

(cf. 4115 – Evaluation/Supervision)
(cf. 4139 – Peer Assistance and Review)

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, and school plans.

(cf. 0000 – Vision)
(cf. 0200 – Goals for the School District)
(cf. 0420 – school Plans/Site Councils)
(cf. 0520.1 – High Priority Schools Grant Program)
(cf. 0520.2 – Title I Program Improvement Schools)
(cf. 0520.3 – title I Program Improvement Schools)
(cf. 0520.3 – title I Program Improvement Districts)
(cf. 0520.4 – Quality Education Investment Schools)

STAFF DEVELOPMENT (continued)

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

(cf. 3100 – Budget)

(cf. 3350 – Travel Expenses)

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)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

41520-41522 Teacher Credentialing Block Grant, including beginning teacher support

41530-41533 Professional Development Block Grant

44032 Travel expense payment

44259.5 Standards for preparation for all students

44277 Professional growth programs for individual teachers

44325-44329.5 District interns

44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)

44560-44562 Certificated Staff Mentoring Program

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

44735 Teaching as a Priority Block Grant; teacher recruitment and retention in high-priority schools

45028 Salary schedule and exceptions

52055.600-52055.662 High Priority Schools Grant Program

48980 Notification of parents/guardians: schedule of minimum days

56240-56245 Staff development; service to persons with disabilities

99200-99206 Subject matter projects

99220-99227 California Professional Development Institutes

99230-99242 Mathematics and Reading Professional Development Program

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

STAFF DEVELOPMENT (continued)

GOVERNMENT CODE

3543.2 *Scope of representation of employee organization*

CODE OF REGULATIONS, TITLE 5

11980-11985.6 *Mathematics and Reading Professional development Program*

13025-13044 *Professional development and program improvement programs*

UNITED STATES CODE, TITLE 20

6601-6702 *Preparing, Training and Recruiting High quality Teachers and Principals*

6319 *Highly qualified teachers*

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Unifed Faculty of Contra Costa Community college District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14PERC P21, 085

Management Resources:

CTC PUBLICATIONS

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

WEB SITES

Beginning Teacher Support and assessment: <http://www.btsa.ca.gov>

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

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

California subject Matter Projects: <http://csmp.ucop.edu>

Certificated Personnel

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, but are not limited to:

1. Visits to other classrooms and other schools to observe and analyze teaching
2. Attendance at professional education conferences or committee meetings
3. Training classes and workshops offered by the district, county office of education, state projects, or other appropriate agencies
4. Courses in regionally accredited institutions of higher education, including courses delivered through online technologies
5. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work
6. Peer conferences and/or joint staff preparation time
7. Discussions and/or internships with business and community agencies for the purpose of identifying the skills, knowledge and aptitudes necessary for specific career paths and developing meaningful career-related, work-based learning experiences

(cf. 1700 – Relations Between Private Industry and the schools)

(cf. 6178 – Career Technical education)

(cf. 6178 – Work Experience Education)

(cf. 6178.2 – Regional Occupational Center/Program)

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

(cf. 4161.3 - Professional Leaves)

9. Follow-up activities that help staff to implement newly acquired skills
10. Participation in curriculum development projects

(cf. 6141 – Curriculum development projects)

11. Participation in educational research or innovation efforts

STAFF DEVELOPMENT (continued)

12. Assistance from or service as a mentor teacher or consulting teacher

(cf. 4112.21 – Interns)
(cf. 4131.1 – Beginning Teacher Support/Induction)
(cf. 4138 – Mentor Teachers)
(cf. 4139 – Peer Assistance and Review)

13. Service in a leadership role in a professional organization

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

Instructional Time and Staff Development Reform Program

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

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)

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

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

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

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

STAFF DEVELOPMENT (continued)

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

(cf. 5145.6 - Parental Notifications)

(cf. 6111 - School Calendar)

BEGINNING TEACHER SUPPORT/INDUCTION

The Governing Board recognizes that intensive professional development and support will help beginning teachers apply their academic preparation more effectively in the classroom and result in greater district retention of capable beginning teachers. The Superintendent or designee shall ensure that first-and second-year teachers receive guidance to help them make an effective transition into the teaching profession.

(cf. 4131 – Staff Development)

The Superintendent or designee shall inform beginning teachers about induction programs that are available to help them fulfill the requirements of the professional clear multiple-or single-subject teaching credential pursuant to Education Code 44259.

(cf. 4112.2 – Certification)

(cf. 4112.21 – Interns)

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

District-Sponsored BTSA Induction Program

When approved by the Commission on Teacher Credentialing (CTC) and the Superintendent of Public Instruction, the district may serve as a sponsor of an induction program. The program shall meet state standards for induction programs and shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession.

The Superintendent or designee, with input from the participating teacher, shall pair each participating teacher with a support provider who is an experienced teacher, knowledgeable about beginning teacher development and needed competencies, and effective in interpersonal and communication skills. The roles and responsibilities of support providers shall be clearly defined in writing and communicated to all program participants.

(cf. 4138 – Mentor Teachers)

The Superintendent or designee shall provide initial preparation and additional professional development for support providers to enable them to acquire and enhance their knowledge and skills needed to work with beginning teachers.

Professional development provided to a beginning teacher shall be based on an individual induction plan which takes into consideration the teacher’s prior preparation and experience.

BEGINNING TEACHER SUPPORT/INDUCTION (continued)

Subject to verification and approval of the Superintendent or designee, a beginning teacher shall not be required to demonstrate that a competency has been met, nor complete a program element designed to assist beginning teachers in meeting that competency, if he/she previously met the competency while participating in a CTC approved teacher preparation program. (Education Code 44279.1)

The beginning teacher's knowledge and classroom practice shall be regularly assessed using multiple measures and the results shall be used to monitor and revise subsequent individual induction plans. The Superintendent or designee shall maintain a complete record of each participating teacher's participation and progress toward completion of professional credential requirements.

Performance assessments conducted as part of the induction program shall not be used for employment-related evaluations, as a condition of employment, or as a basis of terminating employment. (Education Code 44279.1)

(cf. 4115 – Evaluation/Supervision)

(cf. 4117.4 – Dismissal)

The Superintendent or designee shall conduct an annual evaluation of the induction program and shall report to the Board regarding its effectiveness in meeting induction program goals.

(cf. 0500 – Accountability)

(cf. 9000 – Role of the board)

Legal Reference:

EDUCATION CODE

41520-41522 Teacher Credentialing Block Grant

41530-41532 Professional Development Block Grant

44259 Credential requirements

44259.5 Standards for professional preparation programs

44275.4 Credential requirements, induction, out-of-state teachers

44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)

44325-44329 District interns

44380-44386 alternative certification

44450-44468 University interns

44560-44562 Certificated Staff Mentoring Program

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No child Left Behind act

80055 Internship credential

80413 Credential requirements

80413.3 Credential requirements; teachers with out-of-state credentials

Certificated Personnel

BEGINNING TEACHER SUPPORT/INDUCTION (continued)

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6702 Preparing, training and recruiting high quality teachers and principals

7801 Definitions, highly qualified teacher

Management Resources:

COMMISSION ON TEACHER CREDENTIALING/CALIFORNIA DEPARTMENT OF EDUCATION POLICY

Funding Policy for Teacher Development Programs, December 2006

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Induction Manual: A Credential Application Processing guidebook for Commission-Approved Induction Programs, June 2004

Final Report of the Individual Evaluation of the Beginning Teacher Support and Assessment Program, April 2002

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

California Standards for the Teaching Profession, 1997

WEB SITES

Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>

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

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

Personnel

BP 4132

4232

PUBLICATION OR CREATION OF MATERIALS

4332

The Governing Board recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations

(cf. 4119.21/4219.21/4319.21 – Professional Standards)

(cf. 6162.6 – Use of Copyrighted Materials)

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

(cf. 3600 – Consultants)

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

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

Policy adopted: 2003

Revised: 7/09

EL MONTE UNION HIGH SCHOOL DISTRICT

El Monte, California

All Personnel

BP 4135

4235

SOLICITING AND SELLING

4335

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

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

(cf. 1325 – Advertising and Promotion)

(cf. 4136/4236/4336 – Nonschool Employment)

(cf. 5022 – Student and Family Privacy Rights)

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

(cf. 5125.1 – Release of Directory Information)

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

(cf. 3312.2 – Educational Travel Program Contracts)

Staff participation in “flower funds “anniversary funds” or other similar funds and the like shall be voluntary .

(cf. 4161.9/4261.9/4361.9 – Catastrophic Leave Program)

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises

Personnel

BP 4136(a)

4236

NONSCHOOL EMPLOYMENT

4336

In order to help maintain public trust in the integrity of district operations, the Governing Board expects all employees to give the responsibility of their positions precedence over any other outside employment. A district employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

(cf. 4119.21/4219.21/4319.21 – Professional Standards)

(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)

(cf. 9270 – Conflict of Interest)

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties.
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another district employee or Board member

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

(cf. 3300 – Expenditures and Purchases)

(cf. 4040 – Employee Use of Technology)

(cf. 4132/4232/4332 – Publication or Creation of Materials)

(cf. 4135/4235/4335 – Soliciting and Selling)

(cf. 6161.1 – Selection and Evaluation of Instructional Materials)

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)

All Personnel

BP 4136(b)

4236

NONSCHOOL EMPLOYMENT (continued)

4336

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor’s denial of authorization to the Superintendent or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

(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)

Tutoring

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

GOVERNMENT CODE
1127 Incompatible activities; off duty work
1128 Incompatible activities, attorney
CODE OF REGULATIONS, TITLE 5
80334 Unauthorized private gain or advantage

ATTORNEY GENERAL OPINIONS
70 Ops. Cal.Atty.Gen. 157 (1987)

Management Resources:

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

MENTOR TEACHERS

The Governing Board encourages experienced, qualified teachers to provide mentoring and support services to beginning teachers, interns, and other teachers who would benefit from guidance and assistance designed to enhance teacher performance and improve student learning. The district shall provide a stipend to mentor teachers in accordance with law, Board policy, and administrative regulation.

(cf. 4112.2 – Certification)

(cf. 4112.21 – Interns)

(cf. 4131.1 – Beginning Teacher Support/Induction)

(cf. 4139 – Peer Assistance and Review)

The Superintendent or designee shall establish procedures for the nomination and selection of teachers to serve as mentors and shall verify that selected teachers fulfill the qualifications specified in law and administrative regulation. The Board shall approve the final designation of mentor teacher(s) upon recommendation of the Superintendent or designee.

The Superintendent or designee shall determine the specific duties and responsibilities of mentor teachers and shall assign interns and beginning teachers to each mentor teacher. He/she shall coordinate mentor teacher activities with other programs designed to support and enhance teachers' skills.

(cf. 4115 – Evaluation/Supervision)

(cf. 4131 – Staff Development)

(cf. 4315.1 – Staff Evaluating Teachers)

The duration of the designation as a mentor teacher shall be for a period of five consecutive years, provided that the teacher continues to meet all required qualifications. When the teacher has completed five years as a mentor teacher, the Board may renew his/her designation upon recommendation from the Superintendent or designee.

Certificated Staff Mentoring Program

Contingent upon state funding, the district shall provide an incentive for experienced teachers to serve as mentor teachers in “staff priority schools” with the lowest student achievement, as defined in Education Code 44561 and administrative regulation.

(cf. 0500 – Accountability)

The Superintendent or designee shall ensure that the district meets its obligations under this program to: (Education Code 44561)

1. Provide each mentor teacher with an annual salary stipend in accordance with Education Code 44562 and the annual State Budget Act

MENTOR TEACHERS (continued)

2. In assigning the mentor teacher, give priority for services to candidates participating in an alternative certification program pursuant to Education Code 44380-44387 and then to beginning teachers participating in the Beginning Teacher Support and Assessment program pursuant to Education Code 44279.1-44279.7
3. Assure that the mentor teacher has received training to serve in a mentor capacity or has previously served as a mentor in programs for new teachers, including, but not limited to, induction or intern programs.
4. Provide the mentor teacher with adequate time and material resources to assist beginning teachers

Legal Reference:

EDUCATION CODE

44279.1-44279.7 *Beginning Teacher Support and Assessment Program*
44325-44329.5 *District interns*
44380-44387 *Alternative certification*
44450-44468 *Teacher Education Internship act of 1967 (university interns)*
44500-44508 *Peer assistance and Review Program*
44560-44562 *Certificated Staff Mentoring Program*
44830.3 *Interns, professional development and guidance*
52052 *Academic performance index*

CODE OF REGULATIONS, TITLE 5

80021 *Short-term staff permit*
80021.1 *Provisional internship permit*
80026.5 *Guidance and assistance for emergency permit holders*

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Final Report of the individual Evaluation of the Beginning Teacher Support and Assessment Program, April 2002

Standards of Quality and Effectiveness for Professional Teacher Induction Programs (SB 2042), March 2002

California

Standards for the Teaching Profession, 1997

WEB SITES

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

Beginning Teacher Support and Assessment; <http://www.btsa.ca.gov>

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

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

MENTOR TEACHERS

Selection of Mentor Teachers

Certificated Staff Mentoring Program

An experienced teacher shall be eligible to receive a stipend as a mentor teacher under the Certificated Staff Mentoring Program if he/she: (Education Code 44561,44562)

1. Has a professional clear credential authorizing him/her to teach at the same grade levels and in the same subject matter as the beginning teachers or interns to whom he/she is assigned

(cf. 4112.2 – Certification)

(cf.4112.21 – Interns)

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

(cf. 4112.23 – Special Education Staff)

(cf. 4131.1 – Beginning Teacher Support/Induction)

2. Has at least seven years of recent experience instructing at one or more of the same grade levels and in the same subject matter as the beginning teachers or interns to whom he/she is assigned
3. Teaches in a “staff priority school,” defined as a school with an aggregate Academic Performance Index at or below the 30th percentile (deciles 1-3) relative to other public schools in the state in any of the five previous school years
4. Agrees to provide assistance to at least one and not more than five interns or beginning teachers for a period of at least five years

(cf. 4113 – Assignment)

5. Meets the needs of the school and has demonstrated ability to foster student achievement and learning, as determined by the school principal

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

(cf. 4115 – Evaluation/Supervision)

PEER ASSISTANCE AND REVIEW

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

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE

- 44279.1-44279.7 *Beginning teacher support and assessment*
- 44325-44328 *District intern program*
- 44500-44508 *Peer assistance and review program*
- 44560-44562 *Certificated Staff Mentoring Program*
- 44662 *Evaluation of certificated employees*
- 44664 *Evaluation*

Management Resources:

WEB SITES

- CSBA: <http://www.csba.org>
- CDE: <http://www.cde.ca.gov>
- California Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
- California Teachers Association: <http://www.cta.org>
- California Federation of Teachers: <http://www.cft.org>

PEER ASSISTANCE AND REVIEW

Joint Teacher-Administrator Peer Review Panel

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

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

(cf. 4140/4240 - Bargaining Units)

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

Program Participation

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

(cf. 4115 - Evaluation/Supervision)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4315.1 - Staff Evaluating Teachers)

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

(cf. 4116 - Probationary/Permanent Status)

Selection of Consulting Teachers

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

PEER ASSISTANCE AND REVIEW (continued)

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

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

Program Components

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

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

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

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