

**Lagunitas School District
San Geronimo, California**

4000 Personnel

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Lagunitas School District

San Geronimo, California

BOARD POLICY 4001

SELECTION OF PERSONNEL

In order to maintain and improve personnel standards, it shall be the policy of the district to utilize all available sources to obtain qualified personnel. Applicants to the district shall be employed only upon satisfactory completion of employment procedures. Selection shall be based upon an objective review of an applicant's qualifications and experience. The Board of Trustees and/or its designee shall be the only employer for the Lagunitas School District.

Employment procedures will include but are not limited to review of District application form, review of resume and references, interview, review of recommendations from past and present employers, demonstration lessons (for instructional personnel), appointment.

Application

Applications for employment must be made in writing on forms provided by the district and filed with the district Superintendent. All materials including Professional Placement files become part of the application.

Screening/Interview

There must be an interview of a candidate before a recommendation for hiring is made to the Board of Trustees. A screening/interviewing committee authorized by the Board and organized by the Superintendent will complete screening of applications and conduct interviews. Screening/interviewing committees will be composed of teachers, parents, classified staff members, administrators and board members as outlined in the attached Procedure For Hiring New Employees, unless otherwise designated by the Board. Committee members must agree to participate in all aspects of the screening/interviewing process, sign a confidentiality statement and be willing to dismiss themselves from the committee should there be any question of conflict-of-interest.

Recommendation

The Superintendent recommends personnel to the Board for hiring at a designated salary. The Board and the Superintendent agree on salary placement and the Superintendent is then directed to offer the job to the applicant at the agreed salary placement. In cases where the Superintendent's original recommendation does not meet with the approval of the Board, the Superintendent shall seek further to find candidates whom he/she may recommend to the Board. If any candidate has been referred to the Superintendent by any Board member, the Superintendent shall so state. Further, if any candidate is related to present employees, such statement shall be made.

Appointment

After approval by the Board of Trustees the Superintendent shall notify the successful candidate the employment arrangements, i.e., forms for employment taxes, retirement, etc. shall be completed. Fingerprinting and T.B. testing shall be completed at district expense, prior to the first day of paid service.

BOARD ADOPTION/REVISION: October 18, 2007
October 18, 2011

Lagunitas School District San Geronimo, California

ADMINISTRATION REGULATION 4001

PROCEDURES FOR HIRING NEW EMPLOYEES

- Step 1. Vacancy identified.
Superintendent informs Board of vacancy.
Board verifies vacancy.
- Step 2. Board:
Accepts resignation/grants leave of absence
Announces vacancy
Determines which Board members will serve on committee
- Step 3. Certificated and Classified staffs are notified of need for committee members.
Board and/or Superintendent facilitate selection of committee.
Superintendent/Principal creates time-line, posts vacancy

Minimum Recommended Committee Make-Up

<u>Certificated</u>	<u>Classified/Instructional</u>	<u>Classified/Non-Instructional</u>
2 Parents	2 Parents	1 Board
2 Board	1 Board	1 Classified
2 Certificated	1 Certificated	Superintendent and/or Principal
1 Classified	2 Classified	(1 Parent if bus driver)
Superintendent and/or Principal	Superintendent and/or Principal	

- Step 4. Committee:
Reviews applications and chooses candidates for interview.
Interviews candidates
Observes demonstration lessons (teacher)
Recommends candidate(s) to Board
- Step 5. Superintendent checks references
- Step 6. Board reviews and takes action on committee recommendations.
(Note: Board interviews candidates if necessary.)
- Step 7. Superintendent or designee notifies successful candidate.

Notes:

In the event of a last-minute vacancy or need in the District, the above process may be modified, as necessary, by the Board of Trustees or the Superintendent.

The committee may recommend multiple candidates for consideration by the Board.

BOARD ADOPTION/REVISION: October 18, 2007
October 18, 2011

Lagunitas School District

San Geronimo, California

BOARD POLICY 4002

RECRUITMENT AND SELECTION

Because an important factor in student achievement is the quality of the teaching staff the Governing Board desires to employ the most highly qualified and appropriate person available for each vacant position.

The Superintendent or designee shall recruit candidates for vacant positions based on an assessment of the district's needs for specific skills, knowledge and abilities. With input from the parents, he/she shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position, and shall disseminate job announcements to ensure a wide range of candidates.

Given the desired district-wide program choice options in the Lagunitas School District, recruitment for the selection of candidates in the Lagunitas School District shall include the following criteria:

1. Program need based upon actual enrollment of the program.
2. Appropriate credential for the vacant program position.
3. Documentation of any specialized training that has been completed for a particular program (if applicable).
4. Positive recommendation from program parent/staff committee including at least one district-wide representative.
5. Ability to teach for a K-8 district with program choice options. Factors to consider:
 - credential
 - interest of candidate to obtain additional training

Potential candidates will be ranked by their qualifications for each category.

With parent input, the Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations, and recommendations from previous employers.

No inquiry shall be made with regard to the age, gender, marital status, race, ethnicity, religion, national origin, medical condition, disability or sexual orientation of a person seeking employment. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job.

District employment practices shall not discriminate against legal non-citizen residents. Inquiries to assure employment eligibility shall be made in accordance with law, Board policy and administrative regulation.

For each position, the Screening/Interview Committee shall present to the Board one candidate who best meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

Legal References:

EDUCATION CODE

200-262.4 Educational Equity

44066 Restrictions on certification requirements

44259 Minimum requirements for preliminary multiple or single subject teaching credential

44830-44831 Employment of certificated persons

44858 Discrimination in employment practices for positions requiring certification qualifications

44859 Prohibition against certain rules and regulations re residency

52051 Program establishment; components

GOVERNMENT CODE

12900 Unlawful employment practices

12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 8

1324(a) (b) Immigration and Nationality Act

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans With Disabilities

BOARD ADOPTION/REVISION: March 11, 2003
October 18, 2011

Lagunitas School District

San Geronimo, California

BOARD POLICY 4003

STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY: CERTIFICATED PERSONNEL

The Superintendent or designee shall ensure compliance with state staffing requirements for serving English language learner (ELL) students.

Demonstration of Educational Results

The district shall provide data demonstrating that English language learners (ELL) or former ELL students are performing at a level equal to or above that of all students statewide, or that current ELL students are learning at a sufficiently rapid pace to close the gap between their performance and that of all students.

Instruction by Credentialed Teachers

Appropriately credentialed teachers shall provide English language development and/or primary language instruction.

A teacher shall be considered qualified to provide specially designed content instruction delivered in English if he/she meets both of the following conditions: (Education Code 44253.10)

1. The teacher, as of January 1, 1999, is a permanent employee of the district or was previously a permanent employee and then was employed in any California public school district within 39 months of the previous permanent status.
2. The teacher has completed, prior to January 1, 2005, 45 hours of staff development in methods of specially designed content instruction delivered in English.

A teacher who has completed the above training may provide specially designed content instruction delivered in English and English language development in any departmentalized teaching assignment consistent with the teacher's basic credential. The teacher may provide instruction for English language development in a self-contained classroom if he/she has accomplished one or both of the following: (Education Code 44253.10)

1. Has taught for at least nine years in California public schools, certified that he/she has had experience or training in teaching ELL students, and authorized verification by the entity that issued a certificate of completion for the staff development.

2. Has completed, within three years of completing the staff development described above, an additional 45 hours of staff development in English language development, and specially designed content instruction delivered in English.

During the period when the teacher is pursuing training in instruction for English language development or specially designed content instruction delivered in English, he/she may be provisionally assigned to provide that instruction. (Education Code 44253.10)

Local Designation of Qualified Teachers

Teachers providing English language development and/or primary language instruction shall meet district criteria for teacher proficiencies which have been approved by the California Department of Education.

Plan to Remedy the Shortage of Qualified Teachers

The Superintendent or designee shall develop a plan to remedy the district's shortage of qualified teachers in accordance with law and with California Department of Education approval.

This plan shall include an appropriate staff development program designed to provide training in English language development teaching methodology, bilingual cross-cultural teaching methodology, and the acquisition of the primary languages of ELL students. As part of this plan, appropriately qualified bilingual paraprofessionals may be teamed with regular teachers. The plan shall specify the number of teachers to be trained and the number expected to meet certification or local designation standards each year. The training program also shall address the needs of teachers who instruct ELL students on an interim basis.

(cf. 4211 - Personnel Selection - Classified)

General Waiver Authority

When the district is unable, after good faith efforts, to obtain the human and material resources necessary to provide instructional and support services for ELL students, the district shall request a waiver from the State Board of Education under the General Waiver Authority. (Education Code 33050)

Specially Designed Services and Training

Whenever there are fewer than 51 students of a particular language group in the district or fewer than 21 students of a particular language group in any school, the Superintendent or designee may design special instructional services and staff training programs in concert with the California Department of Education's Bilingual Education Office.

(cf. 4131 - Staff Development for Probationary Certificated Employees)

Legal References:

EDUCATION CODE

10600-10610 California Education Information System.

33050 Request for waiver of code provisions; nonwaivable provisions; joint waiver requests.

44225 Powers and duties.

44253.I-44253.10 Certification for bilingual-crosscultural competence

44259.5 Standards for preparation of teachers for all pupils, including English language learners; report.

44380-44386 Alternative certification.

44760-44763 Teacher Incentive Program of 1990.

52160-52178 Bilingual-Bicultural Education Act of 1976

52180-52186 Bilingual Teacher Training Assistance Program.

62000-62005.5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

80680-80690.1 Staff development programs for teachers of English learners

UNITED STATES CODE, TITLE 20

1701-1704 Equal Educational Opportunities

BOARD ADOPTION/REVISION: January 22, 2002

October 18, 2011

Lagunitas School District

San Geronimo, California

BOARD POLICY 4004

CRIMINAL RECORD CHECK

This policy has been developed to meet the requirements of the State of California, Department of Justice, Division of Criminal Justice Information Services, Applicant Agency Support Section, for any agency that receives criminal history information.

To insure the suitability of employees accessing confidential criminal history records all employees with access to criminal offender record information shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this rests with Superintendent or person in charge.

- A. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Superintendent or person in charge.
- B. Record Destruction: CORI shall be destroyed after employment determination has been made, and copies of same will be destroyed in such a way that the employee's name can no longer be identified.
- C. Record Dissemination: CORI shall be used only for the purpose for which it was requested.
- D. Record Storage: CORI shall be securely maintained and accessible only to the agency head or his/her designee who are committed to protect CORI from unauthorized access use, or disclosure.
- E. Record Storage: CORI may not be reproduced for secondary dissemination.
- F. Training: The Lagunitas School District shall:
 - 1. Understand and enforce this policy
 - 2. Be fingerprinted and have a criminal history clearance
 - 3. To have on file a signed copy of the attached Employee Statement Form (which is itself a part of this policy) which acknowledges an understanding of laws prohibiting misuse of CORI.

- G. Penalties: Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

BOARD ADOPTION/REVISION: February 11, 2003
October 18, 2011

CRIMINAL RECORD CLERK FORM

To All Lagunitas School District Employees:

To insure the suitability of employees accessing confidential criminal history records, all employees with access to criminal offender record information shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this rests with the Superintendent or person in charge.

- A. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Superintendent or person in charge.
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 - 1. Understand and enforce this policy
 - 2. Be fingerprinted and have a criminal history clearance
 - 3. To have on file a signed copy of the attached Employee Statement form (which is itself a part of this policy) which acknowledges an understanding of laws prohibiting misuse of CORI.
- G. Penalties: Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REQUIREMENTS:

Signed: _____

Date: _____

**Lagunitas School District
San Geronimo, California**

BOARD POLICY 4005

MONTESSORI TEACHER CERTIFICATION

The Board requires all new-hire Montessori teachers to have completed, at their own expense, one (1) year of Montessori training by the end of the first calendar year of employment and to have registered for the second year of Montessori training prior to the March 15th deadline for notification of permanent status. The ultimate goal is to obtain a full Montessori certification within a reasonable period of time.

BOARD ADOPTION/REVISION: June 26, 2001
October 18, 2011

Lagunitas School District

San Geronimo, California

BOARD POLICY 4006

CERTIFICATED LEAVE OF ABSENCE POLICY

1. The Board of Trustees may approve a leave of absence for any certificated or classified employee of the District subject to the following limitations:
 - A. Employee will request in writing a leave of absence for the following school year by January 15. This deadline applies both to currently employed staff and to staff already on a leave of absence.
 - B. The Board will approve or disapprove the requested leave of absence not later than March 15.
 - C. In cases where the employee is requesting a leave of absence during the school year, the employee must request in writing the leave of absence not less than 90 days before the requested leave is to begin. The Board of Trustees will approve or disapprove this leave not less than 60 days before the requested start date.
 - D. Written requests for a leave of absence will, at a minimum, state the reason for the requested leave, the proposed start date, and the proposed return date. In cases where the request is for part time leave, the request will include specific information on proposed working hours, on the proposed job sharing arrangements, and on proposed attendance at staff meetings and staff development sessions. The request will be addressed to the Board of Trustees with copies provided to both the Principal and the Superintendent.
 - E. A leave of absence will not exceed one year maximum except as described in paragraph F below. This applies to either part-time leave or full-time leave. If an employee is on part-time leave of absence for one year, that employee is expected to return to full-time employment the following year. In the event that the employee desires to continue working part-time the employee will submit a written request to the Board of Trustees requesting a permanent change in status from full-time to part-time.
 - F. In cases where an employee is requesting leave for the purpose of caring for his/her child under age of three years, the maximum leave of absence will be two continuous years. This applies to either part-time or full-time leave. If an employee is on leave for two years caring for his/her child, that employee must return to his/her previous level of employment in the

District for a minimum of one year before being eligible to request another leave of absence to care for a second child.

2. The Board of Trustees may make exceptions to this policy for individual employees when the Board deems that such an exception is in the interest of both the District and the employee.

BOARD ADOPTION/REVISION: March 7, 1985
March 13, 2001
October 18, 2011

Lagunitas School District

San Geronimo, California

BOARD POLICY 4007

TRANSFER AND REASSIGNMENT

The Lagunitas School District recognizes that fluctuations in student enrollment and other program changes may require voluntary or involuntary transfer or reassignment of certificated employees from one position to another.

When considering a voluntary or involuntary transfer or reassignment of the certificated staff, the Board shall consider the following:

- a. Willingness on the part of the program to accept the applicant.
- b. Willingness on the part of the applicant to embrace the philosophy of the program.
- c. Experience and education relevant to the position
- d. Seniority

It is the intent of the District to rely on the recommendation of the District's Program Groups in transferring and reassigning District staff.

BOARD ADOPTION/REVISION: April 11, 2000
October 18, 2011

LAGUNITAS SCHOOL DISTRICT
San Geronimo, CA

BOARD POLICY – 4008

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION/TERMINATION

Probationary Employment

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

Permanent Employment

Involuntary suspension without pay, demotion, reduction of pay step in class, or dismissal of permanent classified employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of cause for disciplinary action shall be conclusive.

1. Causes:

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee.

- a. Providing false or misleading information to any regulatory agency, child welfare agency or to any government agency conducting an authorized investigation involving the District, its personnel or students.
- b. Incompetence.
- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Failure to follow cash receipt, disbursement, accounting or account reconciliation procedures or neglect handling of District funds.
- h. Consuming alcoholic or other intoxicating substances while on duty or while on District property (unless school consumption is authorized by the board during District sponsored events). Consumption of alcoholic or other intoxicating substances in such temporal proximity to on duty hours that the employee is affected by such consumption while on duty or when present on District property.
- i. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.

- j. Operation of a District vehicle without authorization or operation of a District vehicle in a dangerous or reckless manner.
- k. Engaging in conduct that threatens the safety or well-being of District employees, students or members of the community.
- l. Engaging in violent conduct or engaging in conduct that gives rise to a reasonable apprehension of violence or of a battery
- m. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.
- n. Absence without leave.
- o. Discourteous treatment of the public, students, or other employees.
- p. Willful disobedience.
- q. Misuse of district property.
- r. Violation of district, Board or departmental rule, policy, or procedure.
- s. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- t. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.
- u. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex or age against the public or other employees while acting in the capacity of a district employee.
- v. Unlawful retaliation against any other district officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
- w. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or his/her employment.

No personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district.

2. Initiation and Notification of Charges

The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating the action shall file a written recommendation of personnel action with the Board. A copy of the recommendation shall be served upon the employee either personally or be registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include:

- a. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes for the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.
- d. A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.
- e. A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

3. Employment Status Pending Appeal or Waiver

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing

4. Time Limit of Suspension

Except for a suspension imposed under #3 above, any suspension involved under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.

5. Right to Appeal

Within five calendar days after receiving the recommendation of personnel action described above, the employee may appeal by signing and filing the card or paper included with the recommendations. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.

6. Amended/Supplemental Charges

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

7. Hearing Procedures

- a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with the Government Code 11500 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.
- b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.
- c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within ten days after the proposed decision is filed by the Board. The Board may:
 - i. Adopt the proposed decision in its entirety.
 - ii. Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.
 - iii. Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.
 - iv. Reject the proposed decision in its entirety.
- d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.
- e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any

prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.

8. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

BOARD ADOPTION/REVISION: August 22, 2006
October 18, 2011

Legal Reference:

Education Code:

35161 Delegation of powers and duties
44009 Conviction of specified crimes
44010 Sex Offense
44011 "Controlled substance offense" defined.
44940 Leave of absence; employee charged with mandatory or optional leave of absence offense
99940.5 compulsory leave of absence; procedures; extension; compensation; bond or security; reports.
45101 Definitions (including "disciplinary action," "cause")
45109 Fixing of duties
45113 Rules and regulations for classified service in districts not incorporating the merit system.
45123: Employment after conviction or sex or narcotics offense.
45302: Demotion and removal from permanent classified service.
45303: Additional cause for suspension or dismissal of employees in classified service.
45304: Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense.

Vehicle Code

1808.8 Schoolbus drivers; dismissal for safety related cause.

United States Code, Title 42

12101 – 12213 Americans with Disabilities Act

Court Decisions:

CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr830 (1975) ("Conduct unbecoming an employee" too vague)

UNITED STATES CODE, TITLE 20

6311 State plan

6319 Highly qualified teachers

6601-6651 Teacher and Principal Training and Recruiting Fund

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Revised State Plan for the No Child Left Behind Act, rev. September 2008

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, rev. September 2007

U.S. DEPARTMENT OF EDUCATION GUIDANCE

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

WEB SITES

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

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

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

Santa Clara County Office of Education, Personnel Management Assistance Team:

<http://www.sccoe.org/depts/pmat>

U.S. Department of Education: <http://www.ed.gov>

BOARD ADOPTION: November 21, 2013

Lagunitas School District

San Geronimo, California

BOARD POLICY 4009 - ASSIGNMENT

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee, using the accompanying 4113 Administrative Regulation, to assign certificated personnel to positions for which their preparation, certification, professional experience, and aptitude qualify them.

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

Assignment to Courses/Classes

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

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

Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)

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

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

Equitable Distribution of Qualified Teachers

In order to ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students, the Superintendent or designee shall:

1. Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long-term solutions for ensuring that all core academic classes will be taught by highly qualified teachers
2. Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide Academic Performance Index
3. Not place interns in high-poverty, low-performing schools in greater numbers than in schools with low poverty or higher academic achievement
4. Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard-to-staff schools

BOARD ADOPTION:

- (cf. 4114 - Transfers)
- (cf. 4131 - Staff Development)
- (cf. 4131.1 - Beginning Teacher Support/Induction)
- (cf. 4138 - Mentor Teachers)

Legal Reference:

EDUCATION CODE

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

80003-80005 Credential authorizations
80020-80020.5 Additional assignment authorizations
80335 Performance of unauthorized professional services
80339-80339.6 Unauthorized certificated employee assignment
UNITED STATES CODE, TITLE 20
6311 State plan
6319 Highly qualified teachers
6601-6651 Teacher and Principal Training and Recruiting Fund
7801 Definitions, highly qualified teacher
CODE OF FEDERAL REGULATIONS, TITLE 34
200.55-200.57 Highly qualified teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Revised State Plan for the No Child Left Behind Act, rev. September 2008
COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
The Administrator's Assignment Manual, rev. September 2007
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006
WEB SITES

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

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

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

Santa Clara County Office of Education, Personnel Management Assistance Team:
<http://www.sccoe.org/depts/pmat>

U.S. Department of Education: <http://www.ed.gov>

BOARD ADOPTION: November 21, 2013

Lagunitas School District

San Geronimo, California

BOARD POLICY 4009 - ASSIGNMENT

Administrative Regulations

Assignment

Assignment to Departmentalized Classes Outside Credential Authorization

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

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

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

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)

Assignment to Elective Courses Outside Credential Authorization.

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

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

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

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

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

BOARD ADOPTION: November 21, 2013

LAGUNITAS SCHOOL DISTRICT

Board Policy

BP 4010 Resignation

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

Legal Reference:

EDUCATION CODE

35161 Board delegation of any powers or duties

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

Board Adoption – March 19, 2015.

LAGUNITAS SCHOOL DISTRICT

Board Policy

Temporary/Substitute Personnel

BP 4011

Personnel

Paid Sick Leave

Under provision of the Healthy Workplaces/Healthy Families Act of 2014, any non-represented temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)**

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

For the purpose of this policy, temporary or substitute employees are defined as those employees hired in a substitute capacity, or hired to perform additional or extra duties for a short-term duration or hired to perform duties on an irregular basis, and who are not otherwise afforded leaves during their employment for Lagunitas School District. Temporary or substitute employees do not include retirees of the California Public Employees Retirement System.

For the purposes of this policy, family member is defined as follows:

- a) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status
 - b) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 - c) A spouse.
 - d) A registered domestic partner.
 - e) A grandparent.
 - f) A grandchild.
 - g) A sibling.
3. Sick leave can only be used when the temporary or substitute employee has accepted an assignment with the Lagunitas School District. A temporary or substitute employee cannot use the same sick day in multiple school districts.

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep of records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249.

Board Adoption: October 15, 2015