

CHAPTER 4

CERTIFICATED PERSONNEL

Series 4000

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## CHAPTER 4

# CERTIFICATED PERSONNEL

Series 4000

### **Article 1 - All Personnel**

#### 4110 Agreement

4110.1 Each agreement entered into by the Board of Trustees with a duly constituted exclusive representative shall constitute a commitment by all parties to the provisions of the agreement for its duration or until (1) its amendment by an instrument in writing duly executed by the parties involved or (2) the exhaustion of appropriate legal procedures.

4110.2 An executed copy of each written agreement between the Board of Trustees and an exclusive representative shall be filed with the Public Employment Relations Board within 60 calendar days after execution of each such agreement.

4110.3 In any case where a regulation or policy of the Board of Trustees is in conflict with a provision of the employee agreement, the provision of the employee agreement shall be binding on the Board of Trustees and on all employees covered by that provision of the employee agreement. There is no intention by the Board of Trustees that these policies shall supersede the employee agreement.

#### 4120 Concepts in Personnel

4120.1 The Board of Trustees wishes to establish, through the personnel policies and regulations of the District, conditions that will attract and hold the best qualified personnel who will devote themselves to the education and welfare of the students of the District.

4120.2 The Board of Trustees believes that it is desirable for policies to be developed in an atmosphere of mutual faith and good will through the cooperation and participation of the employee organizations, the administrative staff, and the Board of Trustees.

4120.3 The Board of Trustees affirms its intention to have all policies, regulations and procedures of the District conform to all requirements of law and State regulations.

#### 4130 Working Relationships Between the Board of Trustees and the Superintendent

4130.1 The Board of Trustees desires to be guided principally by the advice of the Superintendent in regard

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to its relations with certificated and classified personnel.

4130.2 The Board of Trustees does not desire to exercise its employment responsibilities contrary to the recommendation of the Superintendent and will not employ any person unless recommended by the Superintendent. If a nomination by the Superintendent is not acceptable to the Board of Trustees, the nomination shall be withdrawn, and the Superintendent shall present other nominations to the Board of Trustees for consideration.

4130.3 The Board of Trustees agrees that all approaches by employees to the Board of Trustees or to the individual members of the Board of Trustees shall be referred to the Superintendent for consideration. The Board of Trustees will act as an appellant body only after the provisions in the Board of Trustees' adopted policies have been implemented.

### 4140 Certificated Personnel

4140.1 The policies and regulations in this series are established to inform certificated personnel of the framework within which they operate. The Board of Trustees intends that they be administered uniformly and fairly throughout the District.

4140.2 The Board of Trustees considers it the right and responsibility of each member of the staff to offer his abilities and experiences in the advancement of the educational program in the District.

4140.3 The Superintendent of Schools and the Board of Trustees encourage the staff to participate cooperatively through established channels in the study and recommendation of District policies.

4140.4 The Board of Trustees shall publish all personnel policies in a comprehensive manual making them available at all school sites and the District maintenance shop.

4140.5 The duties and responsibilities of school positions shall be clearly defined and made known to each member of the certificated staff, who shall be held accountable for those duties assigned to him.

### 4150 Personnel Records

4150.1 Personnel records shall be kept on all current employees and shall include information expected in good personnel administration or as required by law.

4150.2 A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration or as required by law.

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4150.3 All personnel files will be considered confidential and will not be available to persons other than the employee and those authorized by the Board of Trustees.

4150.4 All written materials filed (except for those prohibited by law) shall be made available for inspection by the employee involved at an off-duty time in the presence of authorized personnel.

4150.4.1 Information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon.

4150.4.2 An employee shall have the right to place in his file his own comments concerning derogatory information entered by others in his file.

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### Article 2 - Certificated Personnel

#### 4210 Equal Opportunity Employment, Affirmative Action, and Sex Discrimination/Harassment

4210.1 Equal Opportunity Employment: The Board of Trustees of the Millbrae School District hereby subscribes to an Equal Employment Opportunity Policy to provide equal opportunities for employment, retention, and advancement of all people, regardless of race, color, creed, religion, national origin, sex, physical handicaps, or age, consistent with legal requirements.

4210.2 Affirmative Action: The Board of Trustees subscribes to Affirmative Action Policy with the following goals: (a) To increase the utilization of ethnic minorities and women at all job levels and in all segments of the work force; (b) To insure that the affirmative action concept will apply to all employment practices.

4210.3 The Board of Trustees directs the Superintendent to implement programs of the Equal Employment Opportunity Policy and Affirmative Action Policy. The Board of Trustees holds all employees responsible for supporting implementation.

4240.4 The Board of Trustees affirms the need of the involvement of the total community in the realization of the Equal Employment Opportunity Policy and the Affirmative Action Policy.

4210.5 Sex Discrimination: It is the policy of the Millbrae School District (in compliance with Title IX of the Education Amendments of 1972 and in accord with previously adopted Board of Trustees Policy) not to discriminate on the basis of sex in any educational program or activity which it conducts; nor in the recruitment, employment, retention, and advancement of personnel.

4210.5.1 Sexual Harassment: The Board of Trustees prohibits sexual harassment in the working environment of District employees or applicants by any person in any form.

4210.5.1.1 Employees who permit or engage in such harassment may be subject to disciplinary action up to and including

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dismissal.

- 4210.5.1.2 Any employee or applicant for employment who feels that he/she or another individual in the District is being sexually harassed should immediately contact his/her supervisor, principal, other District administrator, or the superintendent or designee in order to obtain District procedures for reporting a complaint.
- 4210.5.1.3 Any supervisor who receives a harassment complaint shall notify the superintendent or designee, who shall ensure that the complaint is appropriately investigated.
- 4210.5.1.4 The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a manner that respects the privacy of all parties concerned.
- 4210.5.1.5 Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when: (Education Code ' 212.5)
- (a) Submission to the conduct is made either expressly or by implication in terms or conditions of any individual's employment.
  - (b) Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
  - (c) The conduct has the purpose or effect of

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unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working or education environment or of adversely affecting the student's or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment, or career development.

- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Other examples of sexual harassment, whether committed by a supervisor or any other employee, are:

- (a) Unwelcome leering, sexual flirtations or propositions.
- (b) Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
- (c) Graphic verbal comments about an individual's body or overly personal conversation.
- (d) Sexual jokes, stories, drawings, pictures, or gestures.
- (e) Spreading sexual rumors.
- (f) Touching an individual's body or clothes in a sexual way.

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- (g) Cornering or blocking of normal movements.
- (h) Displaying sexually suggestive objects in the educational or work environment.
- (i) Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

4210.5.1.6 Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the District's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment.

### Legal References:

#### Education Code:

' 212.5 "Sexual Harassment Defined"

' 212.6 "Sexual Harassment Policy"

' 230 "Particular Practices Prohibited"

#### Government Code:

' 12900-12996 "Fair Employment and Housing Act"

PROCEDURES 4210.5.2 Sex Discrimination Grievance: Procedures - The purpose of this procedure is to secure, at the earliest level possible, equitable solutions to complaints dealing specifically with discrimination on the basis of sex.

### 4210.5.2.1 Definitions

- (a) "Complaint" - At the informal level, an alleged violation of the District Policy about discrimination on the basis of sex or an alleged violation of Title IX.

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- (b) "Grievance" - At the formal level, an alleged violation of the District Policy about discrimination on the basis of sex or an alleged violation of Title IX.
- (c) "Complainant" or "Grievant" - Any certificated employee of the District.
- (d) "Day" - Any day when schools in the District are in session.
- (e) "Intermediate Supervisor" - The lowest level administrator or supervisor (who has been designated to handle complaints or grievances) having immediate jurisdiction over the plainant or grievant.

4210.5.2.2 Informal Level: Before filing a formal grievance, the complainant shall attempt to resolve the alleged violation by an informal two-party conference with the immediate supervisor. The District's Title IX Coordinator may be brought into the conference if agreed by both parties.

4210.5.2.3 Formal Level:

- Level I**
- (a) Within ten (10) days after the grievant knew or should have known of the circumstances which gave rise to the grievance, the grievant must present the grievance to the immediate supervisor. This written document shall be a clear, concise statement of the grievance, the circumstances involved, the decision at the Informal Level, and the specific remedy sought.

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- (b) Within ten (10) days after receiving the grievance, the immediate supervisor shall investigate the grievance.
  - (c) Within fifteen (15) days after receiving the grievance, the immediate supervisor shall send a written decision to the grievant.
- Level II**
  - (a) Within ten (10) days after receiving the written decision of the immediate supervisor, grievant may appeal the decision to the Title IX Coordinator. The written appeal shall be a clear, concise statement of the reasons for the appeal and shall be accompanied by a copy of the decision at the Informal Level, the original grievance, and the decision at Level I.
  - (b) Within ten (10) days after receiving the appeal, the Title IX Coordinator shall investigate the grievance giving all persons who participated at Level I a reasonable opportunity to be heard.
  - (c) Within fifteen (15) days after receiving the appeal, the Title IX Coordinator shall send a written decision to the Grievant and the immediate supervisor.
- Level III**
  - (a) Within ten (10) days after receiving the decision of the Title IX Coordinator, the grievant may appeal the decision to the Superintendent. The written appeal shall be a clear, concise statement of the reasons for the appeal and shall be accompanied by

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a copy of the decision at the Informal Level, the original grievance, the decision at Level I, and the decision at Level II.

(b) Within ten (10) days after receiving the appeal, the Superintendent shall investigate the grievance, giving all persons who participated at Levels I and II a reasonable opportunity to be heard.

(c) Within fifteen (15) days after receiving the appeal, the Superintendent shall send a written decision to the grievant, the immediate supervisor, and the Title IX Coordinator.

### **Level IV**

(a) Within ten (10) days after receiving the written decision of the Superintendent, the grievant may appeal the decision to the District's Board of Trustees. (b) Within ten (10) days after receiving the appeal, the Board of Trustees shall schedule a closed session hearing which shall give all persons who participated at Levels I, II, and III a reasonable opportunity to be heard.

(c) Within fifteen (15) days after receiving the appeal, the Board of Trustees shall send a written decision to the grievant, the immediate supervisor, the Title IX Coordinator, and the Superintendent.

4210.5.2.4 Failure to Observe Time Limits: In the event the grievant fails to exhaust all remedies under the grievance procedure provided herewith, or to abide by the time limits with respect to each step, the grievance shall be presumed to be

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abandoned and the matter shall be considered settled, in accordance with the District's last response thereto. In the event the District fails to give its answer at any step within the time limits prescribed, the grievant shall have the right to proceed immediately to the next step. Any time limit may be extended by written mutual agreement of the grievant and the District.

4210.5.2.5 Effect of Settlement: Any settlement of a grievance shall be applicable to the grievance only and shall not be binding authority for the disposition of any other grievance. Any grievance initiated under this procedure shall be brought by and for the grievant alleging action in violation of Title IX and the implementing regulations by the District affecting the grievant initiating the grievance.

4210.5.2.6 Other Recourse: Although it is the intent of the Board of Trustees that all complaints having to do with sex discrimination be handled in the manner described above, the Board recognizes that any employee has the right to take a complaint directly to the United States Office of Civil Rights.

### 4220 Full Time Certificated Personnel

#### 4220.1 Recruitment and Selection

4220.1.1 The objective in recruitment shall be to obtain the best possible certificated personnel.

4220.1.2 The vacancy shall be publicized within and outside the District for the purpose of seeking applicants.

4220.1.3 Whenever possible, a principal shall be involved in the selection of teacher

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personnel.

### 4220.2 Health Examinations: All Personnel

#### 4220.2.1 New Certificated Employees:

4220.2.1.1 A new certificated employee shall submit a report of a negative chest X-ray or T.B. test taken within the past six (6) months.

4220.2.1.2 A new certificated employee shall submit a medical certificate in a form prescribed by the State Board of Education.

4220.2.1.3 No appointment to a position in the District shall be consummated until these requirements have been satisfied.

#### 4220.2.2 All Certificated Employees:

4220.2.2.1 All certificated employees shall submit a report of a negative chest X-ray or T.B. test every four (4) years.

4220.2.2.2 The Board of Trustees reserves the right to require periodic medical examinations by a physician and/or surgeon licensed under the Business and Professions Code of a certificated employee in order to determine that such employee is free from any communicable diseases which render the employee unfit to instruct or associate with children. Examinations of this type shall be at the expense of the District.

4220.2.2.3 On the request of the Superintendent of Schools, and for reasonable cause, the Board of Trustees may require an employee who shows evidence of mental or emotional disorder which renders the employee incompetent to perform his duties to undergo examination by a panel of three psychiatrists at the District's expense. The employee has

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the right to be examined by his own psychiatrist or physician who may also attend the employee during the District examination. All parties shall receive reports of such examinations. The District shall make every effort to maintain the confidentiality of such an examination including any medical reports or evaluation reports which result from such examination. No negative report resulting from the examination shall be placed in the employee's personnel record until s/he has had notice and an opportunity to respond.

### 4220.3 Appointment and Assignment

4220.3.1 Appointment/assignment of personnel shall be made only upon the recommendation of the Superintendent.

4220.3.2 Should a person nominated by the Superintendent be rejected by the Board of Trustees, it shall be the duty of the Superintendent to make another recommendation.

4220.3.3 Staff members shall be initially assigned to schools and to specific positions within schools according to their certification, qualifications, and the best interests of the School District.

4220.3.4 Teaching in Departmentalized Classes: (2/22/99) The Superintendent/designee may assign holders of a credential other than an emergency permit with their consent, to teach subjects outside their credential authorization in departmentalized classes, (English, mathematics, science, or social studies) pursuant to Education Code §44258.3. The Superintendent/designee shall develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made. (See Appendix D)

4220.3.5 Committee on Assignments: (2/22/99) The Superintendent/designee shall

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establish a Committee on Assignments which may grant approval for the voluntary assignment of full-time teachers to teach an **elective course** (classes other than English, mathematics, science, or social studies) outside their credential authorization in an area for which they have special skills or preparation per Education Code §44258.7. (See Appendix D)

4220.4 Transfers: Non-Administration Personnel (See Contract)

4220.5 Transfers/Reassignment/Demotion: Administrative Personnel

PROCEDURES 4220.5.1 Reassignment Due to Administrator Request Transfer:

Certificated administrative employees may be reassigned to any position within the employee's classification in accordance with the administrative regulations and procedures adopted by the Board of Trustees. Procedures:

4220.5.1.1 Reassignment requested by an administrator will be considered if:

(a) The transfer request is submitted to the Superintendent by March 1 to be effective the following year.

(b) The assignment requested is open or can be arranged through other transfer(s).

4220.5.1.2 The Superintendent will evaluate the request in terms of the needs of the District and will recommend approval or disapproval of the request to the Board of Trustees.

4220.5.1.3 If the transfer is approved by the Board of Trustees, the administrator will keep all seniority earned in the previous assignment.

4220.5.2 The Board of Trustees reserves the right to transfer administrators at those times and under those terms that they deem appropriate.

4220.5.3 Reassignment to a Position of Lower Rank and/or Salary Due to a Reduction

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in Force: Certificated administrative employees may be reassigned to a position of lower rank and/or salary due to a reduction in force under appropriate provisions of the Education Code and the administrative regulations and procedures adopted by the Board of Trustees.

### PROCEDURES

Regulations and Procedures:

4220.5.3.1 Pending reassignment, the administrator shall have the following rights:

- (a) To notification of the proposed action by March 1.
- (b) To request from the Superintendent a statement of specific reasons for the proposed action.
- (c) To request access to the materials on which the proposed action is based.
- (d) To request a meeting with the Board of Trustees following receipt by the Board of Trustees of the Superintendent's recommendation. This hearing shall be held in closed session unless otherwise requested by the administrator.

4220.5.3.2 At the meeting with the Board of Trustees, the administrator shall have the following rights:

- (a) To respond orally and/or in writing to the proposed action.
- (b) To representation by counsel of the administrator's choice.

4220.5.3.3 The administrator shall receive a written copy of the Board of Trustees' decision.

4220.5.3.4 If, because of reduction in force, it becomes necessary to transfer administrative personnel to a teaching position, the

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procedures in the Contract Agreement between the Millbrae Education Association and the Board of Trustees shall be followed.

4220.5.3.5 A certificated administrative employee who has been reassigned because of a reduction in force may be reinstated to vacancies that occur subject to the following conditions:

- (a) The Superintendent recommends reinstatement to the Board of Trustees based on the needs of the District.
- (b) The position opening is at the same or lower administrative classification held at the time of reassignment.
- (c) The administrator has received satisfactory evaluations in the interim.

4220.5.3.6 The decision of the Board of Trustees is final.

4220.5.4 Demotion or Movement to a Position of Lower Rank and/or Salary Within the District for Reasons Other Than Reduction in Force: Certificated administrative employees may be demoted or moved to a position of lower rank and/or salary within the District for reasons other than reduction in force under appropriate provisions of the Education Code and the administrative regulations and procedures adopted by the Board of Trustees.

### PROCEDURES

Regulations and Procedures:

4220.5.4.1 The administrator shall have the following demotion/movement to a position of lower rank and/or salary rights:

- (a) To notification of the proposed action by March 1.
- (b) To an evaluation by the Superintendent based on

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the objectives related to the administrator's job specifications. This evaluation must have been completed not more than sixty (60) days prior to notification of a proposed demotion of the administrator to a teaching position.

- (c) To receive a copy of the evaluation.
- (d) To a conference to discuss the evaluation.
- (e) To recommendation, if necessary, for improvement.
- (f) To assistance in making improvement when applicable.

4220.5.4.2 Pending demotion, the administrator shall have the following rights:

- (a) To notification of the proposed demotion.
- (b) To request a statement of specific reason(s) for the demotion.
- (c) To request access to the materials on which the demotion is based.
- (d) To a hearing at a meeting with the Board of Trustees following receipt by the Board of Trustees of the Superintendent's recommendation. This hearing shall be held in closed session unless otherwise requested by the administrator.

4220.5.4.3 At the hearing with the Board of Trustees, the administrator shall have the following rights:

- (a) To respond orally and/or in writing to the proposed action.
- (b) To representation by counsel of the administrator's choice.

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4220.5.4.4 The administrator shall receive a written copy of the Board of Trustees' decision.

4220.5.4.5 In the event it is the Superintendent's recommendation to demote the administrator immediately and the Board of Trustees concurs, the demoted administrator shall receive pay and other benefits specified in his employment agreement until June 30 of the current fiscal year. But after expiration of the agreement, reassignment will be made according to the appropriate salary schedule.

4220.5.4.6 If, because of demotion, it becomes necessary to transfer administrative personnel to a teaching position, the procedures of the Contract Agreement between the Millbrae Education Association and the Board of Trustees shall be followed.

4220.5.4.7 The decision of the Board of Trustees is final.

4220.6 Hours, Days, Duty Obligations, and Work Year (See Contract)

4220.7 Evaluation: Non-Administrative Personnel (See Contract)

4220.8 Certification of Competence in Evaluation

4220.8.1 It is the intent of the Board of Trustees to certify that personnel assigned to evaluate teachers have demonstrated competency in instructional methodology and evaluation.

4220.8.2 The Superintendent and Administrative Cabinet will be responsible for developing an ongoing program of professional development to enhance the skills of each evaluator in the areas of teacher evaluation and instructional methodology.

4220.8.3 The Superintendent shall recommend those management personnel who are deemed competent to evaluate teachers.

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### PROCEDURES

4220.8.3.1 The Superintendent will provide a written certification once every two years stating that competency has been demonstrated according to the following qualifications:

- (a) Possession of a valid administrative or supervisory credential.
- (b) Knowledge of:
  - 1. Evaluation procedures
  - 2. District standards of expected pupil achievement.
  - 3. Curricular objectives.
  - 4. What constitutes a suitable learning environment.
- (c) Competence in:
  - 1. Instructional techniques and methodologies.
  - 2. Evaluation processes.
- (d) Participation in annual inservice activities with emphasis on evaluation, supervision, and instruction.

4220.8.3.2 Process Leading to Certification:

- (a) Identify individual evaluators.
- (b) Determine District qualifications for certification.
- (c) Assess each individual evaluator and certify qualified evaluators.
- (d) Plan an annual professional development program for/with each evaluator.
- (e) Implement professional development programs.
- (f) Annually review each evaluator's program.

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4220.8.4 The Board of Trustees will review the adopted policy annually.

### 4220.9 Evaluation: Administrative Personnel

4220.9.1 Each administrator shall be evaluated formally at least once every other school year. Evaluation is a continuing process and may occur between scheduled periods.

4220.9.2 Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent. The evaluation report must be signed by the administrator and the Superintendent. The signature of the evaluated administrator does not show agreement with the evaluation unless so indicated above the signature. A copy of the report shall be given to the administrator within fifteen (15) working days following the evaluation.

4220.9.3 The evaluation shall include recommendations, if needed, for improvement and shall suggest forms of assistance which would be of aid in making such improvements.

4220.9.4 The process of evaluation has as its underlying premise the assessment of performance and demonstrated competence of the employee in the interest of the District. 4220.9.5 The Superintendent shall develop regulations and procedures for making evaluations of all administrative and supervisory personnel.

4220.9.6 The Board of Trustees shall review all administrative evaluations.

### 4220.10 Probationary Status

4220.10.1 The District shall designate an administrator to assist each new probationary teacher for each year of the teacher's probationary status. The designated administrator shall ensure that the probationary teacher is informed by the end of October about all District resources, including curriculum and personnel resources, which would provide assistance and/or training to the probationary teacher. The designated administrator shall also ensure that a

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District administrator has been assigned to evaluate the probationary teacher and that the identity of the evaluator is known to the probationary teacher by the end of his/her second week of teaching. (Education Code Section 35160.5[b]).

4220.10.2 A teacher assigned as a leave replacement non-probationary teacher shall not qualify for status as a probationary teacher, even though that teacher served at least 75% of the days in which school was in session during that year. However, if the teacher served at least 75% of the prior school year and is employed as a probationary teacher the following year, one previous year's service then shall be deemed to have been probationary.

4220.10.3 The Superintendent shall make recommendations to the Board of Trustees regarding the continuous employment of probationary teachers.

4220.10.3.1 Probationary Employees Whose Probationary Period Began During Fiscal Year 1983-84 or Thereafter: A teacher who has been employed by the District for two (2) consecutive school years and is rehired for the next succeeding school year shall become a permanent employee. The Board of Trustees shall notify each probationary employee, on or before March 15 of the employee's first or second year of employment by the District, of the decision to re-elect or not to re-elect the employee for the next succeeding school year. In the event that the Board does not give such notice on or before March 15, the employee shall be deemed re-elected for the next succeeding school year. (Education Code Section 44882[b])

4220.10.4 The Board of Trustees may dismiss probationary employees during the school year for cause or for unsatisfactory performance.

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4220.10.4.1 Probationary employees whose probationary period commenced in fiscal year 1983-84 or thereafter may be dismissed for cause or for unsatisfactory performance during the first or second year of their probation. Alternatively, the Board may suspend the probationary employee for a specified time without pay (Education Code Section 44948.3).

4220.10.4.2 The Superintendent shall give thirty (30) calendar days' prior written notice of dismissal, not later than March 15 in the case of the second-year probationary employee. The notice shall include: (1) a statement of the reasons for the dismissal; (2) a notice of the opportunity to appear; and (3) a copy of the evaluation if the dismissal is for unsatisfactory performance. The employee shall have fifteen (15) calendar days from the receipt of the notice of dismissal to submit to the Board a written request for a hearing, and failure to request a hearing within that time shall constitute a waiver of the employee's right to a hearing. The employee's request for a hearing shall include a statement of the facts and issues he/she plans to contest.

4220.10.4.3 The Board of Trustees shall have the option of hearing the appeal, of assigning the hearing to a committee of the Board, or of assigning the hearing officer. If the Board assigns the hearing to a hearing officer, the District shall pay for the hearing officer's services. Hearing procedures will be informal. The employee may be represented by an Association representative or other designated

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representative. The Board committee or hearing officer shall submit to the Board a written recommendation including findings and conclusions, which shall be advisory to the Board. Within ten (10) calendar days, the Board will review the advisory recommendation and render its own decision which will be final. A copy of all decisions, recommendations, and findings pertinent to the case will be made available to the employee.

### 4220.11 Tenure

4220.11.1 Tenure shall be considered a privilege and be granted in accordance with the provision and intent of the law to teachers who carry out their assignments with a high degree of competence.

4220.11.2 All personnel eligible for tenure status shall submit a report of a physical examination to the Superintendent.

4220.11.2.1 A copy of the multiphasic examination, conducted by Kaiser or at a clinic authorized by Blue Cross/Blue Shield, within the preceding twelve calendar months, shall be submitted with the staff member's letter requesting tenure status.

4220.11.2.2 Tenure for certificated employees ceases at age 70.

### 4220.12 Class Size (See Contract)

### 4220.13 Leaves of Absence (See Contract)

4220.13.1 Short-term leaves: Legal duties

4220.13.1.1 Court appearances: Full-time and part-time personnel will be granted leave with pay for court appearances as a juror or witness. Any jury or witness fees received by the employee, minus the amount for necessary mileage and other expenses connected with the court appearance, shall be returned to the District.

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- (a) An audit trail for the accounting of such fees shall be established and shall include a signed statement of amount received, mileage and all expenses, and the amount reimbursable to the District.
- (b) The amount to be reimbursed to the District shall be given to the Business Office, which shall issue a receipt to the employee and deposit the money in accordance with law.
- (c) Notices, summons and subpoenas for court appearances shall be submitted to the Business Office when requests for leave are made.

### 4230 Temporary and Part-Time Personnel

#### 4230.1 Substitute teachers

4230.1.1 Certificated personnel shall be employed by the day for the purpose of substituting for regular teachers who are ill or absent because of emergencies.

4230.1.2 Substitutes shall be compensated for service at the rate established by the Board of Trustees, and as required by law.

4230.1.3 A substitute teacher after twenty (20) consecutive days at one assignment shall be compensated at the rate established by the Board of Trustees.

4230.2 Reduced Work Load Program: Certificated employees may be allowed to reduce their workload from full-time to part-time duties, with full-time retirement credit, under the following conditions

4230.2.1 The reduction of the employee's workload shall be voluntary on the part of the employee and the District.

4230.2.2 The employee must have rendered ten (10) years or more of full-time service in a position requiring certification, and must have been employed full-time

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in such a position for each of the five (5) years immediately preceding entrance into part-time employment.

- 4230.2.3 The employee must have been employed in a position with a salary no higher than that of a school principal for each of the three (3) years immediately preceding entrance into part-time employment.
- 4230.2.4 The employee must be at least fifty-five (55) years of age at the beginning of the school year or term in which the part-time employment begins, and may not continue in part-time employment more than five (5) consecutive years, or beyond the school year in which s/he reaches age seventy (70), whichever comes first.
- 4230.2.5 The reduced workload must be based on a full school year or term, and the minimum compensation paid or time worked must be equal to no less than half-time. The minimum part-time employment shall be the equivalent of one-half of the number of days of service required by the member's contract of employment during his final year of service in a full-time position.
- 4230.2.6 The employee who selects the part-time option as detailed in this policy may not return to full-time employment in the District unless the Board of Trustees agrees to the reinstatement.
- 4230.2.7 The days of sick leave allowed for full-time employment shall be reduced in the same proportion as employment is reduced. District contributions for health and dental plans shall also be reduced proportionately.
- 4230.2.8 The employee and the District shall contribute to the State Teachers' Retirement System the amount that would be required if employment had continued to be full-time. Such contributions shall be made on a monthly basis regardless of the time during the year when the part-time services are actually rendered.
- 4230.2.9 The reduction of each employee's workload must be approved by the

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Superintendent on an individual basis, after a determination has been made that the reduction is in the best interests of the District and can be accomplished without significant disruption of ongoing programs or services.

4230.2.10 The part-time duties shall be rendered in such assignments and at such times during the year as are mutually agreed to by the employee and the District.

4230.2.11 Prior to the start of each school year (July 1), the employee shall sign a contract of agreement setting forth these conditions and such other details as may be necessary to insure a mutually satisfactory understanding on the part of the employee and the District of the services to be rendered and the times at which they are to be performed.

4230.3 Half-Time Teachers (See Contract)

4230.4 Student Teaching

4230.4.1 Students receiving classroom training from teacher-training institutions shall be permitted to assume the role of student or practice teachers in schools of the District under the direction of a supervising teacher.

4230.4.2 Arrangements for placing student teachers in District schools shall be made only through the office of the Superintendent.

4230.4.2.1 The assignment of a student teacher shall be to a teacher with a minimum of three (3) years of experience, with the consent of that teacher.

4230.4.2.2 Teachers may make application to their building principal for consideration to serve as a supervising teacher.

4230.5 Intern Training

4230.5.1 Recognizing the principle of internship for professional training, the District may employ interns with compensation as established by the Board of Trustees.

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### 4230.6 Consultants

4230.6.1 The Board of Trustees encourages the use of consultants when it is clear that they can provide valuable and necessary specialized services not normally required on a continuing basis and which cannot be provided by District personnel because of limitations of time, experience or knowledge.

### 4240 Rights, Duties and Responsibilities of Certificated Personnel

#### 4240.1 Duties:

4240.1.1 All employees of the District are subject to the policies of the Board of Trustees, applicable laws, and current employee agreements.

4240.1.2 The Board of Trustees has established position descriptions for certificated employees. These position descriptions set forth the specific duties and responsibilities of the various certificated positions within the District and are available for review in the District office.

#### 4240.2 Staff Development:

4240.2.1 The Board of Trustees regards Staff Development as a continuous, systematic effort to improve educational programs in the District through staff involvement in planning, implementing and evaluating programs and staff participation in professional activities designed to upgrade the knowledge, skills, and instructional expertise of the total school staff.

4240.2.2 The Board of Trustees recognizes that it shares with its certificated staff responsibility for the upgrading and updating of teacher performance and attitudes.

4240.2.3 To this end, the Board of Trustees supports a staff development program which meets the guidelines set forth in Education Code Section 44277. Accordingly, teachers holding credentials issued on or before September 1, 1985, will be required to submit for approval to their principal, or other District designee, their planned individual program of professional growth in

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accordance with Sections 44277[b], [c], and [d]. Teachers holding credentials issued prior to September 1, 1984 are strongly encouraged to engage in professional growth activities as set forth in these policies.

4240.2.4 Staff development activities should respond directly to the educational needs of the students, including, (a) content areas such as language arts, including reading and writing, math, social science and science; (b) methodological areas such as motivation, teaching techniques, and classroom management, and (c) affective areas such as interpersonal relations with students and with faculty, pupil growth and development, and staff communications, problem solving and decision making.

### 4240.3 Staff Development Programs Related to School Improvement Plans

4240.3.1 Schools may request, as part of their school improvement plan, that time be provided during the regular school year to counsel students or conduct staff development programs, provided that such time does not exceed eight (8) days each year for each participating staff member and that categorical funding is available to pay any costs incurred by implementing programs.

### 4240.4 Professional Growth

4240.4.1 The certificated staff is encouraged to take advantage of various professional growth opportunities including:

- (a) Unpaid leaves of absence for travel and/or study.
- (b) Observation visits to other classrooms and/or other schools.
- (c) Professional conferences.
- (d) Membership on professional committees.
- (e) Classes and workshops offered or approved by the District.

4240.4.2 Certificated staff members are encouraged to seek additional training in institutions of higher learning.

4240.4.3 No advance approval is required from the Superintendent to receive salary

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credit for any college or university course relating to the individuals professional growth, or for District in-service courses which are offered for credit, and no approval form is required for such courses. However, a transmittal form must be submitted with the transcript (Appendix C). Advance approval is required for all other courses, and the teacher must prepare and submit the proper form (Appendix C).

- 4240.4.4 The Superintendent shall determine whether salary credit will be allowed for courses or workshops other than those offered by a college or university or by the District for credit. The Superintendent shall also determine whether salary credit will be allowed for repeated courses. The Superintendent will give consideration to the teacher's principal's recommendations and may elect to refer the matter to the CAC.
- 4240.4.5 If a teacher disagrees with the Superintendent's decision, s/he may request a review and a recommendation from the CAC.
- 4240.4.6 A total of fifteen (15) accumulated classroom hours are considered the equivalent of one (1) unit of credit.
- 4240.4.7 Transcripts and/or other verification of completed courses must be submitted by September 1 of each year in order to be considered for salary advancement credit.
- 4240.4.8 Beginning in the 1986-87 school year, credit will be provided for advancement on the salary schedule based upon an individual's service on bona fide District committees, e.g., Curriculum Advisory Committee; Textbook Committee, Mentor Teacher/CTIIP Selection Committee. Credit for committee work will be given for hours outside of the regular teaching day; not for released time. The Committee Chairperson will be responsible for keeping a record of hours and attendance at meetings. At the end of the school year, each committee member shall receive from the District a

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statement showing the total earned hours for District committee work. A total of fifteen (15) accumulated on-task hours are considered the equivalent of one (1) semester unit of credit.

4240.4.9 Committee hours may be combined with coursework hours to earn one semester unit of credit.

4240.4.10 Upon completion of District committee work and/or coursework, the committee member must request salary credit approval on the appropriate form.

### 4240.5 Professional Service

4240.5.1 The Board of Trustees expects each staff member to assume and maintain a fully professional level of service. Three particularly important aspects of such professional service are (1) a personal commitment to quality teaching, (2) the maintenance of ethical relationships with pupils, parents, and staff members, and (3) an ongoing demonstration of professional growth and development.

4240.5.2 The Board of Trustees encourages educational research and administrative field work among staff members. Administration cooperation shall be offered to projects approved by the Professional Growth Committee and the Management Team.

### 4240.5.3 Certification

4240.5.3.1 Certificated personnel are personally responsible for ensuring that their credentials are current and valid. It is each teacher's responsibility to register with the Office of the County Superintendent of Schools each credential actively used by the teacher. A teacher whose credential(s) is not on file with the County Office, as required by law, will be subject to automatic suspension. No warrant will be drawn

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in favor of any person whose position requires certification until s/he is properly credentialed and registered with the County. Teachers may teach on emergency or provisional credentials, providing no regularly credentialed teachers are available. However, a teacher whose credential is not valid cannot be paid for service rendered.

### 4240.5.4 Proficiency in Reading, Writing, and Mathematics:

4240.5.4.1 Commencing February 1, 1983, the Board of Trustees will not employ any certificated person on a permanent, temporary, or substitute basis until that person has demonstrated basic skills proficiency as required under the Education Code, unless that person is exempted from this requirement by provisions of the Education Code. Vocational designated subject credential holders who have not yet taken and passed the basic skills proficiency test may be hired on the condition that they take the test at its next local administration. The test shall not be required of certificated persons who have been employed by another school district in a position requiring certification within 39 months prior to employment in this District.

### 4240.6 Tutoring

4240.6.1 Regular classroom teachers who engage in tutoring activities for pay shall not provide this service to students enrolled in their regular school classes.

4240.6.2 No paid tutoring activities shall be conducted on school premises.

### 4240.7 Conferences and Meetings

4240.7.1 The Board of Trustees encourages employees to participate actively in meetings of local, state, and national professional organizations.

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4240.7.2 Approval of employee requests to attend professional meetings shall be based upon relevance and the needs of the District.

4240.7.3 The District may pay the necessary expenses incurred by an employee who attends an approved conference. The District will pay for substitutes for employees who attend approved conferences.

4240.7.4 Teachers must obtain their building principal's consent to attend conferences prior to submitting such requests to the Superintendent.

4240.7.5 Administrators shall submit requests to attend professional meetings to the Superintendent for approval.

4240.7.6 Employees who attend conferences or meetings may be requested to file with the Clerk of the Board of Trustees and the Superintendent a report about the conference or meeting. The report may include recommendations to the District based upon the content of the conference or meeting.

### 4240.8 Grievances (See Contract)

4240.8.1 The District shall handle all allegations of grievance from employees in accordance with negotiated grievance procedures. (See Appendix A for Grievance Form)

4240.8.2 No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals or any professional disadvantage by reason of participation in the processing of any grievance.

### 4240.9 Problem Resolution

4240.9.1 It is the Board of Trustees' purpose to establish and maintain channels of communication between the Board, the Management Team and members of the staff. To this end, the Board directs the Management Team to practice reasonable and effective means of resolving difficulties which are not

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covered by adopted grievance procedures. These policies shall include the following:

### PROCEDURES 4240.9.2 Definitions

- (a) "Complainant" - Any regular nine-to-twelve month employee of the Millbrae School District. Substitutes are specifically excluded.
- (b) "Problem" - A problem is a complaint relating to the conditions or circumstances within which an employee works, excluding conditions or circumstances covered by the current employer-employee negotiated agreement.
- (c) "Conferee" - A conferee is a fellow employee, department head, supervisor, administrator, or employee organization representative.

4240.9.3 Problems should first be discussed in private conferences between the parties involved, without conferees. If the private conference does not lead to a solution of the problem, either party may request another conference to be attended by the parties and one conferee for each party to the complaint.

4240.9.4 If the same complaint, or substantially the same complaint, is made by more than one employee against one respondent, only one employee, on behalf of himself and the other complainants, may process the complaint through the resolution procedure. Names of all complainants shall appear on all documents related to the settlement of the problem.

- Level I**
- (a) Within seven (7) working days after a complainant knows, or by reasonable diligence would have known, of the conditions upon which a complaint is based, the complainant shall submit a written description of the problem to his/her immediate supervisor/administrator.
  - (b) The administrator shall communicate his decision to the complainant within seven (7) working days after receiving the complaint.

**Level II** (a) If the complainant is not satisfied with the decision, s/he may appeal the

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decision, in writing to the Superintendent within five (5) working days after receiving it.

(b) The Superintendent shall communicate his decision, in writing, to the staff member within five (5) working days.

**Level III** (a) If the complainant does not concur with the decision of the Superintendent, s/he may request a hearing with the Board of Trustees. The hearing shall be conducted in a closed session (personnel) as a part of a regularly scheduled Board of Trustees meeting.

(b) The decision of the Board of Trustees shall be final and binding.

### 4240.10 Employee Protection

4240.10.1 An employee may use reasonable force as is necessary to protect himself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or within control of a pupil.

4240.10.2 Employees shall immediately report instances of attack, assault or threat against them by any pupil to their principal or other immediate supervisor who shall in turn report the incident to the appropriate local law enforcement agency. The report shall be forwarded immediately to the Superintendent, or his designee, who shall act in appropriate ways as liaison between the employee, the police, and the courts.

### 4240.11 Tobacco-Free Schools (5/17/93)

4240.11.1 Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of second-hand smoke.

4240.11.2 As role models, District employees should demonstrate conduct that is consistent with school programs to discourage students from using tobacco products.

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4240.11.3 Therefore, the Board believes it is in the best interests of students, employees, and the general public to prohibit the use of tobacco products anywhere and anytime on District property, in District vehicles, and in any school sponsored activities or while under the supervision and control of District employees.

4240.11.4 This policy shall become effective August 1, 1992. The District shall take action against those individuals who violate this policy.

4240.11.5 The District shall provide a list of clinics and community resources which may assist employees who wish to stop using tobacco products. Cessation assistance may be made available to employees if required.

Legal References:

Education Code

' 48901 "Smoking or Use of Tobacco; Steps to Discourage"

Health and Safety Code

' 39002 "Control of Air Pollution from Nonvehicular Sources"

PERB Ruling:

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District

### 4250 Compensation of Certified Personnel

4250.1 Salary Schedules (See Contract)

4250.2 Travel Reimbursement

4250.2.1 The Board of Trustees agrees to pay some or all of the actual and necessary expenses, including travel expenses, incurred by any District employee in the course of performing authorized services for the District, both within the District and outside.

4250.2.2 The mileage rate for reimbursement of travel expenses shall be set by the Board of Trustees on recommendation of the Superintendent.

4250.3 Longevity Recognition (See Contract)

4250.4 Salary Deductions (See Contract)

4250.5 Reimbursement for Loss of Personal Property (3/1/93)

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The Governing Board shall pay the cost of replacing or repairing employee personal property, except cash, which has been stolen, destroyed or maliciously damaged through no fault of the employee, while being used in District schools. Reimbursement for personal items used for work-related purposes shall be made only if the Business Manager or designee approved the use of the personal property in school before the property was brought to school and at that time agree on the value of the property. (Ed Code ' 35213)

No payment shall be made for any loss having a value of less than \$25 at the time of damage or theft. No payment shall be made for repairs of less than \$25. Payment for any one loss shall not exceed \$5,000. Reimbursement for vehicle damage shall be limited to payment of the deductible amount of the employee's insurance policy. Reimbursement shall not exceed \$5,000 for damages resulting from malicious acts to a vehicle parked or driven on or adjacent to District premises. Reimbursement shall not be made in the case of collision, theft of an entire vehicle, theft of optional attached equipment such as a radio, tape deck, tapes or cassettes, or damage to a vehicle resulting from actual theft of the vehicle. No reimbursement shall be made for accidental damage or for any loss suffered because of lack of personal supervision or failure to keep property in a locked area available to the owner.

### 4250.6 Compensation for Promotions: (9/20/93)

No certificated employee shall receive a decrease in the salary and/or benefit package as a result of accepting a District promotion.

### 4260 Employee Organizations

4260.1 All employees are free to join or not to join employee organizations. The District will make decisions affecting individual employees without regard to their membership or non-membership in such organizations.

4260.2 No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee organization or participation in its lawful activities.

4260.3 Consultation - The Board of Trustees wishes to promote continuing improvement of

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personnel management and employer-employee relations. To this end, the Board supports and intends to implement Sections 3540-49 of the Government Code in the interest of improving the programs serving the children in the District's schools.

### 4260.4 Rights of Employee Organizations (See Contract and Government Code Section 3543.1)

#### 4260.4.1 Organization Access and Student Safety

To assure the safety and security of students, any representative of an employee organization who desires access to a District campus during hours in which students are present shall notify the principal's office of his identity and his status as the representative of an employee organization. Appropriate identification and/or credentials may be required in instances when campus management does not know or have reason to know of the individual's identity or affiliation.

#### 4260.4.2 Fees Assessed to Organizations

4260.4.2.1 Employee organizations shall pay for their own supplies and shall pay reasonable fees for the use of District equipment for producing materials. The administration shall establish such fees and shall apply them uniformly to all non-District users.

4260.4.2.2 All District materials that are distributed to the public shall be provided to employee organization representatives. When the organization requests materials that are not readily available in the form requested, the organization shall pay for the staff time and supplies necessary to produce the materials. The production of such materials is subject to the time limitations and work priorities of staff.

4260.4.2.3 Employee organizations shall not be granted the use of District postage.

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4260.4.2.4 District telephones shall not be used for employee organization purposes.

4260.4.2.5 Employees shall not be given time off from work for organization meetings.

### 4260.5 Public Notice - Personnel Negotiations

4260.5.1 The Board of Trustees will strictly adhere to the requirement of public notice as set forth in Article 8, Section 3547, of Chapter 10.7 of the Government Code.

4260.5.2 The Board of Trustees will freely consult with concerned citizen and employee groups regarding the establishment of reasonable regulations relating to the implementation of this public notice section. The Board believes that, although procedures and processes relating to public notice are not a negotiable item, consultation among the Board of Trustees, interested citizen groups, and concerned employee organizations is highly desirable.

4260.5.3 The Superintendent shall notify the District employees' exclusive representative that the Board of Trustees will hear, at any regular Board meeting, the initial proposal(s) of the exclusive representative and will include the proposals by title as a published agenda item.

4260.5.4 At a public meeting the Board of Trustees shall receive the proposal(s) and shall make it available for public review and study at a known and designated place (or places) in the District.

4260.5.5 In order to comply with the above section, the Superintendent shall request that ten (10) copies of the exclusive representative proposal(s) be furnished to the Board at the time of the public presentation.

4260.5.6 Any citizen or citizen group may request an individual copy of the exclusive representative's proposal(s) for study.

4260.5.7 After a minimum of fourteen (14) calendar days following the public

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presentation by the exclusive representative, the Board of Trustees shall, at a regular meeting or at a called special meeting, provide the public with an opportunity to express itself regarding the proposal(s).

4260.5.8 The Board of Trustees shall not adopt its initial proposal until after the public has had such opportunity.

4260.5.9 The Board of Trustees, through its designated representative, shall then begin meeting and negotiating with the exclusive representative.

4260.5.10 Within twenty-four (24) hours of the presentation of new subject matter proposals within the scope of negotiations made by either party during meeting and negotiating, the Board of Trustees shall make the proposals available in printed form for public study and review at a known and designated place (or places) in the District.

4260.5.11 The Board of Trustees shall request from the exclusive representative sufficient copies of its proposal(s) to be able to comply with this regulation.

4260.5.12 If the Board of Trustees takes any vote on a new subject of negotiations, the Board shall make the vote available as a matter of public record within twenty-four (24) hours after such vote.

### 4260.6 Reasonable Release Time for Processing Grievance(s)

4260.6.1 The Board of Trustees shall provide an equivalency of not more than a total of nine (9) employee working days during which not more than three (3) representatives of a recognized unit, individually or collectively, may assist in processing any and all grievances occurring during any adopted work year calendar.

4260.6.2 If more than one representative is working simultaneously on one or more grievance(s), the total hours spent shall be charged against the sixty-three (63) hours, nine (9) employee days available to the association for grievance processing.

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4260.6.3 The time spent by the unit designated employees, within the nine (9) allowed employee working days, shall not result in loss of compensation to the employee(s).

4260.7 Payroll Deductions  
(Association roll lists. This meeting shall take place by November 1 of each school year.)

4260.7.2 If the District deducts organizational dues from the pay of any employee and delivers the dues to the Association and the employee does not owe the dues, the Association and not the District shall be liable for any refund.

4260.7.3 The District shall make payroll deductions and remittances other than dues upon receiving written authorization from an employee, so long as the benefits are approved by the District.

4260.8 Meeting and Negotiating

4260.8.1 Meeting and negotiating between the District and the exclusive representative shall take place at mutually agreeable times and places within seven (7) working days of a request from either party. A working day is defined as any day during which the District Office is open for business.

### 4270 Retirement

4270.1 Retirement from Service:

4270.1.1 Any certificated employee who is a member of the State Teachers Retirement System may retire from service at the employee's option upon written application to the Teachers Retirement Board under provisions of Education Code Section 23901.

4270.1.2 Employees retiring from service should notify the Superintendent of their intention to retire as soon as possible, in order that a suitable replacement may be found, no later than February 15 preceding the intended year of retirement.

4270.2 Retirement for Disability:

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4270.2.1 Any certificated employee may retire for disability under the terms and conditions of Education Code Section 23902 et seq.

4270.3 Early Retirement (See Contract)

### 4280 Citizen Complaints or Charges Against Teachers

4280.1 The Board of Trustees recognizes that circumstances may arise in the operation of the District which prompt a citizen to bring a complaint or charge against a District employee. The following policies shall govern such complaints or charges which are brought against District teachers.

4280.2 Every attempt shall be made to resolve any complaint or charge at the appropriate and lowest administrative level, which in most cases will be at the school site level. If a complaint is made directly to the Board of Trustees or to an individual Board member, it shall be referred to the Superintendent without any discussion by the Board. The Superintendent in turn shall refer the complaint to the teacher's site administrator, or immediate supervisor if other than a site administrator.

4280.3 The site administrator shall attempt to resolve the complaint through informal discussions with the complainant. The administrator shall inform the teacher of the complaint, and the teacher may request a meeting with the complainant. If the problem is not resolved at this level, the administrator shall schedule a meeting with the teacher and the complainant. The teacher may be accompanied by an Association representative at the meeting. If the problem is not resolved at this level, either the teacher or the complainant may request a meeting with the Superintendent. The teacher may be accompanied by an Association representative at the meeting with the Superintendent.

4280.4 If the complaint is not resolved through these informal meetings, the complainant may file a formal written complaint with the District which will be adjudicated by the Board of Trustees.

4280.4.1 The complaint shall be on a District form (Appendix B and available at the District Office), shall express in detail the nature of the complaint, and shall

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be signed and verified under penalty of perjury. The written complaint may challenge the personal capacity of a teacher to render service to the District, challenge an action taken by a teacher or challenge a teacher's failure to act.

The Board shall not accept a complaint involving a matter which occurred more than twelve (12) months prior to the complaint.

4280.4.2 Immediately upon receipt of the written complaint, the District must notify the teacher named in the complaint (respondent) about the complaint and about the subsequent procedures. The respondent shall be entitled to copies of all allegations made against him/her and may respond to such allegations in writing. The response may include counter allegations and need not be verified under penalty of perjury though it must be signed.

4280.4.3 The Board of Trustees or a selected committee thereof shall conduct a closed hearing to consider the complaint. The Board may request the attendance of staff members who have information concerning the matter, or who are necessary to its resolution.

4280.4.4 The complainant and respondent shall be given adequate notice of the time, date, and place of the meeting.

4280.4.5 The complainant may be accompanied at his/her own expense by an attorney or other representative of his/her choice.

4280.4.6 The respondent may be accompanied at his/her own expense by an attorney or other representative of his/her choice.

4280.4.7 The hearing shall be solely on the issues raised by the complaint and the response. Both the complainant and the respondent may call witnesses to testify about the allegations made in the complaint or response, and each may make his/her own statements pertaining to the complaint or the response. The complainant shall make his/her presentation first, followed by the respondent. The Board shall set time limits for the presentation of the

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case.

4280.4.8 Judicial rules of evidence shall not be enforced, except that no decision shall be based solely on hearsay evidence.

4280.4.9 The District shall employ a certified court reporter to record the entire hearing. The Board of Trustees may request, at District expense, a transcript of the hearing. The complainant and the respondent may obtain transcripts of the hearing, each at his own expense.

4280.5 Following the hearing, the Board shall deliberate and decide the matter in the cooperation with the Superintendent, in the absence of the complainant, the respondent and their attorneys or other representatives. The decision of the Board of Trustees shall be final.

4280.5.1 The Board shall notify the complainant and respondent of its decision, in writing, as soon as practicable. Such written decision shall include a statement of the main issues raised by the complaint, and a response, findings of fact, and a statement of conclusions. It may also include such orders for action as the Board deems appropriate. The written decision shall be reviewed by the District's legal counsel prior to its final delivery to the parties.

4280.5.2 The Board may use legal counsel in any phase of the process.

4280.6 When the Board's decision exonerates the respondent, it will be the option of the respondent whether any information pursuant to the charge shall be placed in his personnel folder.

4280.7 When the Board finds that the complaint is substantiated in part or in whole, the complaint and the Board's decision shall be placed in the respondent's personnel file. The respondent shall have the opportunity to include in his file a written response.

### 4290 Drug- and Alcohol-Free Workplace (5/18/92)

4290.1 The Board of Trustees believes in the importance of providing a safe and secure environment which encourages and supports students and staff in their efforts to lead

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healthy and productive lives.

- 4290.2 It shall be the policy of Millbrae School District that no employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during, or after school hours at school or in any other District workplace. All employees shall abide by this policy as a condition of employment and shall receive written notification of District policy and procedures.
- 4290.3 Each employee shall notify the District of any criminal drug status conviction in the workplace no later than five (5) days after such conviction.
- 4290.4 The District shall establish a drug- and alcohol-free awareness program to inform employees about the dangers of drug and alcohol abuse in the workplace; the District policy of maintaining drug- and alcohol-free workplaces; any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees for drug and alcohol abuse violations.
- 4290.5 The District shall notify the appropriate federal granting or contracting agencies within ten days after receiving notification from an employee or otherwise of any conviction for a violation occurring in the workplace.
- 4290.6 The District shall take the following actions within 30 days of receiving such notice: (a) take appropriate personnel action against such an employee up to and including termination and/or (b) require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- 4290.7 The Superintendent or designee will make a good faith effort to continue maintaining a drug-free workplace through implementation of this policy.

### Legal References:

The Drug-Free Workplace Act of 1988, Public Law 100-690, 5151-5160.  
Drug-Free Schools and Communities Act Amendment of 1989, HR 3614  
Controlled Substances Act, 202 schedules I-V, 21 USC 812-21\_  
Code of Federal Regulations 1300.1-1300.15; GC 's 8350-8357

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Education Code 's 44011, 44065, 44425, 44836, 44940, 44940.5, 45123, 45304

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### Article 3 - SB 813 Programs

#### 4310 Classroom Teacher Instructional Improvement Program

The Board of Trustees supports the Classroom Teacher Instructional Improvement Program (CTIIP) established in Senate Bill 813 and encourages District teachers to participate in the program, individually or with other teachers, so as to improve the quality of instruction in District schools. The Board recognizes that grants pursuant to this program are to supplement and not supplant regular instructional activities. The Board affirms that District participation in the CTIIP will adhere to the guidelines set forth in Education Code Section 44700 et seq.

##### 4310.1 District Responsibilities:

The Board shall instruct the Superintendent to initiate the District's participation by the following steps: (1) apply to the Superintendent of Public Instruction for the funds which the District is entitled to receive; (2) seek authorization to expend up to 5% of those funds for administrative costs of the program; (3) determine, with staff, the District's curricular and instructional priorities; (4) inform District teachers of these priorities so that the teachers may design their proposals to meet District needs; and (5) disseminate information concerning the District's participation in CTIIP to all District teachers.

##### 4310.2 SB 813 Selection Committee:

4310.2.1 A committee shall be established to facilitate the District's involvement in the Classroom Teacher Instructional Improvement Program and the Mentor Teacher Program, and committee members shall have responsibilities pertaining to both programs.

4310.2.2 The committee shall consist of five (5) members, at least three (3) of whom shall be teacher representatives whose primary duty is classroom instruction. The remainder of the committee shall be comprised of District administrators selected by the Superintendent. Teachers may volunteer for committee membership or may be nominated for membership by other teachers. No

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teacher may be nominated without his/her consent. Following the nominations, District teachers will select the teacher representatives by a secret ballot election conducted by the Association. Teacher members should represent primary, intermediate and junior high grade levels, with no more than one teacher representative per school. Selection Committee members shall serve for two (2) years. The Selection Committee at its discretion may request that parents participate on the committee as non-voting members.

4310.2.3 Committee meetings may be scheduled during the school day or outside of the regular school day. Committee members will be released from duty for meetings held during the school day and substitutes will be provided as necessary. Teacher committee members will be compensated at an established hourly rate for the time spent at meetings held outside of the regular school day. The costs of substitutes and hourly compensation will be paid by the funds received by the District for the costs of administering the program.

4310.2.4 With respect to the Classroom Teacher Instructional Improvement Program, the committee shall be responsible for:

- (1) establishing procedures and criteria for the evaluation of grant proposals;
- (2) reviewing and considering all proposals; (3) making recommendations to the Board of Trustees concerning the proposals, taking into account the District's curricular and instructional priorities; and (4) establishing procedures for the periodic review of the use of grant funds by grant recipients.

4310.3 Teacher Eligibility for Grants:

Teachers eligible for CTIIP grants must be permanent or non-permanent full-time teachers or mentor teachers whose primary duty is classroom instruction. Eligible teachers may

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submit either individual proposals or group proposals.

### 4310.4 Responsibilities of the Board of Trustees:

The Board of Trustees shall review the recommendations of the District SB 813 Selection Committee, and shall make the final decision on award of grant funds. The Board shall award the grants so as to improve instruction in those areas of the District with the greatest need. The Board may award, for any grant proposal submitted by an individual teacher, any amount not in excess of \$2,000 per fiscal year. For a proposal submitted by a group of teachers, the Board may award any amount not in excess of \$2,000 per fiscal year for each eligible teacher in the group. The Board of Trustees shall annually certify to the Superintendent of Public Instruction the total amount of the instructional improvement grants awarded each fiscal year.

4310.5 The District's participation in the CTIIP is dependent upon receipt from the State of the monies to fund the program.

### 4320 Mentor Teacher Program

The Board of Trustees acknowledges and supports the purpose of the Mentor Teacher Program, as set forth in SB 813: To encourage retention of exemplary teachers and to provide assistance and guidance to new and experienced teachers so as to improve the quality of instruction in District schools. The Board affirms its intent to participate in the Mentor Teacher Program, and further, affirms that the District's participation in the Mentor Teacher Program will adhere to the guidelines set forth in Education Code Section 44490 et seq. To that end, the Board shall instruct the Superintendent to take all necessary actions to ensure the District's participation, including establishing District curriculum and instructional needs, and disseminating information about the Mentor Program to District teachers.

#### 4320.1 Funding

4320.1.1 No portion of this program shall be paid from general fund monies. The program shall be implemented only to the extent that special funding from the State is provided for administrative cost, and all other costs arising from

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the mentor program. If the funding is decreased at any time during the life of the program, the program will be decreased proportionately.

4320.1.2 Each mentor teacher shall receive the entire \$4,000 stipend provided by the State. The stipend is payable upon the completion of assignment at the end of each semester. If the District's participation is for less than an entire school year, and the stipend is proportionately less than \$4,000, the mentor teacher shall receive the entire amount of the pro-rated stipend. This stipend shall not be counted as salary or wages for purposes of calculating rates or employee benefits under the State Teachers' Retirement System.

### 4320.2 SB 813 Selection Committee

4320.2.1 A committee shall be established to facilitate the District's involvement in the Mentor Teacher Program and the Classroom Teacher Instructional Improvement Program, and committee members shall have responsibilities pertaining to both programs.

4320.2.2 The committee shall consist of five (5) members, at least three of whom shall be teacher representatives whose primary duty is classroom instruction. The remainder of the committee shall be comprised of District administrators selected by the Superintendent. Teachers may volunteer for committee membership or may be nominated for membership by other teachers. No teacher may be nominated without his/her consent. Following the nominations, District teachers will select the teacher representatives by a secret ballot election conducted by the Association. Teacher members shall represent primary, intermediate and junior high grade levels, with no more than one teacher representative per school. Selection Committee members shall serve for two (2) years. The Selection Committee at its discretion may request that parents participate on the committee as non-voting members.

4320.2.3 Committee meetings may be scheduled during the school day or outside of

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the regular school day. Committee members will be released from duty for meetings held during the school day and substitutes will be provided as necessary. Teacher committee members will be compensated at an established hourly rate for the time spent at meetings held outside of the regular school day. The cost of substitutes and hourly compensation will be paid by the funds received by the District for the cost of administering the program.

### 4320.3 Application of Individual Teachers for Mentor Teacher Designation

4320.3.1 Any classroom teacher who meets the following qualifications is eligible to seek classification as a mentor teacher: (1) holds a valid California teacher credential; (2) has achieved permanent status; (3) has at least three years of classroom instructional experience; and (4) has demonstrated exemplary teacher ability. (revised 9/7/93 & 3/7/96)

4320.3.2 Interested teachers shall submit written applications for participation in the Mentor Teacher Program to the Selection Committee prior to a reasonable deadline established by the Superintendent and the Selection Committee. Such applications shall be designed by the Selection Committee. Applications shall include the applicant's written consent to the release to the Selection Committee members of the teachers' personnel information relating to teaching experience and performance, and consent to be observed during classroom instructional periods by committee members, if applicable. (Education Code Section 44465[c]. Each application shall address the contributions the applicant feels he/she can make in the following areas: (1) assisting new and experienced teachers; (2) staff development activities; (3) curriculum development activities; and (4) other areas determined by the applicant.

### 4320.4 Review of Applications and Nominations by the Committee

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- 4320.4.1 The Selection Committee shall interview each applicant, and may review each applicant's personnel information, and may observe each applicant in the classroom before nominating any candidates.
- 4320.4.2 The Selection Committee shall determine that each applicant selected for nomination has demonstrated exemplary teaching ability as indicated by: (1) effective communication skills; (2) subject matter knowledge; and (3) master of a range of teaching strategies necessary to meet the needs of pupils in different contexts. The Selection Committee shall also ensure that each applicant's proposal responds to identified District needs.
- 4320.4.3 Each nominee shall receive the vote of at least three (3) of the five (5) members of the Selection Committee.
- 4320.4.4 The Selection Committee may nominate more than one candidate for each mentor teacher position, or may not nominate any of the applicants.
- 4320.5 Review of Nominees and Designation of Mentor Teachers
- 4320.5.1 The Board of Trustees shall meet in closed session to consider the nominations of the Selection Committee, and to select from the nominees the person(s) to be designated as mentor teacher(s).
- 4320.5.2 The Board of Trustees shall designate as mentor teachers only teachers who have been nominated by the Selection Committee, and may select all, some, or none of the nominees.
- 4320.5.3 If for any reason a mentor is unable to complete the designated mentorship period, the Board may select a replacement from committee-nominated alternatives, if any.
- 4320.6 Term of Service: Each mentor teacher shall serve for a one-year term. During his/her year of service, the mentor teacher may apply for review and renomination in the same manner as specified above, and with the recommendation of the Selection Committee and approval by the Board of Trustees, may serve one additional year.

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### 4320.7 Duties and Responsibilities of Mentor Teachers

4320.7.1 The duties and responsibilities of each mentor teacher shall be determined on an individual basis and may include any or all of the following: (1) provide assistance and guidance to temporary or probationary teachers; (2) provide assistance and guidance to individual tenured teachers upon the written request of such teacher; (3) provide staff development for teachers at an individual school site or district-wide in a specific curriculum area; and (4) develop special curriculum.

4320.7.2 The time and manner in which each mentor teacher shall render service shall be determined on an individual basis by the Mentor Teacher in conjunction with the designated program administrator. The time commitment shall be approximately thirty (30) days a year. No more than ten (10) days per year of released time shall be granted.

4320.7.3 The mentor teacher shall not participate in the evaluation of teachers.

### 4320.8 General Provisions

4320.8.1 In the computation of class size/pupil-teacher ratios, the mentor teacher shall be counted only for that portion of his or her time spent in direct instruction of pupils in his or her regular assignment.

4320.8.2 Upon approval of the Board of Trustees, the mentor teacher may use any portion of the \$4,000 stipend to purchase additional released time for purposes of his/her professional growth. Such time shall be purchased at the regular substitute teaching rate.

4320.8.3 Mentor teachers shall not be exempt from any usual duty assignments or staff meetings required of any other member of the bargaining unit.

4320.8.4 All released time required or otherwise provided by the operation of the Mentor Teacher Program shall be covered by qualified substitutes. No members of the bargaining unit who are not substitutes shall be required to substitute for a mentor teacher released from instructional duty, or substitute for Selection Committee members.

**MILLBRAE SCHOOL DISTRICT  
GRIEVANCE FORM**

NAME \_\_\_\_\_ DATE FILED \_\_\_\_\_

SCHOOL \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_

1. Statement of Grievance (Please state misinterpretation, violation, or misapplication of the specific provision of the policy affected by this grievance as well as names, locations, date, time, etc.)

\_\_\_\_\_  
\_\_\_\_\_

2. Policy Section: \_\_\_\_\_ Page No.: \_\_\_\_\_  
Policy Section: \_\_\_\_\_ Page No.: \_\_\_\_\_

3. Remedy Sought: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Informal Conference Date(s) \_\_\_\_\_  
Decision(s) \_\_\_\_\_

\_\_\_\_\_

5. Decision(s) Level I Date: \_\_\_\_\_  
Level II Date: \_\_\_\_\_  
Level III Date: \_\_\_\_\_

(Attach decision(s)--signed & dated)

6. Reason(s) for Appeal:  
Level I \_\_\_\_\_ Date filed: \_\_\_\_\_

\_\_\_\_\_

Level II \_\_\_\_\_ Date filed: \_\_\_\_\_

\_\_\_\_\_

Level III \_\_\_\_\_ Date filed: \_\_\_\_\_

(Attach additional comments--signed & dated)

7. Signatures: \_\_\_\_\_ Date: \_\_\_\_\_

Grievant

\_\_\_\_\_ Date: \_\_\_\_\_

Representative

**MILLBRAE SCHOOL DISTRICT**

555 Richmond Drive  
Millbrae, CA 94030

**COMPLAINT OR CHARGE AGAINST CERTIFICATED/CLASSIFIED EMPLOYEE**

**TO:** \_\_\_\_\_  
\_\_\_\_\_

**FROM: Name** \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

**NAME OF PERSON(s) AGAINST WHOM COMPLAINT IS MADE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NATURE OF COMPLAINT:** This should be a description in your own words of the grounds of your complaint including all names, dates, and places necessary for a complete understanding of your complaint.

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

You may use additional pages of your own paper to describe your complaint more fully.  
(over, please)

Has the complaint been discussed with the employee(s) named in this complaint, as well as his/her/their school principal or supervisor? \_\_\_\_\_ Yes \_\_\_\_\_ No

To whom have you spoken?

Name(s) \_\_\_\_\_  
\_\_\_\_\_

When? Date(s) \_\_\_\_\_  
\_\_\_\_\_

What was the result of the discussion(s)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I/We understand that the Board of Trustees may request from me/us further information about this complaint; if such information is available, I/we shall present it upon request.*

*I/We also understand that a copy of this complaint will be given by the Board of Trustees to the person(s) against whom this complaint is being made; and he/she/they will be given the opportunity to respond in writing to this complaint and that I/we will receive a copy of such response.*

*I/We also understand that if a hearing is held on this complaint by the Board of Trustees, or a committee thereof, such hearing will be held in closed session with the press and public excluded and that I/we will be informed of the time, date, and place such hearing will be held.*

*I/We certify under penalty of perjury that the foregoing is true and correct.*

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, California.

Signature(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MILLBRAE SCHOOL DISTRICT**  
CERTIFICATED REQUEST FOR CREDIT

**Select:**  (1) College/University Units  (2) Committee Work  (3) Workshop/Non-University Work

Name \_\_\_\_\_ School \_\_\_\_\_ Date \_\_\_\_\_

**COMPLETE THE APPROPRIATE SECTION BELOW**

(1) COLLEGE/UNIVERSITY UNITS (Attach transcripts)      Date completed \_\_\_\_\_

Title of Course \_\_\_\_\_  
College/University \_\_\_\_\_

Number of units: \_\_\_\_\_  Quarter units       Semester units

(2) COMMITTEE WORK      Date Committee work completed \_\_\_\_\_

Name of Committee \_\_\_\_\_  
Number of Committee hours completed this year \_\_\_\_\_

\_\_\_\_\_-      Date \_\_\_\_\_  
(Signature of Committee Chairperson)

(3) WORKSHOP/NON-UNIVERSITY WORK      Date completed \_\_\_\_\_

Title of workshop \_\_\_\_\_  
School or sponsoring organization \_\_\_\_\_  
Describe relationship between this course and your present teaching assignment \_\_\_\_\_

Number of instructional classroom hours (15 hrs per salary credit) \_\_\_\_\_

Repeated course  No       Yes

Verification of Completion of Instructional Class Hours:  
Please attach verification on official form (i.e. grade report or letter head from instructor)

\_\_\_\_\_  
(Principal's signature)      \_\_\_\_\_  
(Superintendent's signature)

Approved       Rejected\*

\* Reason for rejection \_\_\_\_\_

**NOTE:** For salary advancement, verification of completed courses or committee work must be submitted to the Personnel Office by October 1 of each year. If transcripts are not available, a grade report or letter of verification from the instructor indicating the number of completed units will be accepted.



## PROCEDURE FOR AUTHORIZING STAFF WITH TEACHING MISASSIGNMENTS

### 1. Teaching in Departmentalized Classes (Education Code §44258.3)

The Superintendent/designee shall develop and implement procedures to verify the subject matter knowledge of teachers assigned to teach in departmentalized classes outside their credential authorization, with the involvement of appropriate subject matter specialists. Subject matter specialists include, but are not limited to, curriculum specialists, mentor teachers, resource teachers, classroom teachers certified to teach a subject, appropriate college faculty or consultants.

Subject Matter Competence shall be assessed in one or more of the following ways:

- A. Observation by subject matter specialists
- B. Oral interviews
- C. Demonstration lessons
- D. Presentation of curricular portfolios
- E. Written examinations

Criteria for verifying adequacy of subject matter knowledge shall include, but are not 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 study for the subject at the grade level to be taught.

Whenever a teacher is assigned to teach departmentalized classes pursuant to Education Code § 44258.3, the Superintendent/designee shall notify the exclusive representative of the District's certificated employees.

### 2. Committee on Assignments (Education Code §44258.7)

A full time K-8 teacher who has special skills and preparation outside of his or her credential authorization may, with his/her consent, be assigned to teach an elective course in the area of the special skills or preparation, provided that the assignment is first approved by a committee on assignments.

When establishing a committee on assignments, the Superintendent/designee shall submit to the County Superintendent of Schools a plan which shall include the following:

- A. Statements signed by the Superintendent/designee and the Governing Board President, approving the establishment of the committee on assignments.
- B. Procedures for selection of committee membership.
- C. Terms of office for committee members.
- D. Criteria for determining teachers' qualification for assignments.

The committee on assignments shall include an equal member of teachers, selected by teachers, and school administrators selected by school administrators.

The committee on assignments may approve the assignment of any teacher to an elective course outside his/her credential authorization for a maximum of one school year and may subsequently extend the assignment when the teacher and principal apply for extension. All assignments and extensions require approval before the beginning of the semester in which they occur.