

MODESTO CITY SCHOOLS

Board Policy

Assignment
Personnel

BP 4113

→ **ASSIGNMENT CERTIFICATED PERSONNEL**

Class Assignments

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 they are qualified pursuant to their certification, preparation, professional experience, and aptitude.

(cf. 4112.2 - Certification) N/A

(cf. 4112.21 - Interns) N/A

(cf. 4112.22 - Staff Teaching English Learners)

(cf. 4112.23 - Special Education Staff)

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

→ *(cf. 4112.1/4212.1/4312.1 – Nepotism Employment Assignment of Relatives)*

Class Assignments, as referred to in this policy, are defined as specific subject, grade, and class.

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

(cf. 4141/4241 - Collective Bargaining Agreement) N/A

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers 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 the teacher to provide instruction in that subject.

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

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When specifically authorized by law or regulation, the Superintendent or designee may, with the teacher's consent, assign a teacher to a position outside the teacher's 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 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 on the basis of credential.

The junior and senior high school site administrators shall provide an opportunity for staff involvement in planning teaching assignments.

- The TK-6 site administrators shall provide an opportunity to involve teaching staff in developing class lists. Prior to the end of the school year, effort is to be made to provide assignment of continuing elementary students to teachers for the next year.

The local site administrator is responsible for class lists and teaching assignments within a building. It is the District's intention to obtain meaningful participation and involvement of staff in the fulfillment of this responsibility.

(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)

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Vacancies and Misassignments

→ 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 or designee 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)

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)

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(cf. 0510 - School Accountability Report Card)

Equitable Distribution of Qualified and Experienced Teachers

The Superintendent or designee shall identify and address the equitable distribution of highly qualified and experienced teachers among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. 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) N/A

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

(cf. 4114 - Transfers) N/A

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance) N/A

(cf. 6171 - Title I Programs)

Legal References:

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

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Class Assignments

Legal References (cont.):

EDUCATION CODE (cont.)

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~~

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