

# CSBA Sample

## Board Policy

### Certificated Personnel

BP 4113(a)

### ASSIGNMENT

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

Staff assignments must be reported to the California Department of Education through the California Longitudinal Pupil Achievement Data Systems (CALPADS) Professional Assignment Information Form.

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

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

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

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

(cf. 4141/4241 - Collective Bargaining Agreement)

### Assignment to Courses/Classes

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

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

Note: The Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual describes "local teaching assignment options" available to districts when assigning a teacher outside his/her the credential authorization of the teacher. See the accompanying administrative regulation for requirements pertaining to assignments to departmentalized classes in grades K-12 (Education Code 44258.3) or elective courses (Education Code 44258.7).

According to the CTC manual, it is inappropriate to use a local teaching assignment option for an individual who holds an emergency permit, provisional internship permit (PIP), or short-term staff permit (STSP). For information about the circumstances under which persons holding these permits may be employed, see

**ASSIGNMENT** (continued)

BP/AR 4112.2 - Certification. If a district uses a local teaching assignment option for a holder of an intern credential, the CTC cautions that the district must ensure that the individual meets the specific requirements of the teaching assignment option as well as the requirements of the intern credential; see BP/AR 4112.21 - Interns for further information about intern programs.

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

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

(cf. 3580 - District Records)

**If at any time a certificated employee is required by the district to accept an assignment which the employee believes is not legally authorized by the employee's credential, the employee shall notify the Superintendent or designee, in writing, of the misassignment. Within 15 working days, the Superintendent or designee shall notify the employee of the legality of the assignment. If no action is taken by the district, the employee shall provide written notification to the County Superintendent of Schools. No adverse action shall be taken against an employee who files a notice of misassignment. (Education Code 44258.9)**

**Vacancies and Misassignments**

Note: Education Code 44258.9 provides that the County Superintendent of Schools is responsible for monitoring district assignment practices and vacancies, as defined in Education Code 33126, and reporting the results to the CTC. Pursuant to Education Code 44258.9, the County Superintendent must annually monitor and review assignment practices in (1) schools and districts likely to have problems with teacher misassignment and vacancies based on past experience and other available information, and (2) schools ranked in deciles 1-3 on the statewide Academic Performance Index (API). However, the API has been suspended pending transition to a new state accountability system. All other schools undergo review of assignment practices on a four-year cycle. In counties in which there is a single school district, the CTC is responsible for monitoring teacher assignments.

Education Code 33126 requires that vacancies and misassignments be reported on the School Accountability Report Card. Also, Education Code 35186 requires districts to develop procedures by which a parent/guardian can file a complaint related to teacher misassignments or vacancies. See AR/E 1312.4 - Williams Uniform Complaint Procedures.



**ASSIGNMENT (continued)**

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

Education Code 44258.9, as amended by AB 1219 (Ch. 782, Statutes of 2019), requires that the assignments of certificated employees at all schools be monitored annually. Pursuant to Education Code 44258.9, the County Superintendent of Schools is responsible for the monitoring of teacher assignments in districts. However, CTC is designated as the monitoring authority for any district that operates within a city or county in which there is a single district. Such districts should modify the following section accordingly to reflect CTC as the monitoring authority.

Pursuant to Education Code 44258.9, CTC administers a State Assignment Accountability System which annually produces a data file of vacant positions and assignments that do not have a clear match of credential to assignment. As provided below, CTC will notify districts of an opportunity to review the initial data, and districts may submit documentation within 60 days to correct any errors. Within 90 days of CTC's notification (i.e., 30 days after the deadline for the district's review), the County Superintendent must review the data and any additional documentation submitted by the district and make a determination of potential misassignments and vacant positions. Beginning in 2020-21, CTC will report the misassignment and vacancy data on its web site.

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

Annually, the district shall review potential misassignments and vacant positions throughout the district. Upon receiving notification from CTC of the availability of data regarding potential misassignments and vacant positions in the district, the Superintendent shall review the data within 60 days. When necessary, the Superintendent or designee may respond by submitting additional documentation to the County Superintendent showing that an employee is legally authorized for an assignment and/or that a position identified as vacant was miscoded and a legally authorized employee is assigned to the position. (Education Code 44258.9)

If the district subsequently receives, within 90 days of CTC's initial notification, a notification from the County Superintendent indicating that a certificated employee in the district is assigned to a position for which the employee has no legal authorization, the district shall correct the assignment within 30 calendar days. (Education Code 44258.9)

## ASSIGNMENT (continued)

**Note:** Pursuant to Education Code 44258.9, the district serves as the monitoring authority for any charter school it has authorized. However, pursuant to Education Code 44258.10, the district is not required to advise the charter school administrator to correct the misassignment of any teachers employed by the charter school during the 2019-2020 school year until July 1, 2025.

**The district shall serve as the monitoring authority for teacher assignments in any charter school it has authorized, in accordance with Education Code 44258.9-44258.10.**

*(cf. 0420.41 - Charter School Oversight)*

**Any complaint alleging teacher misassignment or vacancy shall be filed and addressed through the district's procedures specified in AR 1312.4 - Williams Uniform Complaint Procedures.**

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

**The school accountability report card for each school shall include any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period. (Education Code 33126)**

*(cf. 0510 - School Accountability Report Card)*

## **Equitable Distribution of Qualified and Experienced Teachers**

**Note:** The following section may be revised to reflect district practice. 20 USC 6312, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), maintains the requirement **For districts that receive federal Title I funding, 20 USC 6312 requires** that the Title I local educational agency (LEA) plan include a description of how the district will identify and address, ~~consistent with the state's ESSA plan,~~ any disparities that result in low-income or minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers. ~~The LEA plan will be transitioned out at the end of the 2016-17 school year. According to the California Department of Education's (CDE) Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), districts will meet~~ **These specific** Title I planning requirements **are fulfilled** through the local control and accountability plan and the consolidated application reporting system ~~beginning with the 2017-18 school year.~~

~~According to the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016), the approved State Plan to Ensure Equitable Access to Excellent Educators remains in effect through the 2016-17 school year and states may, but are not required to, amend the plan. The CDE's transition plan indicates that districts will not be required to participate in the state's Compliance Monitoring, Interventions and Sanctions (CMIS) program in the 2016-17 school year and that the CDE intends to update the CMIS with new guidelines.~~

**The Superintendent or designee shall ensure that identify and address the equitable distribution of** highly qualified and experienced teachers ~~are equitably distributed~~ among



**ASSIGNMENT** (continued)

district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. **He/she The Superintendent or designee** shall annually report to the Board comparisons of teacher qualifications across district schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

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

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

*(cf. 4111/4211/4311 - Recruitment and Selection)*

*(cf. 4114 - Transfers)*

*(cf. 4131 - Staff Development)*

*(cf. 4131.1 - Teacher Support and Guidance)*

*(cf. 6171 - Title I Programs)*

*Legal Reference: (see next page)*

## ASSIGNMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

33126 *School accountability report card*  
35035 *Additional powers and duties of superintendent*  
35186 *Complaint process*  
37616 *Assignment of teachers to year-round schools*  
44225.6 *Commission report to the legislature re: teachers*  
44250-44277 *Credentials and assignments of teachers*  
44314 *Subject matter programs, approved subjects*  
44824 *Assignment of teachers to weekend classes*  
44955 *Reduction in number of employees*

#### GOVERNMENT CODE

3543.2 *Scope of representation*

#### CODE OF REGULATIONS, TITLE 5

80003-80005 *Credential authorizations*  
80020-80020.5 *Additional assignment authorizations*  
80335 *Performance of unauthorized professional services*  
80339-80339.6 *Unauthorized certificated employee assignment*

#### UNITED STATES CODE, TITLE 20

6311 *State plan*  
6312 *Local educational agency plans*  
6601-6651 *Teacher and Principal Training and Recruiting Fund*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California State Plan to Ensure Equitable Access to Excellent Educators*  
*Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016*

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Administrator's Assignment Manual - Updates and Revisions, May 2014*  
*The Administrator's Assignment Manual, rev. September 2007*

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

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

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

#### WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>  
U.S. Department of Education: <http://www.ed.gov>

(3/09 7/16) 5/20

### **Policy Reference UPDATE Service**

Copyright 2020 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# CSBA Sample Administrative Regulation

Certificated Personnel

AR 4113(a)

## ASSIGNMENT

### Assignment to Departmentalized Classes Outside Credential Authorization

Note: Education Code 44258.3 allows the Governing Board to assign the holder of a credential (including a provisional internship permit or short-term staff permit, but not an emergency permit) to teach any subject in departmentalized classes in any of grades K-12 provided that the Board first verifies that the teacher has adequate knowledge of each subject to be taught. If the district chooses to make such assignments, Education Code 44258.3 **mandates** the Board to establish policies and procedures, with specified components, for verifying the adequacy of these teachers' subject matter knowledge. Subject matter specialists as identified below must be involved in the development and implementation of these procedures. For further information, see the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual.

Any holder of a credential other than an emergency permit may be assigned, with **his/her** consent, to teach departmentalized classes in grades K-12 regardless of the designations on **his/her** **the** teaching credential, provided that **the teacher's** **their** subject matter knowledge is verified prior to the assignment. (Education Code 44258.3)

Procedures for verifying a teacher's subject matter knowledge shall be developed and implemented by the Superintendent or designee with the involvement of appropriate subject matter specialists, including curriculum specialists, resource teachers, classroom teachers certified to teach the subject, staff assigned to regional subject matter projects or curriculum institutes, or college faculty. (Education Code 44258.3)

Note: Items #1-2 below may be revised to reflect procedures and criteria established by the district.

Procedures to be used for this purpose shall specify: (Education Code 44258.3)

1. One or more of the following ways in which subject matter competence shall be assessed:
  - a. Observation by subject matter specialists
  - b. Oral interviews
  - c. Demonstration lessons
  - d. Presentation of curricular portfolios
  - e. Written examinations

**ASSIGNMENT (continued)**

2. Specific criteria and standards for verifying subject matter knowledge by any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the subject matter to be taught, including demonstrated knowledge of the curriculum framework for the subject and the specific content of the district's course of study for the subject at the grade level to be taught.

*(cf. 4115 - Evaluation/Supervision)*

Whenever a teacher is assigned to teach departmentalized classes pursuant to Education Code 44258.3, the Superintendent or designee shall notify the exclusive representative of the district's certificated employees. (Education Code 44258.3)

*(cf. 4140/4240/4340 - Bargaining Units)*

**Assignment to Elective Courses Outside Credential Authorization**

Note: The following section is **optional**. Education Code 44258.7 authorizes districts to assign a teacher to an elective course outside **his/her the teacher's** credential authorization provided that the teacher has special skills and preparation in that subject area and the assignment is approved by a local committee on assignments.

In order to make such assignments, the district must submit a plan to the County Superintendent of Schools which includes, but is not limited to, statements signed by the Board president or chair and the Superintendent approving the establishment of the committee, procedures for the selection of committee members, term of office for committee members, and criteria for determining teachers' qualifications for these assignments.

Pursuant to Education Code 44258.7, an "elective course" for this purpose is a course other than English, mathematics, science, or social science. The CTC's Administrator's Assignment Manual clarifies that whether a course is considered to be within these subject areas or an elective depends on whether students in the class receive graduation credit for the subject area. For instance, if a drama, speech, or journalism course grants graduation credit for English, then it cannot be taught by a teacher outside of **his/her the teacher's** credential authorization under this option. However, if the course does not grant credit for English, then a teacher may be approved by the committee on assignments to teach the course outside **his/her the** credential authorization.

A full-time teacher with special skills and preparation outside **his/her the** credential authorization may, with **his/her the teacher's** consent and the prior approval of a district committee on assignments, be assigned to teach an elective course in the area of the special skills or preparation, excluding a course in English, mathematics, science, or social studies. (Education Code 44258.7)

The Superintendent or designee shall establish a committee on assignments, consisting of an equal number of teachers selected by teachers and school administrators selected by school administrators, to approve such assignments. (Education Code 44258.7)



## ASSIGNMENT (continued)

Note: The following two paragraphs are **optional** and may be revised to reflect district practice.

Committee members shall serve a two-year term but may be reappointed using the same procedure as the initial appointment.

When determining whether a teacher is qualified for an assignment pursuant to Education Code 44258.7, the committee may consider the teacher's education, prior experience, observation by subject matter specialists, oral interviews, demonstration lessons, presentation of curricular portfolios, and/or written examinations.

Assignments approved by the committee shall be for a maximum of one school year, but may be extended by action of the committee upon application by the principal and teacher. (Education Code 44258.7)

### Assignment to Special Schedules

Note: The following paragraph is for use by districts that operate one or more schools with year-round schedules in addition to schools with traditional schedules.

The Superintendent or designee shall make every reasonable effort to accommodate the preferences of certificated staff when assigning them to schools with year-round or regular schedules. (Education Code 37616)

*(cf. 6117 - Year-Round Schedules)*

Note: The following paragraph is for use by districts that have established weekend classes; see AR 6176 - Weekend/Saturday Classes.

Full-time probationary or permanent classroom teachers employed by the district prior to implementation of weekend classes shall not, without their written consent, be required to teach for more than 180 full days during a school year or for more than the number of full days during the preceding school year, whichever is greater. No teacher shall be assigned to work on a Saturday or Sunday if **he/she the teacher** objects in writing that such assignment would conflict with **his/her** religious beliefs or practices. (Education Code 44824)

*(cf. 6176 - Weekend/Saturday Classes)*

(3/04 3/09) 5/20