

**PERSONNEL  
(CERTIFICATED PERSONNEL)**

Series 4000 contains policies, regulations and exhibits on all school employees. The category is divided into three subdivisions: **4000** contains policies applying to all employees or to general personnel matters; **4100** refers to certificated/teaching personnel; **4200** refers to classified personnel; **4300** refers to management personnel; and **4400** refers to personnel designated as confidential.

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**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**EMPLOYMENT OF CERTIFICATED PERSONS**

It shall be the policy of the district to employ persons who possess certification qualifications as prescribed by law for positions requiring certification qualifications. Certification qualification refers to a person who holds one or more documents such as a certificate, a credential or a life diploma which singly or in combination license the holder to engage in school service designated in the document or documents.

The director - personnel services (or designee) acting under the authority of the district superintendent shall determine that each employee of the district in a position requiring certification qualifications has a valid certificated document registered as required by law authorizing the employee to serve in the position to which the employee is assigned.

*Legal Reference: Education Code*  
*35035 Additional power and duties of the superintendent*  
*44006 Certificated person*  
*44830 Employment of certificated persons*  
*44831 Employment by school district governing board*

Policy adopted  
by the board: 09.18.78  
revised: 07.21.80

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**PERMANENT PERSONNEL**

Certificated employees who have been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications and who are employed to certificated positions for the next succeeding school year to a position requiring certification qualifications shall at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

A certificated employee who in one school year has served at least seventy-five (75) percent of the number of days the regular schools of the district are maintained shall be deemed to have served a complete school year.

Permanent employees in supervisory administrative or management positions hold permanency as classroom teachers only.

Adult school certificated employees who serve for more than sixty (60) percent of the hours per week considered a full-time assignment for permanent certificated employees will be considered probationary employees and will be eligible for election to permanent classification with the district. The tenure for such a certificated adult school teacher shall be for such service as is equivalent to the average number of hours per week which a unit member served during his/her probationary years. In no case shall such an employee be classified as permanent for more than one full-time assignment.

*Legal Reference: Education Code  
44882 Other permanent employees  
44887 Tenure of teacher of classes for adults  
44908 Complete school year for probationary employees*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**RECRUITMENT AND SELECTION**

The district shall seek to employ the most able and best qualified certificated persons available.

Certificated employees shall be selected by the Board of Education upon recommendation of the director - personnel services and approval of the superintendent of schools.

The selection and recommendation of candidates to fill vacancies shall be made with the approval of the superintendent of schools based upon consideration and recommendations made by members of management.

It shall be contrary to the policy of the district for any person or persons charged by the governing board with the responsibility of recommending persons for employment to refuse or to fail to recommend any person for reasons of race, color, religious creed, sex, national origin, age, ancestry or non-job related physical handicap or disability.

All qualified candidates for positions of employment with the district shall be granted the opportunity to compete for and obtain such positions based solely on merit and fitness.

*Legal Reference: Education Code*  
 44066 *Limitations on certification requirements*  
 44259 *Minimum requirements for teaching credential, exception designated subject*  
 44830 *Employment of certificated persons*  
 44830.5 *Assignment of certificated employees to district; ethnic ratio*  
 44858 *Age or marital status in employment in positions requiring certification qualifications*  
 44859 *Prohibition against certain rules and regulations regarding residency*  
*California Administrative Code, Title 5*  
 3031 *Affirmative action employment programs*  
*Labor Code*  
 1420 *Unlawful employment practices*  
*Title VII, Civil Rights Act, as amended by*  
*Title IX, Equal Employment Opportunities Act*

Policy adopted  
 by the board: 09.18.78  
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**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

Persons who have been elected to positions requiring certification qualifications shall report to the personnel office prior to the first day of service to complete the following forms:

1. Oath of allegiance form
2. Federal and state income tax forms
3. State teachers' retirement system forms
4. Warrant recipient designation form
5. Employee emergency card
6. Health, dental and life insurance forms
7. Initial "class-step" salary placement form
8. Employee information card
9. Ethnic card
10. Child abuse form

New certificated employees shall be responsible for providing necessary documentation to the personnel office to support their salary schedule placement. Such documentation must be provided within thirty (30) days of the effective date of the new certificated employees contract.

An employment authorization card will be issued by the personnel office on completion of the above employment forms and submission of required verification information. Certificated employees must possess a valid credential or present verification that they have qualified and applied for a credential which will cover the certification authorization of the service to be rendered in the district.

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**CONTRACT**

Any certificated employee not under permanent tenure who fails to signify acceptance of employment within forty-five (45) consecutive calendar days after notice of election of employment has been given or mailed to the employee by registered or certificated mail shall be deemed to have declined the employment.

A permanent employee who fails without good cause to notify the governing board prior to the first day of July of his/her intentions to remain or not to remain in the service of the district when requested by the board in writing to do so not later than the preceding May 30 may be deemed to have declined employment and his/her services as an employee of the district may be terminated on June 30 of that year.

*Legal Reference: Education Code*  
*44841 Acceptance of election; when appointment deemed declined*  
*44842 Automatic declining of employment*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**CERTIFICATION**

Responsibility for Renewal

All certificated personnel are personally responsible for the renewing of their credentials and for keeping them valid.

No Pay for Invalid Credential

A teacher whose credential is not valid cannot be paid for the time service is rendered under such conditions.

Responsibility for Registration

Each credential actively used by the teacher must be registered with the office of the county superintendent of schools. This is the teacher's responsibility.

Certification and Registration Required

A teacher whose credential is not on file with county office as required by law will be subject to automatic suspension. No warrant will be drawn in favor of any person requiring certification until he/she is properly credentialed and the credential registered with the county office.

Emergency Credentials

Teachers may teach on emergency credentials when insufficient certified teachers are available and only in accordance with the provisions of Education Code Section 44254.

<i>Legal Reference:</i>	<i>Education Code</i>
	<i>32340    Illegal issuance of credentials</i>
	<i>32341    Registration of certification</i>
	<i>44250    Types of credentials</i>
	<i>44273    Mandatory issuance of credential</i>
	<i>44330    Registration of certification or other documents</i>
	<i>44354    Proof of loss or destroyed credentials</i>

Policy adopted  
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**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**CERTIFICATION OF MENTALLY GIFTED MINOR TEACHERS AND SUPERVISORS**

In accordance with the California Education Code and Title 5, all teachers and supervisors whose major assignment is education of mentally gifted minors shall be required by the superintendent to have demonstrated appropriate characteristics, knowledge and skills related to the field of education of the gifted.

*Legal Reference: Education Code  
52206 Mentally gifted minor program California Administrative Code,  
Title 5  
3855 Authorization for teachers and supervisors*

Policy adopted  
by the board: 09.18.78

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**CERTIFICATION OF GIFTED AND TALENTED EDUCATION TEACHERS**

In accordance with the California Education Code, Chapter 8, Section 52204 of Part 28, all teachers and supervisors whose major assignment is education of gifted and talented pupils shall be required by the superintendent to have demonstrated appropriate characteristics, knowledge and skills related to the field of education of the gifted.

Specific Abilities

1. A knowledge and understanding of characteristics and needs of gifted students.
2. Ability to provide an appropriate curriculum to meet individual gifted student needs.
3. Ability to create appropriate environment in which the gifted student can explore new areas of thought and feel challenged.
4. Ability to conduct professional meetings for colleagues and parents of the gifted student.

*Legal Reference: Education Code  
52204 Processes by which the qualifications of teachers and supervisory  
personnel shall be determined*

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**ALL PERSONNEL**

**SPECIAL EDUCATION STAFF**

Any teacher assigned to serve students with disabilities shall possess a credential that authorizes him/her to teach the primary disability of the students within the program placement recommended in the students' individualized education programs (IEP). (5 CCR [80046.5](#))

(cf. [4112.2](#) - Certification)

(cf. [4113](#) - Assignment)

(cf. [6159](#) - Individualized Education Program)

(cf. [6164.4](#) - Identification and Evaluation of Individuals for Special Education)

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (20 USC [1401](#), [6319](#), [7801](#); 34 CFR [200.55-200.57](#), [300.18](#); 5 CCR [6100-6126](#))

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

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the District participates.

(cf. [0430](#) - Comprehensive Local Plan for Special Education)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [4141/4241](#) - Collective Bargaining Agreement)

**Resource Specialists**

The Governing Board shall employ certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to: (Education Code [56362](#))

1. Providing instruction and services to students whose needs have been identified in an IEP and who are assigned to regular classroom teachers for a majority of the school day.
2. A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team.
3. Providing information and assistance to students with disabilities and their parents/guardians.
4. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members.
5. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program.
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate and referring students who do not demonstrate sufficient progress to the IEP team.

**SPECIAL EDUCATION STAFF** (continuing)

7. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life.

The resource specialist program shall be under the direction of a resource specialist who is a credentialed special education teacher, or who has a clinical services credential with a special class authorization, who has had three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing, and who has demonstrated the competencies for a resource specialist, as established by the Commission on Teacher Credentialing. 5 CCR 80070.8.

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code [56362](#), [56362.1](#); 5 CCR [3100](#))

(*cf.* [1431](#) - *Waivers*)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code [56362](#))

**Teachers of Students with Autism**

A teacher whose preliminary Level I education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code [44265.1](#))

1. The teacher has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the District or school to teach students with autism.
2. The teacher has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

The Superintendent or designee shall report teachers assigned under the above conditions to the county office of education as part of the annual assignment monitoring pursuant to Education Code [44258.9](#). (Education Code [44265.1](#))

The Superintendent or designee may employ and assign a teacher to provide instruction to students age 3-4 who are diagnosed with autism if the teacher holds a valid preliminary Level I or clear Level II education specialist credential, is authorized to provide instruction to students with autism, and satisfies either of the criteria listed in items 1 and 2 above, except that the prior service shall have been with autistic students age 3-4 or the completed coursework shall have been in the subject of special education related to early childhood education. (Education Code [44265.2](#))

**SPECIAL EDUCATION STAFF** (continuing)

Verification of experience or coursework for any teacher of autistic students shall be maintained on file in the District or school office. (Education Code [44265.1](#), [44265.2](#))

*Legal Reference:**EDUCATION CODE*

[44250-44279](#) Credentials, especially:

[44256](#) Credential types, specialist instruction

[44258.9](#) Assignment monitoring

[44265-44265.99](#) Special education credential

[44268](#) Clinical and rehabilitative services credential

[56000-56865](#) Special education, especially:

[56195.8](#) Adoption of policies

[56361](#) Program options

[56362](#) Resource specialist program

[56362.1](#) Caseload

[56362.5](#) Resource specialist certificate of competence

[56362.7](#) Bilingual-cross-cultural certificate of assessment competence

[56363.3](#) Average caseload limits

[56441.7](#) Maximum caseload, students age 3-5

*CODE OF REGULATIONS, TITLE 5*

[3051.1](#) Language, speech and hearing development and remediation; appropriate credential

[3100](#) Waivers of maximum caseload for resource specialists

[6100-6126](#) Teacher qualifications, No Child Left Behind Act

[80046-80046.1](#) Adapted physical education specialist

[80046.5](#) Credential holders authorized to serve students with disabilities

[80048-80048.6](#) Credential requirements and authorizations

[80070.1-80070.8](#) Resource specialist certificate of competence

*UNITED STATES CODE, TITLE 20*

[1400-1482](#) Individuals with Disabilities Education Act, especially:

[1401](#) Definition of highly qualified special education teacher

[6319](#) Highly qualified teachers

[7801](#) Definitions, highly qualified teacher

*CODE OF FEDERAL REGULATIONS, TITLE 34*

[200.55-200.57](#) Highly qualified teachers

[300.8](#) Definition of autism

[300.18](#) Highly qualified special education teachers

[300.156](#) Special education personnel requirements

*Management Resources:**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Handbook on Developing and Implementing Early Childhood Special Education Programs and Services, 2001*

*COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE*

*08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4, October 9, 2008*

*08-10 Alternative Route to Provide Special Education Services to Students with Autism, July 7, 2008*

**SPECIAL EDUCATION STAFF** (continuing)

*COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS*

*Standards of Quality and Effectiveness for Education Specialist Credential Programs (including University Internship Options) and Clinical Rehabilitative Services Programs, 1996*

*WEB SITES*

*California Association of Resource Specialists and Special Education Teachers:*

*<http://www.carsplus.org>*

*California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>*

*California Speech-Language-Hearing Association: <http://www.csha.org>*

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

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

Recognizing the importance of teacher effectiveness in improving student achievement, the Governing Board desires to recruit and hire teachers for core academic subjects who possess the subject matter knowledge and teaching skills required by the federal No Child Left Behind Act (NCLB).

(cf. [4112.2](#) - Certification)

(cf. [4112.21](#) - Interns)

(cf. [4112.22](#) - Staff Teaching Students of Limited English Proficiency)

(cf. [4112.23](#) - Special Education Staff)

(cf. [6171](#) - Title I Programs)

All teachers employed to teach core academic subjects shall be "highly qualified" as defined by federal law and the State Board of Education. (20 USC [6319](#), [7801](#); 34 CFR [200.55](#); 5 CCR [6100-6126](#))

The Superintendent or designee shall inform teachers of NCLB requirements and shall identify additional qualifications, if any, that individual teachers need to demonstrate in order to meet the requirements. He/she shall work with individual teachers to develop a plan for attaining full qualifications.

The Superintendent or designee shall monitor the distribution of "highly qualified" teachers among district schools and develop strategies, as needed, to encourage teachers who meet NCLB requirements to teach in schools with the lowest student performance.

(cf. [0520.1](#) - High Priority Schools Grant Program)

(cf. [0520.2](#) - Title I Program Improvement Schools)

(cf. [0520.4](#) - Quality Education Investment Schools)

(cf. [4113](#) - Assignment)

(cf. [4114](#) - Transfers)

(cf. [4138](#) - Mentor Teachers)

The Superintendent or designee shall report to the Board on the progress of the District's teachers toward becoming fully qualified. Such reports shall include, but need not be limited to, the percentage of teachers in core academic subjects, districtwide and at each school, who meet the definition of a "highly qualified" teacher in accordance with federal law, and the percentage of teachers who are receiving professional development to enable them to satisfy this definition. (20 USC [6319](#))

(cf. [4131](#) - Staff Development)

(cf. [4131.1](#) - Beginning Teacher Support/Induction)

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT** (continuing)

Legal Reference:

*EDUCATION CODE*

[44500-44508](#) Peer Assistance and Review Program for Teachers

[44662](#) Performance evaluation; Stull Act review

[44664](#) Teacher evaluation; program to improve performance

[44865](#) Alternative programs

*CODE OF REGULATIONS, TITLE 5*

[6100-6126](#) Teacher qualifications, No Child Left Behind Act

[80021](#) Short-term staff permit

[80021.1](#) Provisional internship permit

[80089.3-80089.4](#) Subject matter authorizations

*UNITED STATES CODE, TITLE 20*

[1401](#) Definition of highly qualified special education teacher

[6311](#) Parental notifications

[6312](#) Title I local educational agency plan

[6314](#) Schoolwide programs

[6315](#) Targeted assistance schools

[6319](#) Highly qualified teachers

[7345-7345b](#) Small Rural Schools Achievement Program

[7801](#) Definitions, highly qualified teacher

*CODE OF FEDERAL REGULATIONS, TITLE 34*

[200.55-200.57](#) Highly qualified teachers

[200.61](#) Parent notification regarding teacher qualifications

[300.18](#) Highly qualified special education teachers

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings, January 2007*

*NCLB Teacher Requirements Resource Guide, March 1, 2004*

*COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS*

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

*Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001*

*California Standards for the Teaching Profession, July 1997*

*U.S. DEPARTMENT OF EDUCATION GUIDANCE*

*Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, revised October 5, 2006*

*New No Child Left Behind Flexibility: Highly Qualified Teachers, Fact Sheet, March 15, 2004*

*WEB SITES*

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

California Department of Education, NCLB Teacher Quality:  
<http://www.cde.ca.gov/nclb/sr/tq>

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

U.S. Department of Education, No Child Left Behind: <http://www.ed.gov/nclb>

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHLD LEFT BEHIND ACT**

**Definitions**

Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. (20 USC [7801](#))

Hard-to-staff setting means a middle or high school classroom eligible for the federal Small Rural Schools Achievement Program, a middle or high school special education classroom, or a middle or high school alternative education program as specified in Education Code [44865](#), including home teaching, hospital classes, necessary small high schools, continuation schools, alternative schools, opportunity schools, juvenile court schools, county community schools, and district community day schools. (5 CCR [6100](#))

(*cf.* [6181](#) - *Alternative Schools*)

(*cf.* [6183](#) - *Home and Hospital Instruction*)

(*cf.* [6184](#) - *Continuation Education*)

(*cf.* [6185](#) - *Community Day School*)

High Objective Uniform State Standard Evaluation (HOUSSE) is a method of determining a teacher's subject matter competence using forms developed by the California Department of Education (CDE). HOUSSE Part 1 consists of a summation of the teacher's years of experience, coursework, professional development, and service to the profession. HOUSSE Part 2, to be conducted only if Part 1 does not indicate subject matter competency, consists of direct observation and portfolio assessment and, if necessary, completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan. (5 CCR [6104](#))

(*cf.* [4139](#) - *Peer Assistance and Review*)

Level 1 professional development means training that will provide a teacher with the requisite understanding of each set of state content standards. Level 2 professional development means training that will provide a teacher with more in-depth understanding of the content standards than provided in a Level 1 professional development program. The trainings shall be consistent with state-adopted academic content standards, curriculum frameworks, and adopted texts and shall incorporate the assessment of subject matter competency as outlined in the CDE's document California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings. For each type of training, at least 36 hours in the core subject for which the teacher is being certified is required to substantively address the subject matter content. (5 CCR [6100](#), [6105](#))

Teacher new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, on or after July 1, 2002. (5 CCR [6100](#))

Teacher not new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, before July 1, 2002. (5 CCR [6100](#))

**TEACHER QUALIFICATIONS UNDER THE NO CHLD LEFT BEHIND ACT** (continuing)**Teacher Qualifications**

To meet the teacher qualification requirements of the federal No Child Left Behind Act (NCLB), a teacher of a core academic subject shall meet all of the following conditions: (20 USC [6319](#), [7801](#); 34 CFR [200.55](#), [200.56](#), [300.18](#); 5 CCR [6101](#), [6104](#), [6105](#), [6110](#))

1. Hold a bachelor's degree
2. Hold a full credential or be currently enrolled in an approved intern program for less than three years

(cf. [4112.2](#) - Certification)

(cf. [4112.21](#) - Interns)

3. Demonstrate subject matter competency in accordance with the applicable requirements below

(cf. [6171](#) - Title I Programs)

A teacher who holds a supplementary authorization or is employed on a local teaching assignment shall meet the teacher qualification requirements of NCLB if he/she holds a California teaching credential and has demonstrated subject matter competency for the grade span and subject matter taught. (5 CCR [6116](#))

A teacher shall not meet the teacher qualification requirements of NCLB if he/she is teaching with a short-term staff permit, a provisional internship permit, or a state or local waiver for the grade or subject taught. (5 CCR [6115](#), [80021](#), [80021.1](#))

**Demonstration of Subject Matter Competency**

Subject matter competency shall be demonstrated in accordance with the following requirements based on the grade levels taught and the teacher's length of time in the profession:

1. An elementary teacher who is new to the profession shall pass a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC). (5 CCR [6102](#))
2. An elementary teacher who is not new to the profession shall complete one of the following: (5 CCR [6103-6104](#))
  - a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
  - b. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher
3. A middle or high school teacher who is new to the profession shall pass or complete one of the following for every core academic subject currently assigned: (5 CCR [6111](#))
  - a. A validated statewide subject matter examination certified by the CTC
  - b. University subject matter program approved by the CTC

**TEACHER QUALIFICATIONS UNDER THE NO CHLD LEFT BEHIND ACT** (continuing)

- c. Undergraduate major in the subject taught
  - d. Graduate degree in the subject taught
  - e. Coursework equivalent to the undergraduate major
4. A middle or high school teacher who is not new to the profession shall pass or complete one of the following for every core subject assigned: (5 CCR [6112](#))
- a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
  - b. University subject matter program approved by the CTC
  - c. Undergraduate major in the subject taught
  - d. Graduate degree in the subject taught
  - e. Coursework equivalent to the undergraduate major
  - f. Advanced certification or credential, such as certification from the National Board for Professional Teaching Standards
  - g. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher
5. A middle or high school teacher in a hard-to-staff setting, as defined above, shall complete professional development for the subject matter verification process within three years of the date of assignment to such a setting. (5 CCR [6100](#), [6105](#))
- a. If the teacher has fewer than 20 total or 10 upper division nonremedial college-level semester units, or equivalent quarter units, in a core academic subject, he/she shall complete both Level 1 and Level 2 professional development courses as defined above.
  - b. If the teacher has fewer than 32 semester nonremedial college-level units, but at least 20 total or 10 upper division nonremedial semester units, or the equivalent quarter units, in a core academic subject, he/she shall complete a Level 2 professional development course.

(cf. [4131](#) - *Staff Development*)

6. An elementary, middle, or high school special education teacher teaching multiple subjects exclusively to students with disabilities may either: (20 USC [1401](#); 34 CFR [300.18](#); 5 CCR [6111](#))
- a. Meet the requirements above for teachers who are new or not new to the profession, as applicable
  - b. In the case of a new special education teacher who has demonstrated subject matter competency in mathematics, language arts, or science, demonstrate competency in the other core academic subject(s) he/she teaches through the HOUSSE no later than two years after the date of employment

**Satisfaction of Requirements Outside District**

A teacher who has been determined by another district in California to have met the teacher qualification requirements for the grade level and/or subject taught shall not be required to demonstrate again that he/she meets those requirements. (5 CCR [6120](#))

**TEACHER QUALIFICATIONS UNDER THE NO CHLD LEFT BEHIND ACT** (continuing)

A teacher who has been determined to meet subject matter competency requirements outside of California shall be considered to have met those requirements for the particular subject and/or grade span in California. The date of issuance of a valid out-of-state credential shall be used to identify a teacher as new or not new to the profession. (5 CCR [6125](#))

A teacher prepared in a country other than the United States shall be considered to have met NCLB teaching requirements if he/she: (5 CCR [6126](#))

1. Holds a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education
2. Has completed a teacher preparation program that meets CTC requirements for out-of-country trained teachers
3. Demonstrates subject matter competency for the grade span and subjects taught through the same or equivalent processes and methods required of California teachers
4. Holds a California teaching credential

**Certification of Compliance**

All teachers teaching core academic subjects shall complete and sign a certificate of compliance with NCLB requirements and attach appropriate documentation. The Superintendent or designee shall verify the information and retain the signed original copy.

The Superintendent or Designee shall annually attest in writing as to whether each school that receives Title I funds is in compliance with federal requirements related to teacher qualifications. Copies of the attestation shall be maintained at the District office and shall be available to any member of the public upon request.

**District Plan for Highly Qualified Teachers**

Within the Title I local educational agency plan, the Superintendent or designee shall develop a plan for ensuring that all teachers of core academic subjects will meet NCLB requirements in accordance with law. As part of this plan, the Superintendent or designee shall provide high-quality professional development designed to enable teachers to meet NCLB requirements. (20 USC [6312](#), [6319](#))

**Parental Notifications**

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to: (20 USC [6311](#))

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree

**TEACHER QUALIFICATIONS UNDER THE NO CHLD LEFT BEHIND ACT** (continuing)

4. Whether the student is provided services by paraprofessionals and, if so, their qualifications

(cf. [1312.4](#) - *Williams Uniform Complaint Procedures*)

(cf. [4222](#) - *Teacher Aides/Paraprofessionals*)

(cf. [5145.6](#) - *Parental Notifications*)

In addition, the Superintendent or designee shall provide timely notice to individual parents/guardians of students attending a Title I school whenever their child has been assigned to or has been taught for four or more consecutive weeks by a teacher of a core academic subject who does not meet NCLB teacher qualification requirements. (20 USC [6311](#); 34 CFR [200.61](#))

The Superintendent or designee shall notify teachers, as appropriate, prior to distributing the above notice to parents/guardians.

The notice and information provided to parents/guardians shall be in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents/guardians can understand. (20 USC [6311](#))

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation****CERTIFICATED PERSONNEL****CRIMINAL RECORDS CHECK**

## Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the district does not have the Live Scan system available on site, the Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code [667.5\(c\)](#) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code [44830.1](#))

(*cf.* [4112](#) - *Appointment and Conditions of Employment*)

(*cf.* [4112.2](#) - *Certification*)

However, a certificated employee may be hired by the district, without obtaining a criminal record summary, if that employee became a permanent employee of another school district as of October 1, 1997. (Education Code [44830.1](#))

(*cf.* [4121](#) - *Temporary/Substitute Personnel*)

## Temporary Certificate of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon. (Education Code [44332](#), [44332.5](#), [44332.6](#))

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential. (Education Code [44332.6](#))

The Superintendent or designee may issue a temporary certificate of clearance to a person who has been convicted of a serious felony that is not also a violent felony, if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he/she has been rehabilitated for the purposes of school employment for at least one year. (Education Code [44332.6](#))

## Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code [11105.2](#). (Education Code [44830.1](#))

**CRIMINAL RECORDS CHECK** (continuing)

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

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

## Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony. (Education Code [44830.1](#))

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code [44830.1](#))

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code [44830.1](#))

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code [44830.1](#))

## Legal Reference:

*EDUCATION CODE*

[44010](#) Sex offense

[44332](#) Temporary certificate

[44332.5](#) Registering certificates by certain districts

[44332.6](#) Criminal record check, county board of education

[44346.1](#) Applicants for credential, conviction of a violent or serious felony

[44830.1](#) Certificated employees, conviction of a violent or serious felony

[44830.2](#) Certificated employees; interagency agreement

[44836](#) Conviction of a sex offense

[45122.1](#) Classified employees, conviction of a violent or serious felony

[45125](#) Use of personal identification cards to ascertain conviction of crime

[45125.01](#) Classified employees; interagency agreements

[45125.5](#) Automated records check

[45126](#) Duty of Department of Justice to furnish information

*PENAL CODE*

[667.5](#) Prior prison terms, enhancement of prison terms

[1192.7](#) Plea bargaining limitation

[11105.2](#) Subsequent arrest notification

*CODE OF REGULATIONS, TITLE 11*

703 Release of criminal offender record information

708 Destruction of criminal offender record information

*Management Resources:**WEB SITES*

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

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

Administrative Regulation

adopted: 5.5.09

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**ALL PERSONNEL**

**EMPLOYMENT REFERENCES**

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the Superintendent or designee.

At his/her discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful and complete account of the employee's job performance and qualifications.

(cf. [4112.6/4212.6/4312.6](#) - *Personnel Files*)  
(cf. [4117.5/4217.5/4317.5](#) - *Termination Agreements*)

Legal Reference:

*LABOR CODE*

[1050-1054](#) *Reemployment privileges*

*CIVIL CODE*

[47](#) *Privileged communication*

*CODE OF CIVIL PROCEDURE*

[527.3](#) *Labor disputes*

*CODE OF REGULATIONS, TITLE 5*

[80332](#) *Professional candor and honesty in letters or memoranda of employment recommendation*

*COURT DECISIONS*

*Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal.4th 1066  
(9/89 2/95) 10/96*

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**ALL PERSONNEL**

**EMPLOYMENT REFERENCES**

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR [80332](#))

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts or intentionally omits significant facts as a condition of another employee's resigning or withdrawing action against the District. (5 CCR [80332](#))

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**ASSIGNMENT**

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

(cf. [4112.2](#) - Certification)

(cf. [4112.21](#) - Interns)

(cf. [4112.22](#) - Staff Teaching Students of Limited English Proficiency)

(cf. [4112.23](#) - Special Education Staff)

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

Teachers may be assigned to any school within the District in accordance with the collective bargaining agreement.

(cf. [4141/4241](#)- Collective Bargaining Agreement)

The Board encourages the assignment of experienced and fully credentialed teachers, including those who have attained National Board for Professional Teaching Standards certification, to schools with the greatest need to improve student achievement.

Teachers shall be assigned to teach core academic subjects in Title I and non-Title I programs in accordance with the requirements of the No Child Left Behind Act pertaining to teacher qualifications. (20 USC [6319](#), [7801](#); 5 CCR [6100-6126](#))

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

(cf. [6171](#) - Title I Programs)

The Superintendent or 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. The Superintendent or designee shall, with the assistance of subject matter specialists, develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made. (Education Code [44258.3](#))

The Superintendent or designee shall periodically report to the Board on any teacher misassignments or vacancies. He/she shall report to the Board the results of the County Superintendent's review of district misassignments and vacancies, and shall provide recommendations for remedying any identified issues.

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

**Committee on Assignments**

The Superintendent or designee may establish a committee on assignments which may grant approval for the voluntary assignment of full-time teachers to teach one or more elective courses outside their credential authorization in an area for which they have special skills or preparation. (Education Code [44258.7](#))

**ASSIGNMENT** (continuing)

*Legal Reference:*

*EDUCATION CODE*

[33126](#) *School accountability report card*

[35035](#) *Additional powers and duties of superintendent*

[35186](#) *Complaint process*

[37616](#) *Assignment of teachers to year-round schools*

[44225.6](#) *Commission report to the legislature re: teachers*

[44250-44277](#) *Credentials and assignments of teachers*

[44395-44398](#) *Incentives for assigning NBPTS-certified teachers to high-priority schools*

[44824](#) *Assignment of teachers to weekend classes*

[44955](#) *Reduction in number of employees*

*GOVERNMENT CODE*

[3543.2](#) *Scope of representation*

*CODE OF REGULATIONS, TITLE 5*

[6100-6126](#) *Teacher qualifications, No Child Left Behind Act*

*UNITED STATES CODE, TITLE 20*

[6319](#) *Highly qualified teachers*

[7801](#) *Definitions, highly qualified teacher*

*CODE OF FEDERAL REGULATIONS, TITLE 34*

[200.55-200.57](#) *Highly qualified teachers*

*Management Resources:*

*WEB SITES*

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

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

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

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**ASSIGNMENT**

With the involvement of appropriate subject matter specialists, the Superintendent or designee shall develop and employ procedures for verifying the subject matter knowledge of teachers assigned to teach in departmentalized classes outside their credential authorization pursuant to Education Code [44258.3](#). For the purposes of these procedures, subject matter specialists are curriculum specialists, resource teachers, classroom teachers certified to teach a subject, staff to regional subject matter projects or curriculum institutes, or college faculty. (Education Code [44258.3](#))

(cf. [4112.2](#) - Certification)

(cf. [4112.21](#) - Interns)

(cf. [4112.22](#) - Staff Teaching Students of Limited English Proficiency)

(cf. [4112.23](#) - Special Education Staff)

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

1. One or more of the following ways in which subject matter competence shall be assessed:
  - a. Observation by subject matter specialists
  - b. Oral interviews
  - c. Demonstration lessons
  - d. Presentation of curricular portfolios
  - e. Written examinations
2. Specific criteria and standards for verifying subject matter knowledge may be any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the subject matter to be taught, including demonstrated knowledge of the curriculum framework for the subject and the specific content of the District's course of study for the subject at the grade level to be taught.

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

(cf. [4140/4240](#) - Bargaining Units)

Verification of the subject matter competence of teachers assigned to core academic subjects in Title I and non-Title I programs shall be based on procedures and criteria specified in 5 CCR [6100-6115](#).

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

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**EVALUATION**

Under the direction of the Deputy Superintendent, the Director of Personnel shall receive and monitor the written evaluations of each teacher and employee who should be evaluated each year. The Director of Personnel will, in turn, hold the principals and supervisors accountable for meeting timelines and requirements of the employee evaluation process for both classified and certificated employees.

The Superintendent shall be responsible for monitoring the evaluation process of all management personnel.

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATE PERSONNEL**

**PROBATIONARY/PERMANENT STATUS**

Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

The governing board of the district shall classify as probationary employees those persons employed in positions requiring certification qualifications for the school year who have not been classified as permanent employees, substitute employees, or temporary contract teachers.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)

The governing board of the district shall classify as permanent employees those persons employed in positions requiring certification qualifications for the school year, who have been employed in the district for two complete consecutive school years and who have been reelected for the next succeeding school year to a position requiring certification qualifications, employees so selected shall at the commencement of the succeeding school year be classified as and become permanent employees of the district.

*Legal Reference:*

EDUCATION CODE

*44466 Status of university interns*

*44850. 1 No tenure in administrative or supervisory position*

*44885.5 Status of district interns*

*44908 Complete year for probationary employees*

*44911-44913 Service not computed in eligibility for permanent status*

*44915 Classification of probationary employees*

*44917-44921 Status of substitute or temporary employees*

*44929.20 Continuing contracts (not to exceed four years - ADA under 250)*

**PROBATIONARY/PERMANENT STATUS** (continued)

*44929.21 Districts of 250 ADA or more*

*44929.23 Districts with less than 250 ADA*

*44929.28 Employment by another district*

*44930-44988 Resignations, dismissals and leaves of absence, especially:*

*44948.2 Election to use provisions of Section 44948.3*

*44948.3 Dismissal of probationary employees*

Policy adopted  
by the Board: 09.18.78  
revised: 11.15.88  
Reviewed: 01.16.01

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**PROBATIONARY/PERMANENT STATUS**

Permanent Status

A probationary teacher who has been employed by the district in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21 and 44929.23)

Interns

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if he/she is reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year, he/she shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**ORDER OF EMPLOYMENT OF CERTIFICATED PERSONNEL**

In accordance with Sections 44844 and 44845 of the Education Code the district shall establish an order of employment (seniority list) for all probationary and permanent certificated personnel.

Employment Dated From First Acceptance of Probationary Position

Every probationary or permanent employee employed before July 1, 1947, shall be deemed to have been employed on the date upon which he first accepted employment in a probationary position.

In case two or more employees accepted employment on the same date, the governing board of the district shall determine the order of employment by lots drawn by the employees concerned. (Education Code 44844.)

Employment Dated From Acceptance of Paid Service in Probationary Position

Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position. The order of employment of all employees who first rendered paid service on the same date shall be determined by lots drawn by the employees concerned. Any determination of an employee's order of employment pursuant to this section shall be made within 30 days of the date service was first rendered by the employee. (Education Code 44845.)

General Provisions Concerning Order of Employment

The order of employment, once determined by lot, shall be permanent and shall be entered on the permanent records of the district.

Records showing date of employment shall be accessible on demand to any certificated employee of the district or his designated representative.

The board shall have power and it shall be its duty to correct any error discovered from time to time in its records showing the order of employment. (Education Code 44846.)

<i>Legal Reference:</i>	<i>Education Code</i>
44844	<i>Employment dated from first acceptance of probationary position; provision for random selection</i>
44845	<i>Employment dated from first acceptance of paid service in probationary position; establishment of date</i>
44846	<i>General provisions concerning order of employment</i>

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**UNIQUE NEEDS OF PROBATIONARY CERTIFICATED EMPLOYEES**

It is recognized that probationary certificated employees hold a unique position within the school district. Probationary certificated employees shall receive training, assistance and evaluations consistent with their needs as new teachers within the district.

Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas that may require improvement. Inservice training, at the district's discretion, may be provided by mentor teachers, instructional resource teachers or department chairpersons during school hours as part of a comprehensive staff training program.

The performance of each probationary certificated employee shall be evaluated and assessed at least once every school year.

This policy shall be reviewed annually by the Board of Education.

Policy adopted  
by the board: 11.19.84  
Revised: 11.19.97

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**UNIQUE NEEDS OF PROBATIONARY CERTIFICATED EMPLOYEES**

Probationary certificated employees hold a unique position within the school district. Therefore, probationary certificated employees will receive training, assistance and evaluations consistent with their needs as new teachers within the district.

Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of excellence and areas requiring improvement. Inservice training, at the district's discretion, may be provided by mentor teachers, instructional resource teachers or department chairpersons during school hours as part of a comprehensive staff training program.

Evaluations will recognize potential special needs of probationary employees by:

1. Assisting each employee to realize his/her highest potential and service to the district.
2. Identifying and rendering early assistance to new staff members who are in need of assistance.
3. Being comprehensive.
4. Being based upon a district-wide statement of goals and standards of expected progress.

This regulation shall be reviewed annually by superintendent's cabinet.

*Legal Reference: Education Code  
35160.5 Provide support for probationary teachers*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**RETIREMENT**

A certificated employee who reaches the age of 70 shall retain permanent or probationary status only until the end of the contract year during which the age of 70 is attained. (A contract year is deemed to start on July 1 and end on the following June 30.) Thereafter a certificated employee may be rehired on an annual basis as a non-status employee pursuant to compliance with district regulations.

The retirement of any employee of the school district under the provisions of any retirement law shall automatically effect the dismissal of the employee from the employ of the district at the end of the current school year. (A school year ends on June 30.)

*Legal Reference:      Education Code*  
*44906      Age when permanent classification ceases*  
*44907      Effect of retirement*

Policy adopted  
by the board:      03.06.78  
revised:            06.04.84

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**EARLY RETIREMENT INCENTIVE PROGRAM**

The district shall provide an early retirement incentive program for the benefit of both employees and the district.

1. Definition - Early retirement is an incentive program whereby eligible certificated personnel shall resign from the district prior to age 65 and then become entitled to benefits specified in this policy.
2. Intent - It is the intent of the district to make the early retirement incentive program available to qualifying certificated employees for the full term of early retirement benefits, in accordance with the terms of this policy.
3. Eligibility Requirements
  - a. To be eligible for this program a certificated person must meet the following eligibility requirements:
    - (1) Be a full-time or regular employee of the district, have achieved permanent status in the Child Development Program, or achieved status level in the District Adult School Program.
    - (2) Have rendered regular, full time service, have achieved permanent status in the Child Development Program, or have held a status position in the Adult School Program for a minimum of ten (10) years with this District.
    - (3) Have attained the age of 55 or over.
    - (4) Have attained placement on the District salary schedule at C-11 or higher, have attained placement on the Child Development Program at Class III-Step 5 or higher, or have attained placement on the Adult School Salary Schedule at Step 7 or higher.

Eligibility for participation shall be for a maximum of five (5) years or to age 65 whichever occurs first.

4. Application - Certificated personnel wishing to participate in the early retirement incentive program shall apply to the district in writing on or before February 1 of the last year of regular service. Approval of participation shall be at the sole discretion of the district, and shall be formalized by carrying out the early retirement agreement.
5. Status - Early retirees are not regular employees, no longer contribute to STRS and therefore accrue no further service credit toward retirement.
6. Benefits - The district shall pay the cost of health insurance (medical only) as negotiated in the certificated employees contract in accordance with the district's fringe benefit program prorated appropriately for Adult School and Child Development

**EARLY RETIREMENT INCENTIVE PROGRAM (Cont'd.)**

Program employees for a maximum of seven (7) years or until the early retiree reaches age 65, whichever occurs first. The above provision for the district to pay the cost of health insurance coverage is subject to contractual agreement with the insurance companies providing service to the district.

7. Continuing Services Option - Early retirees may provide continuing services during each year of eligibility. In such cases the early retiree's continuing services contract shall be determined by the district annually. Each year the contract for the early retiree shall be reviewed by the district and the retiree. In all cases, the district shall make the final determination as to the continuing services contract in order to assure meeting the needs of the district.

Compensation - All eligible participants, including management personnel, who elect to provide continuing services will get paid a compensation equal to ten percent (10%) of their highest earned base salary with a compensation not to exceed \$5,000.

8. Continuing Services Provisions

- a. Early retirees under this program shall be covered by workers' compensation.
- b. State and federal taxes shall be withheld from the early retiree's pay warrants.
- c. Certificated personnel opting for this plan shall be employed for a total of twenty (20) days per year in special projects which are in concert with and meet the district's educational goals and objectives.
- d. The early retiree's services need not supplement the existing program and he/she may be assigned to any professional task that is in concert with and meets district educational goals and objectives.

9. Provisions

Early retirees are fully eligible to provide services to the district as an option to continuing service.

To hire an early retiree as an employee, district departments or schools shall follow all provisions of policy 4027, and implement the services as follows:

- a. A district department or school shall request the specific employee services (Form 6329-E) and all such work requested shall conform to the provisions of Board Policy and Regulation 4027.
- b. The district department or school shall prepare the limited term employment agreement for services and forward it to Human Resources for processing.

**EARLY RETIREMENT INCENTIVE PROGRAM (Cont'd.)**

- c. Upon completion of the services, the district department or school shall complete the bill for consultant services [Form 72-6329.1(Rev.)], and send to accounting for payment.

*Legal Reference: Education Code  
35046 Consultancy contracts*

Policy adopted  
by the board: 03.20.78  
revised: 10.04.94  
revised: 12.10.96

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**EARLY RETIREMENT INCENTIVE PROGRAM**

1. Definition

Early Retirement is an incentive program whereby certificated personnel shall resign from the District and may enter into a consultancy contract or Limited Term assignment with the District for certain special projects.

2. Eligibility Requirements

a. To be eligible for this program certificated personnel must meet the following eligibility requirements:

- (1) Full-time or regular employee of the District have achieved permanent status in the Child Development Program, or have held a status position in the Adult School Program.
- (2) Have rendered service for a minimum of ten (10) years with the District.
- (3) Age 55 or over.

3. Consultancy/Limited Employment Contract Provisions

- a. A contract with certificated personnel opting for this program shall be for a maximum of five(5) years or to age 65, whichever occurs earlier.
- b. Certificated personnel opting to participate in this program shall be considered limited term employees of the District.
- c. Early retirees under this program are not independent contractors and will be covered by Workers' Compensation and will be reported to the District's carrier.
- d. State and federal taxes will be withheld from the early retiree's pay warrants.
- e. Certificated personnel opting for this program shall contract for a total of twenty (20) days per year, or prorate amount if the employee is retiring from the Adult School or Child Development Program in special projects which are in concert with and meet the District's educational goals and objectives.

The early retiree's special projects' contract shall be determined by the District on an annual basis. Each year the contract for the early retiree shall be reviewed by the District with the retiree. In all cases, the District shall make the final determination as to the special projects' contract in which the early retiree participates in order to meet the District's goals and objectives.

- f. The early retiree's services will supplement the existing program and, as such, is not intended to replace any certificated personnel. At the completion of each year's contractual agreement as an early retiree, the District shall evaluate the contractual performance of each early retiree.

**EARLY RETIREMENT INCENTIVE PROGRAM (Cont'd)**

- g. As consultants, early retirees are considered independent contractors and, as such, may be eligible to pay into the Social Security Retirement System. The retiree must make the necessary arrangements with the Social Security Retirement System. Eligibility for Social Security is subject to the approval of the Internal Revenue Service.
- h. Early retirees are independent contractors or Limited Term employees and no longer contribute to STRS and therefore accrue no further service credit toward retirement. The early retiree's retirement allowance will be computed on the basis of the service he/she had earned to the date of resignation.
- i. The District will pay the full cost, or a prorated amount if the employee retires from the Adult School or Child Development Program, of health insurance in the District's fringe benefit program for early retirees for each year of the contract or until he/she reaches age 65. The hereinabove provisions providing for the District to pay full cost of health insurance coverage is subject to contractual agreement by insurance companies providing service to the District.
- j. All eligible participants, including management personnel, who elect to provide continuing services will be paid a compensation equal to ten percent (10%) of their highest earned base salary with a compensation not to exceed \$5,000.
- k. Certificated personnel wishing to participate in the early retirement incentive program for the ensuing school year should apply to the District in writing on or before February 1. The determination of eligibility to participate in the early retirement incentive program and approval for such participation shall be at the sole discretion of the District.

Management personnel who wish to participate in the early retirement program shall have his/her compensation determined by the above schedule.

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**REDUCED SERVICES EMPLOYMENT**

In accordance with Sections 44922 and 22724 of the Education Code as well as provisions in the District/Teachers Agreement, where applicable, certificated employees may apply to reduce their workload from full-time to part-time duties. The district may formulate regulations to effectuate Section 44922 of the Education Code. Employees who wish to reduce their workload and maintain retirement benefits pursuant to Section 14009 or Section 20815 of the Government Code must adhere to the following:

1. The option of part-time employment must be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and employee.
2. The option to work part-time is limited to certificated employees who do not hold positions with salaries above that of a school principal.

*Legal Reference:*

<i>Education Code</i>	
<i>44922</i>	<i>Regulations: reduction to part-time employment status</i>
<i>22724</i>	<i>Credit for certain part-time employment</i>
<i>Government Code</i>	
<i>20815</i>	<i>Local member; amount of contribution; interest; installment payments; incomplete payment</i>

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**PERSONNEL REDUCTION**

Whenever in any school year the average daily attendance in all the schools of the district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of the district it shall have become necessary by reason of either of such conditions to decrease the number of permanent employees in the district the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. However, the services of no permanent employee will be terminated under this policy while any probationary employee, or any other employee with less seniority, is retained to render a service which a permanent employee is certified and competent to render.

Notice of termination of services either for a reduction in attendance or reduction or discontinuance of a particular kind of service to take effect not later than the beginning of the following school year shall be given before the 15th of May. Services of employees shall be terminated in inverse order in which they were employed in accordance with provisions of the education code.

The board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.

*Legal Reference: Education Code  
44955 Reduction in number of permanent employees*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**DISMISSAL/NON-REEMPLOYMENT/SUSPENSION**

Dismissal

1. Probationary teachers - Teachers on probationary status may be dismissed at the end of any school year provided they are notified according to Education Code Section 44949 (a) and 44949 (e). They may be dismissed during the school year as per Education Code Section 44948.
2. Permanent teachers - Teachers on permanent status may be dismissed according to Education Code Sections 44932 and 44933.
3. Substitute teachers - Substitute employees may be dismissed at any time at the pleasure of the board. Such employees may be released at the close of any work day without prior notice.
4. Temporary contract teachers - Temporary contract teachers as provided for under Section 44920 may be dismissed during the period of their temporary contract as per Education Code Section 44948.
5. Suspensions - Employees may be placed on immediate suspension in accordance with provisions of the Education Code.

<i>Legal Reference:</i>	<i>Education Code</i>
	<i>44920 Employment of Certain Temporary Employees: Classification</i>
	<i>44932 Grounds for dismissal of permanent employee</i>
	<i>44933 Other grounds for dismissal</i>
	<i>44948 Dismissal of probationary employees during school year</i>
	<i>44949 Cause notice and right to hearing required for dismissal of a probationary employee</i>
	<i>44953 Dismissal of substitute employee</i>
	<i>44955 Reduction in number of permanent employees</i>

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**CAUSE**

No permanent certificated employee of the district shall be dismissed except for one or more of the causes listed in Sections 44932 and 44933 of the Education Code.

The governing board's determination not to reemploy a probationary employee for the ensuing school year may be accomplished by delivering written notice to the employee prior to March 15 of the employee's second year of service.

*Legal Reference: Education Code*  
*44882(b) Notice to not reelect probationary employees after second consecutive complete school year prior to March 15 of the employee's second year of service*  
*44932 Grounds for dismissal of permanent employee*  
*44933 Other grounds for dismissal*  
*44948 Dismissal of probationary employees during school year*

Policy adopted  
by the board: 09.18.78  
revised: 12.15.87

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**NOTICE OF INTENTION TO DISMISS AN EMPLOYEE**

Upon filing of written charges, duly signed and verified by the person filing them, with the governing board of the school district, charging that there exists cause for the dismissal of a permanent employee of the district the governing board may upon majority vote give notice to the permanent employee of its intention to dismiss the employee at the expiration of thirty (30) days from the date of service of the notice unless the employee demands a hearing as provided per education code section 44943.

No later than March 15 and before a probationary employee is given notice by the governing board that the employee's services will not be required for the ensuing year the governing board and the employee shall be given written notice by the superintendent that it has been recommended that such notice be given to the employee and stating the reasons therefor.

Final notice to a probationary employee by the governing board that the employee's service will not be required for the ensuing year shall be given no later than May 15.

*Legal Reference: Education Code*  
*44934 Charges and notice of intention to discharge employee*  
*44943 Notice of intention to dismiss*  
*44949 Cause notice and right to hearing required for dismissal of probationary employee*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**RIGHT OF APPEAL**

When an employee who has been served with notice of the governing board's intention to dismiss the employee demands a hearing, the governing board shall have the option either to (a) rescind its action or (b) schedule a hearing on the matter.

In the event a hearing is requested by the employee the hearing shall be initiated, conducted and decision made in accordance with chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

*Legal Reference: Education Code  
44943 Action of the governing board after demand for hearing  
44944 Hearing  
Government Code, Chapter 5, Div. 3, Title 2  
11500 Request for hearing; conduct of hearing; decision in cases;  
consideration, preparation and adoption of decision*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**RIGHTS, RESPONSIBILITIES AND DUTIES**

Every teacher in the district shall enforce the course of study, the use of legally authorized textbooks and the rules and regulations prescribed for the schools by the governing board of the district.

Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism and a true comprehension of the rights, duties and dignity of American citizenship including kindness toward domestic pets and the humane treatment of living creatures to teach them to avoid idleness, profanity and falsehood, to instruct them in manners and morals and the principles of free government.

*Legal Reference: Education Code*  
*44805 Enforcement of courses of studies; uses of textbooks, rules and regulations*  
*44806 Duty concerning instruction of pupils concerning morals, manners and citizenship*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**PROFESSIONAL RESPONSIBILITIES**

The primary function of the educational enterprise is to carry on the actual work of instructing pupils for which the whole school organization exists. This function is best discharged when the concept of instructing pupils is broad enough to include not only the teaching of subject matter, but also the guidance/supervision of other activities which further the attainment by pupils of the goals and objectives of public education. These activities include, for example: guidance, supervising health and safety, sponsoring school activities and organizations, working on curriculum committees and making such records and reports as are useful in the further education of pupils. This broad interpretation of the concept of the function of the teaching service serves to expand the opportunities and challenges for the student clientele within the district.

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**ACADEMIC FREEDOM**

Academic freedom includes both freedom and responsibility in teaching and freedom in learning. Both the student and the teacher have certain rights and privileges in the common search for truth and the sharing of truth when found. Both are entitled to an educational climate in which a free movement of ideas can exist, within the limits of responsibility and law, the assigned subject area, the bounds of decency and the mental maturity of pupils.

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation****CERTIFICATED PERSONNEL****ACADEMIC FREEDOM**

Teachers must be free to think and to express ideas, free to select and employ materials and methods of instruction, free from undue pressures of authority, and free to act within the teacher's professional group. Such freedom should be used judiciously and prudently to the end that it promotes the free exercise of intelligence and pupil learning.

Academic freedom is not an absolute and does not provide license for the teacher. It must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. An understanding of our democratic tradition and its methods.
2. A concern for the welfare, growth, maturity and development of children.
3. The method of scholarship.
4. Application of good taste and judgment in selecting and employing materials and methods of instruction.

*Legal Reference: Education Code*

<i>51500</i>	<i>Prohibited instruction or activity (regarding: adverse reflection upon persons because of race, color, creed, national origin or ancestry)</i>
<i>51501</i>	<i>Prohibited means of instruction</i>
<i>51510</i>	<i>Prohibited study or supplemental materials</i>
<i>51511</i>	<i>Religious matters properly included in the courses of study</i>
<i>51512</i>	<i>Prohibited use of electronic listening or recording device; penalties</i>
<i>51530</i>	<i>Prohibition and definition (regarding: advocating or teaching communism with the intent to indoctrinate, etc.)</i>

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**CODE OF ETHICS**

The educator believes in the worth and dignity of human beings. The educator recognizes the supreme importance of the pursuit of truth, devotion to excellence and the nurture of democratic citizenship. The educator regards as essential to these goals the protection of freedom to learn and to teach, and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to practice the profession according to the highest ethical standards.

The educator recognizes the magnitude of the responsibility being accepted in choosing a career in education, and engages individually and collectively with other educators to judge colleagues, and to be judged by them, in accordance with the provisions of the Education Code.

Principle I. Commitment to the Student. The educator measures success by the progress of each student toward realization of potential as a worthy and effective citizen. The educator, therefore, works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling these goals the educator:

1. Encourages the student to independent action in the pursuit of learning and provides access to varying viewpoints.
2. Prepares the subject carefully, presents it to the students without distortion, and within the limits of time and curriculum gives all points of view a fair hearing.
3. Protects the health and safety of students.
4. Honors the integrity of students and influences them through constructive criticism rather than by ridicule and harassment.
5. Provides for participation in educational programs without regard to race, color, creed, national origin or sex both in what is taught and how it is taught.
6. Neither solicits nor involves them or their parents in schemes for commercial gain thereby insuring that professional relationships with students shall not be used for private advantage.
7. Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

Principle II. Commitment to the Public. The educator believes that democratic citizenship in its highest form requires dedication to the principles of our democratic heritage. The educator shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all, and for interpretation of educational programs and policies to the public. In fulfilling these goals, the educator:

**CODE OF ETHICS (Cont'd.)**

1. Has an obligation to support his profession and institution and not to misrepresent them in public discussion. When being critical in public, the educator has an obligation not to distort the facts. When speaking or writing about policies, the educator must take adequate precautions to distinguish the educator's private views from the official position of the institution.
2. Does not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
3. Ensures that institutional privileges shall not be used for private gain. Does not exploit pupils, their parents, colleagues, nor the school system itself for private advantage. Does not accept gifts or favors that might impair or appear to impair professional judgment nor offer any favor, service, or thing of value to obtain special advantage.

Principle III. Commitment to the Profession. The educator believes that the quality of the services of the education profession directly influences the Nation and its citizens. The educator therefore exerts every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of trust to careers in education. In fulfilling these goals, the educator:

1. Accords just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
2. Does not use coercive means or promise special treatment in order to influence professional decisions of colleagues.
3. Does not misrepresent personal professional qualifications.
4. Does not misrepresent the professional qualifications of his colleagues, and will discuss these qualifications fairly and accurately when discussion serves professional purposes.
5. Applies for, accepts, offers, and assigns positions or responsibility on the basis of professional preparation and legal qualifications.
6. Uses honest and effective methods of administering educational responsibilities. Conducts professional business through proper channels. Does not assign unauthorized persons to educational tasks. Uses time granted for its intended purposes. Does not misrepresent conditions of employment. Lives up to the letter and spirit of contracts.

*Legal Reference: California Administrative Code Title 5  
80130 Code of ethics of the teaching profession*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**TEMPORARY AND PART-TIME PERSONNEL**

The governing board has the responsibility to employ such persons as may be needed to conduct the business of the school district. Such employment requires the official action of the governing board.

The governing board of the district may employ as a teacher, for a complete school year, but not less than one semester during a school year, unless the date of rendering first paid service begins during the second semester and prior to March 15, any person holding appropriate certification documents and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees during a particular semester or year because a certificated employee has been granted leave for a semester or is experiencing long-term illness.

Any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year, in a vacant position requiring certification qualifications be classified by the governing board as a probationary employee and the previous year's employment as a temporary employee shall be deemed one year's employment as a probationary employee for purposes of acquiring permanent status.

Temporary employees shall be reemployed for the following school year to fill any vacant position in the school district for which the employee is certified and qualified to serve. For the purposes of this policy, "qualified to serve" shall be defined to mean the possession of an appropriate credential plus completion of appropriate academic preparation or experience in the subject matter in which the vacant position occurs.

*Legal Reference: Education Code*  
*44918 Substitute or temporary employee deemed probationary employee*  
*44920 Employment of certain temporary employees*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**JOB SHARING**

Job sharing is a plan whereby two teachers share the full responsibility for one identifiable full-time position in a classroom. Shared teaching assignments shall be made at the discretion of the district and in the best interest of the students.

**ABC UNIFIED SCHOOL DISTRICT**  
**Administrative Regulation**

**CERTIFICATED PERSONNEL**

**JOB SHARING**

1. Teachers wishing to participate in the job sharing program must first apply through their principal, appropriate director and the personnel office. Teachers will be paired through regular personnel office channels. Mutual agreement among the teachers, the principal, and the appropriate director is required before the shared teaching assignment can be finalized and implemented.
2. Shared teaching assignments shall be approved for a maximum of one school year at a time. Continuation of the shared teaching assignment shall be at the sole discretion of the district.
3. No more than one shared teaching assignment will be allowed at each school in a given year unless specifically allowed by the superintendent.
4. Teachers wishing to participate in the job sharing program must be employed by the district on a tenured basis.
5. Prior to the first year of participation, teachers shall complete a reduction in work schedule form and forward it to the appropriate supervisor for his/her recommendation. If approved, this action shall not constitute a break in service, but shall effect a reduction of tenure rights to the percentage of the shared teaching position.
6. Teachers requesting to return to full-time teaching will be rehired full time with full tenure rights in positions for which they are qualified at the sole discretion of the district. Teachers returning to full-time positions will be reassigned at the same time as others returning from leaves of absences.
7. Salaries of participants in the job sharing program shall be paid and benefits granted on the same basis as their assignment is proportional to full-time service.
8. Any teacher on a shared teaching assignment have their assignment increased to full time service if it is determined to be in the best interest of the district and the students.
9. Adjunct duties of teachers will be required as designated in the certificated employees contract proportionate to the contract percentage to which they are assigned. In addition, the teachers may be required by the principal, in certain instances, to attend meetings (faculty meetings, parent conferences, planning meetings) which do not occur during their work duty time.

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**SUBSTITUTE TEACHERS**

The governing board of the district shall classify as substitute employees those persons employed in positions requiring certification qualifications, to fill positions of regularly employed persons absent from service.

The governing board of the school district may dismiss substitute employees at any time at the pleasure of the board.

Rates of compensation for substitute teachers will be set by the governing board.

Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the school district.

Retired teachers may be employed as substitute teachers without jeopardizing their retirement salary within the limits as prescribed by law.

*Legal Reference: Education Code*

*23919 Retirement employed as substitute teacher  
44917 Classification of substitute employees  
44953 Dismissal of substitute employees*

*California Administrative Code Title 5*

*5502 Filing of notice of physical examination of retired persons employed as substitute, etc.  
5503 Physical examination for retired persons for service as a substitute teacher, etc.*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**PERSONNEL-CERTIFICATED PERSONNEL**

**SUBSTITUTE TEACHER PAY SCHEDULES**

Regular Program (K-12)

Daily Rate: \$100.00 per day

Long-Term Rate: \$115.00 per day  
(Beginning on the 11th day of the same assignment)

Head Start, Preschool, Children's Center, Infant Care, and Extended Day Programs:

Hourly rate commensurate with training and experience on the head start or children's center salary schedules as shown in the negotiated contract.

Policy adopted  
by the board: 09.19.77  
revised: 06.18.90

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy****CERTIFICATED PERSONNEL****STUDENT TEACHERS/INTERNSHIPS**

The governing board of the district may enter into agreements with the California State University and colleges, the University of California or any other university or college accredited by the State Board of Education as a teacher educational institution to provide teaching experience through practice teaching and to provide for supervised field experience in the public schools in such areas as may be called for in the requirement of the various authorized credentials for public school service to students enrolled in teacher education curricula of such institutions. Any such agreement may provide for the payment for the services rendered by the school district not to exceed the actual cost to the district. The governing board of the district is cognizant that agreement/contracts with teacher training institutions are mutually advantageous to the colleges and to the district. This arrangement enables the district to train incoming teachers specifically for ABC schools and to screen the very best of student teachers for employment with the district.

Practice teaching means active participation by student teachers in duties and functions of classroom teaching under the direction and instruction of a regular classroom teacher holding a valid life diploma or credential issued by the State Board of Education.

The district may refuse, for good cause, to accept for practice teaching any student teacher. Further the colleges may terminate, for good cause, the assignment of any student teacher assigned for practice teaching in the district.

*Legal Reference: Education Code*  
11006 *Agreements for practice teaching*  
44450-44467 *Teacher education internship act of 1967*

Policy adopted  
by the board: 09.18.78

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**SUMMER SCHOOL/INTERSESSION TEACHERS**

Certificated employees employed to teach summer school/intersession shall not acquire permanent classification with respect to employment in summer school/intersession and service in connection with any such employment shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of the district.

The employment of certificated personnel to serve in summer school/intersessions shall be at the sole discretion of the district.

*Legal Reference: Education Code  
44913 Summer school employment in computation for classification as  
permanent employee*

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**SERVICES PROVIDED TO PUPILS FOR PAY**

The Board of Education believes that by maintaining a high quality instructional staff and providing for a rich, varied curriculum the need for supplementary services provided to pupils for pay is minimized. It is expected that every effort will be made by principals and teachers to meet the educational needs of pupils at schools before recommending that parents engage a tutor or seek other professional help.

Should, however, individual services for pay be needed in exceptional cases, the superintendent is directed to establish such rules as will protect both the school district and employees from charges of conflict of interest in such cases.

**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**CERTIFICATED PERSONNEL**

**SERVICES PROVIDED TO PUPILS FOR PAY**

Consistent with Board of Education policy, the following rules have been established relating to services provided to pupils for pay:

1. An employee may not accept any kind of remuneration for providing special services for any pupil assigned to the employee or enrolled in his/her class.
2. Services to pupils for which an employee receives a fee may not be carried on in a school building.
3. Employees who provide services to pupils for pay shall make their own arrangements with the parents for the fees to be assessed.
4. To provide services for pay in areas in which an employee is not fully qualified shall be considered unprofessional conduct.
5. Employees may not use district property or supplies in providing services to pupils for pay.

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**CERTIFICATED PERSONNEL**

**RE-USE OR ADAPTATION OF MATERIALS**

Materials created by District employees during work hours or for which they were paid salary or wages, or created with the use of District equipment or materials, are the property of the District and may be re-used or adapted by any unit of the District for District purposes unless there is good cause to limit such re-use or adaptation. Whenever feasible, District employees should be given appropriate recognition for their creative efforts.

Materials created by vendors, volunteers, employees outside of work hours, or other third parties shall be subject to restrictions imposed by a specific law or contract. (Such restrictions must be clearly delineated in writing and incorporated in any contract.)

Any person seeking to re-use or adapt District materials shall first contact the responsible administrator or the unit by, in or for which the material was created to determine the appropriateness of such re-use or adaptation.

**ABC UNIFIED SCHOOL DISTRICT  
Board Policy**

**ALL PERSONNEL**

**TRAVEL EXPENSES**

The Governing Board shall pay for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the District. The Superintendent or designee may authorize an advance of funds to cover necessary expenses.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

Expenses shall be reimbursed within limits approved by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims.

The Board may establish an allowance on either a mileage or monthly basis to reimburse designated employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel must have Board approval. Travel expenses not previously budgeted also must be approved on an individual basis by the Board.

*Legal Reference: Education Code*  
44032 *Travel expense payment*  
44033 *Automobile allowance*  
44576 *Remuneration of trainees in staff development projects*

**ABC UNIFIED SCHOOL DISTRICT**  
**Administrative Regulation**

**ALL PERSONNEL**

**TRAVEL EXPENSES**

Automobile Allowances

1. Monthly Allowances
  - a. Monthly automobile allowance is provided for positions identified by the Superintendent.
  - b. Payment will be made at the rate established for each full month of service.
  - c. Payment to an employee on a percentage contract will be the percentage of the flat rate established.
2. Mileage Allowance
  - a. Employees using their private vehicles on school business, authorized by the appropriate supervisor, will be reimbursed.
  - b. The rate of reimbursement will be the standard mileage rate established annually by the Internal Revenue Service.

<i>Legal Reference:</i>	<i>Education Code</i>
	44032 <i>Travel Expense Payment</i>
	44033 <i>Automobile Allowance</i>
	33006 <i>Mileage allowance, governing board</i>
	1096 <i>Expenses: membership in societies, associations, and organizations</i>
	35330 <i>Excursions and field trips</i>
	44016 <i>Reimbursement for expenses of employment candidates</i>