

## **CERTIFICATED PERSONNEL**

The Board of Trustees recognizes that teachers and other certificated personnel work closely with students in carrying out the district's educational goals. The Superintendent/Principal or designee shall ensure that the duties, responsibilities, and district's expectations for certificated positions are clearly defined and made known to each member of the certificated staff.

Each certificated staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with law and negotiated agreements.

*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

The Board strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

*(cf. 4131 - Staff Development)*

Policies, rules and regulations related to certificated personnel shall be available to all concerned and shall be administered in a fair and equitable manner.

*Legal Reference:*

EDUCATION CODE

90 Definition, certificated and certified

44006 Certificated person

GOVERNMENT CODE

3543.2 Scope of representation

## RECRUITMENT AND SELECTION

4211

4311

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

The Board of Trustees desires to employ the most highly qualified and appropriate person available for each open position in order to improve student achievement and efficiency in district operations.

*(cf. 4000 - Concepts and Roles)*

*(cf. 4100 - Certificated Personnel)*

*(cf. 4200 - Classified Personnel)*

*(cf. 4300 - Administrative and Supervisory Personnel)*

The Superintendent/Principal or designee shall recruit candidates for open positions based on an assessment of the district's needs for specific skills, knowledge and abilities. 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.

The Superintendent/Principal 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. He/she may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)*

For each position, the Superintendent/Principal or designee shall present to the Board one candidate who 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/Principal or designee.

## RECRUITMENT AND SELECTION (continued)

(cf. 4112 - *Appointment and Conditions of Employment*)  
(cf. 4112.2 - *Certification*)  
(cf. 4112.24 - *Teacher Qualifications Under the No Child Left Behind Act*)  
(cf. 4212 - *Appointment and Conditions of Employment*)  
(cf. 4312.1 - *Contracts*)

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*  
44066 *Limitations on certification requirement*  
44259 *Teaching credential; exception; designated subjects; minimum requirements*  
44735 *Incentive grants for recruiting teachers for low-performing schools*  
44740-44741 *Personnel Management Assistance Teams*  
44750-44754.5 *Regional teacher recruitment centers*  
44830-44831 *Employment of certificated persons*  
44858 *Age or marital status in certificated positions*  
44859 *Prohibition against certain rules and regulations re residency*  
45103-45138 *Employment (classified employees)*  
49406 *Examination for tuberculosis*  
52051 *Academic Performance Index*

#### GOVERNMENT CODE

12900-12996 *Fair Employment and Housing Act, including:*  
12940-12956 *Discrimination prohibited; unlawful practices*

#### UNITED STATES CODE, TITLE 8

1324a *Unlawful employment of aliens*  
1324b *Unfair immigration related practices*

#### 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-2-2000h-6 *Title IX, 1972 Education Act Amendments*  
12101-12213 *Americans with Disabilities Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Leadership: Human Resources, 1996*

#### WEB SITES

*Equal Employment Opportunity Commission:* <http://www.eeoc.gov>  
*Department of Fair Employment and Housing:* <http://www.dfeh.ca.gov>  
*CalTeach:* <http://www.calteach.org>  
*Education Job Opportunities Information Network:* <http://www.edjoin.org>

Policy  
adopted:  
**All Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 4111.2

## LEGAL STATUS REQUIREMENT

4211.2

4311.2

The Board of Trustees shall ensure that the district employs only those individuals who are lawfully authorized to work in the United States.

The Superintendent/Principal or designee shall verify the employment eligibility of all persons hired by completing the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification, for each individual hired and ensure that the district does not knowingly hire or continue to employ any person not authorized to work in the United States. (8 USC 1324a)

In accordance with law, the Superintendent/Principal or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including, but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4111 - Recruitment and Selection)*

*(cf. 4211 - Recruitment and Selection)*

*(cf. 4311 - Recruitment and Selection)*

### *Legal Reference:*

UNITED STATES CODE, TITLE 8

*1324a Unlawful employment of aliens*

*1324b Unfair immigrant-related employment practices*

CODE OF FEDERAL REGULATIONS, TITLE 8

*274a.1-274a.14 Control of Employment of Aliens*

### *Management Resources:*

U.S. CITIZENSHIP AND IMMIGRATION SERVICES PUBLICATIONS

Handbook for Employers: Instructions for Completing Form I-9, April 2009

WEB SITES

*U.S. Citizenship and Immigration Services: <http://www.uscis.gov>*

Policy  
adopted:  
**All Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4111.2

## LEGAL STATUS REQUIREMENT

4211.2

4311.2

Within three business days of hire, the Superintendent/Principal or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

The Superintendent/Principal or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three business days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent/Principal or designee must reverify Form I-9, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

The district shall retain an individual's Form I-9 for three years after the date of the hire or for one year after the date his/her employment is terminated, whichever is later. (8 CFR 274a.2)

*(cf. 3580 - District Records)*

The Superintendent/Principal or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

Regulation  
approved:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4112(a)

## **APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

Upon recommendation from the Superintendent/Principal or designee, the Board of Trustees shall approve the appointment of all certificated personnel. The position and the salary classification shall be reported to the Board at a regular meeting.

*(cf. 4111 - Recruitment and Selection)*  
*(cf. 4121 - Temporary/Substitute Personnel)*

Individuals appointed to the certificated staff shall:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy (Education Code 44250-44279, 44330)

*(cf. 4112.2 - Certification)*  
*(cf. 4112.21 - Interns)*

2. Demonstrate proficiency in basic skills as required by law and Board policy (Education Code 44252.5, 44830)
3. When required by the federal No Child Left Behind Act for teachers of core academic subjects, possess the qualifications of "highly qualified" teachers as defined in law, Board policy and administrative regulations (20 USC 6319)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*  
*(cf. 6171 - Title I Programs)*

4. Submit to fingerprinting as required by law (Education Code 44830.1)
5. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 or 1192.7, unless the individual has received a certificate of rehabilitation and pardon (Education Code 44830.1)

*(cf. 4112.5/4312.5 - Criminal Record Check)*  
*(cf. 4118 - Suspension/Disciplinary Action)*

6. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)
7. Not have been required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)

*(cf. 3515.5 - Sex Offender Notification)*

8. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 44837)

AR 4112(b)

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT** (continued)

9. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)
10. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Board policy (Education Code 44839, 49406)

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

11. Furnish a statement of military service and, if any was rendered, a copy of the discharge or release from service or, if no such document is available, other suitable evidence of the termination of service (Education Code 44838)

12. File the oath or affirmation of allegiance required by Government Code 3100-3109

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

13. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

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

*Legal Reference: (see next page)*

## APPOINTMENT AND CONDITIONS OF EMPLOYMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

35161 Powers and duties  
44008 Effect of termination of probation  
44009 Conviction of specified crimes; definitions  
44010 Sex offense  
44011 Controlled substance offense  
44066 Limitation on certification requirements  
44250-44277 Credential types  
44330 Effect of registration of certification document  
44830.1 Felons; certificated positions; criminal record summary; fingerprints  
44836 Employment of person convicted of sex offenses or controlled substance offenses  
44837 Employment of sexual sociopath  
44838 Statement of military service  
44839 Medical certificate  
44839.5 Medical certificate for retirant  
49406 Examination for tuberculosis

#### GOVERNMENT CODE

3100-3109 Oaths or affirmations of allegiance for disaster service workers and public employees  
12940-12950 Unlawful employment practices

#### PENAL CODE

290 Registration of sex offenders  
290.95 Disclosure by persons required to register as sex offenders  
667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation

#### WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

#### CODE OF REGULATIONS, TITLE 5

6100-6125 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

Regulation  
approved:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4112.1(a)



## **CONTRACTS**

When initially employed, certificated employees shall receive a written statement of their employment status and salary. In the case of temporary employees, this statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

*(cf. 4121 - Temporary/Substitute Personnel)*

### **Reemployment Notices**

By May 30 of each year, the clerk or secretary of the Board may give, or mail by certified mail with return receipt requested, written notices to probationary and permanent certificated employees requesting that they notify the district of their intent to remain in district service for the next school year. This notice shall include a copy of Education Code 44842. If an employee, without good cause, fails to notify the district before July 1 that he/she will remain in district service, the employee may be deemed to have declined reemployment and the employee's services may be terminated on June 30 of that year. (Education Code 44842)

*(cf. 4113 - Assignment)*

*(cf. 4117.2/4217.2/4317.2 - Resignation)*

*(cf. 4117.4 - Dismissal)*

*(cf. 9122 - Secretary)*

By April 30 of each year, the clerk or secretary of the Board may give, or mail by certified mail with return receipt requested, written notices to certificated employees of a year-round school who are serving in a track that starts within 14 days of July 1 requesting that they notify the district of their intent to remain in district service for the next school year. This notice shall include a copy of Education Code 44842. If an employee, without good cause, fails to notify the district before June 1 that he/she will remain in district service, the employee may be deemed to have declined reemployment and the employee's services may be terminated on June 30 of that year. An employee who gives notice of resignation after May 31 but before June 30 shall be released from his/her contract within 30 days of the employee's notice, or as soon as a replacement employee is obtained, whichever occurs first. (Education Code 44842)

### **Employee Notification**

By May 15 of each year, each classroom teacher shall notify the Superintendent/Principal or designee of his/her intent to return to a teaching position for the next school year. (Education Code 44832)

An employee on leave of absence shall notify the district of his/her intent to remain in service the following year in accordance with law, Board policy and administrative regulation.

*(cf. 4161/4261/4361 - Leaves)*

*Legal Reference: (see next page)*

**CONTRACTS** (continued)

*Legal Reference:*

EDUCATION CODE

*44832 Teachers; notice of intent to return*

*44842 Failure to provide notice or to report to work*

*44843 Notice of employment (to county superintendent)*

*44916 Time of classification; statement of employment status*

*44929.20 Continuing contract-districts w/less than 250 ADA*

*44955 Reduction in number of employees*

Regulation  
approved:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 4112.2(a)

## CERTIFICATION

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

The Board of Trustees recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent/Principal or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

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

*(cf. 4112.21 - Interns)*

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

*(cf. 4112.5/4312.5 - Criminal Record Check)*

*(cf. 4113 - Assignment)*

*(cf. 4121 - Temporary/Substitute Personnel)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6200 - Adult Education)*

All teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

When a credentialed teacher or intern is not available, the district may request that the CTC issue a short-term staff permit, provisional internship permit (PIP), visiting faculty permit, emergency permit, or credential waiver under the conditions and limitations provided in state or federal law.

When requesting a PIP, the Board shall approve, as an action item at a public Board meeting, a notice of intent to employ the applicant in the identified position. (5 CCR 80021.1)

Before requesting a visiting faculty permit or emergency permit, the Board shall annually approve a Declaration of Need for Fully Qualified Educators as an action item at a regularly scheduled public Board meeting. (Education Code 44300.1; 5 CCR 80026)

## **CERTIFICATION** (continued)

The Superintendent/Principal or designee shall provide support and guidance to noncredentialed teachers in accordance with law to ensure the quality of the instructional program. He/she also may provide assistance and support to staff holding preliminary credentials to help them meet the qualifications required for the professional clear credential.

*(cf. 4131 - Staff Development)*

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

*(cf. 4138 - Mentor Teachers)*

### **National Board for Professional Teaching Standards Certification**

The Board encourages district teachers to voluntarily seek additional certification from the National Board for Professional Teaching Standards which demonstrates advanced knowledge and teaching skills.

The Superintendent/Principal or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. The Superintendent/Principal or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program contingent upon funding.

*(cf. 4161.3 - Professional Leaves)*

*Legal Reference: (see next page)*

## CERTIFICATION (continued)

### *Legal Reference:*

#### EDUCATION CODE

8360-8370 *Qualifications of child care personnel*  
32340-32341 *Unlawful issuance of a credential*  
35186 *Complaints regarding teacher vacancy or misassignment*  
41520-41522 *Teacher Credentialing Block Grant*  
42647 *Eligibility to issue warrants*  
44066 *Limitations on certification requirements*  
44200-44399 *Teacher credentialing, especially:*  
44250-44277 *Credential types; minimum requirements*  
44279.1-44279.7 *Beginning Teacher Support and Assessment Program*  
44300-44302 *Emergency permits and visiting faculty permits*  
44320.2 *Teachers' performance assessment*  
44325-44328 *District interns*  
44330-44355 *Certificates and credentials*  
44380-44387 *Alternative certification program*  
44395-44399 *National Board for Professional Teaching Standards*  
44420-44440 *Revocation and suspension of credentials*  
44450-44468 *University internship program*  
44560-44562 *Certificated Staff Mentoring Program*  
44735 *Teaching as a Priority Block Grant*  
44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*  
56060-56063 *Substitute teachers in special education*

#### CODE OF REGULATIONS, TITLE 5

6100-6125 *Teacher qualifications, No Child Left Behind Act*  
80001-80674.6 *Commission on Teacher Credentialing*

#### UNITED STATES CODE, TITLE 20

6311 *Parental notifications*  
6312 *Title I local educational agency plan*  
6319 *Highly qualified teachers*  
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*

#### COURT DECISIONS

*Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534*

*Management Resources: (see next page)*

## CERTIFICATION (continued)

### *Management Resources:*

#### COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

*08-11 Approval of Amendments to Title 5 Regulations Pertaining to Multiple Subject, Single Subject or Education Specialist Short-Term Staff Permit, July 18, 2008*

*08-09 New Online Credential View and Print Process, July 3, 2008*

*07-23 Visiting Faculty Permit, December 14, 2007*

*07-19 Designated Subjects Career Technical Education Teaching Credential, December 14, 2007*

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Teacher Supply in California: A Report to the Legislature, April 2008*

*Standards of Quality and Effectiveness for Professional Teacher Induction Programs, June 2008*

*The Administrator's Assignment Manual, rev. September 2007*

*Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, rev. March 2007*

*California Standards for the Teaching Profession, July 1997*

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

*Improving Teacher Quality State Grants, rev. October 5, 2006*

#### WEB SITES

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

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

*California Teacher Credentialing Examinations: <http://www.ctcexams.nesinc.com>*

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

*Commission on Teacher Credentialing, Commission's Information Guide (for employers' use only): <http://www.ctc.ca.gov/credentials/cig>*

*National Board for Professional Teaching Standards: <http://www.nbpts.org>*

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

Policy  
adopted:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4112.2(a)

## **CERTIFICATION**

### **Registration**

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the county office of education a valid credential issued by the Commission on Teacher Credentialing (CTC) authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 44330, 44857)

### **Basic Skills Proficiency Test**

The district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his/her credential unless that person has passed the California Basic Educational Skills Test (CBEST) in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

*(cf. 4121 - Temporary/Substitute Personnel)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6200 - Adult Education)*

The district may hire a certificated teacher who has not taken the CBEST if he/she has not yet been afforded the opportunity to take the test. The employee shall take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results. (Education Code 44830)

An out-of-state prepared teacher shall complete the CBEST requirement within one year of being issued a California preliminary credential by the CTC unless he/she has completed a basic skills proficiency test in another state or is otherwise exempted by law. An out-of-state prepared teacher applying to the CTC for a one-year nonrenewable credential pending completion of the CBEST requirement shall pass the district's basic skills proficiency test which is at least equivalent to the district test required for high school graduation. (Education Code 44252, 44274.2)

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.2 - Certificate of Proficiency)*

*(cf. 6162.5 - High School Exit Examination)*

A person holding or applying for a designated subjects special subjects credential which does not require possession of a bachelor's degree shall pass the district proficiency test in lieu of the CBEST. (Education Code 44252, 44830)

## **CERTIFICATION** (continued)

The district shall charge a fee to cover the costs of developing, administering, and grading the district proficiency test.

### **Short-Term Staff Permit**

The district may request that the CTC issue a short-term staff permit (STSP) to an applicant who meets the qualifications specified in 5 CCR 80021 whenever there is a need to immediately fill a classroom based on an acute staffing need, including, but not limited to, the following circumstances: (5 CCR 80021)

1. Enrollment adjustments require the addition of another teacher.
2. The teacher of record is unable to finish the school year due to approved leave or illness.
3. The applicant needs additional time to complete preservice requirements for enrollment into an approved internship program.

*(cf. 4112.21 - Interns)*

4. The applicant is unable to enroll in an approved internship program due to timelines or lack of space in the program.
5. A third-year extension of an internship program is unavailable or the applicant has withdrawn from an internship program.

When requesting issuance of an STSP, the district shall submit to the CTC: (5 CCR 80021)

1. Verification that it has conducted a local recruitment for the permit being requested
2. Verification that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

*(cf. 4131 - Staff Development)*

3. Written justification for the permit signed by the Superintendent/Principal or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)



## **CERTIFICATION** (continued)

### **Provisional Internship Permit**

The district may request that the CTC issue a provisional internship permit (PIP) to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a diligent search. The district shall verify all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

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

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent/Principal or designee shall assign an experienced educator to guide and assist each permit holder.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a public Board of Trustees meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent/Principal or designee that the agenda item was acted upon favorably.

## **CERTIFICATION** (continued)

6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

### **Visiting Faculty Permits**

The district may request that the CTC issue a visiting faculty permit authorizing an individual to teach in departmentalized classes if he/she has at least three years full-time teaching experience at an accredited postsecondary institution, possesses a master's degree in a subject area closely related to the subject he/she proposes to teach, and meets other qualifications specified in law. In such cases, the district shall provide the CTC with both of the following: (Education Code 44300.1)

1. Annual documentation that the district has implemented a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in California, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach
2. The Board-adopted Declaration of Need for Fully Qualified Educators based on the documentation set forth in item #1

### **Credential Waiver/"Long-Term Substitute" Emergency Permits**

If the district is unable to place a teacher who has completed a teacher preparation program, the district shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved internship program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by the district

If an individual who meets the criteria specified in item #1 or 2 above is not available to the district, the district may, as a last resort, request from the CTC a credential waiver or an emergency permit for the assignment of an individual who does not meet those criteria. (Education Code 44225.7; 5 CCR 80023, 80026)

## **CERTIFICATION** (continued)

The district may request an emergency permit authorizing resource specialist, Crosscultural, Language and Academic Development (CLAD), Bilingual, Crosscultural, Language and Academic Development (BCLAD), or library media services.

In order to request an emergency permit, the district shall annually submit the Board-approved Declaration of Need for Fully Qualified Educators on a form provided by the CTC, including certification that the district has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7; 5 CCR 80023, 80026)

The Superintendent/Principal or designee shall provide any first-time recipient of an emergency teaching permit with an orientation to teaching which shall, to the extent reasonably feasible, occur before he/she begins a teaching assignment. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or county office of education and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

*(cf. 4117.14/4317.14 - Postretirement Employment)*

### **Emergency Substitute Teaching Permits**

The district may employ for day-to-day substitute teaching, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person holding an emergency 30-day substitute permit, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year. He/she shall not serve as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)

**CERTIFICATION** (continued)

4. A person with an emergency substitute permit for career technical education shall teach only in a program of technical, trade, or vocational education and not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent/Principal or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

Regulation  
approved:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 4112.21(a)

## INTERNS

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

The Board of Trustees may employ interns to fulfill the district's need for additional instructional resources and to assist future teachers in meeting state credentialing requirements by linking teaching theory with practice.

The Superintendent/Principal or designee may enter into an agreement with an accredited college or university to provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall ensure that the district collaborates with the college or university in the selection, placement, support, and performance assessment of interns.

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

The Superintendent/Principal or designee shall ensure that interns employed by the district possess an appropriate internship credential from the Commission on Teacher Credentialing (CTC) and that their prior experiences and personal qualifications adequately prepare them for the responsibilities of the position.

*(cf. 4112.2 - Certification)*

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

An intern may be assigned to provide the same service as a holder of a regular credential in accordance with the authorizations specified on the internship credential. (Education Code 44454, 44325, 44326, 44830.3)

*(cf. 4113 - Assignment)*

To be assigned to teach core academic subjects, as defined in law, an intern must meet the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

Terms of employment for interns shall be consistent with law and the district's collective bargaining agreement, as applicable. Interns shall not displace certificated district employees.

## **INTERNS** (continued)

*(cf. 4116 - Probationary/Permanent Status)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

Interns shall receive systematic supervision and guidance by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent/Principal or designee shall ensure that district staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and maintain frequent communication with the interns they are assigned to assist.

*(cf. 4131 - Staff Development)*  
*(cf. 4138 - Mentor Teachers)*

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated at least once every year in accordance with Board policy and the district's collective bargaining agreement.

*(cf. 4115 - Evaluation/Supervision)*

When an intern has successfully completed the program, the Board may recommend to the CTC that the intern be awarded a preliminary or professional clear credential commensurate with his/her qualifications. (Education Code 44328, 44468, 44830.3)

The Board shall regularly evaluate the effectiveness of the program to determine whether changes are needed in the support and/or assignment of interns. The Board's evaluation shall be based on a report by the Superintendent/Principal or designee, including, but not limited to, data on student performance in classes taught by interns, feedback from interns and supervisors, and the number of interns who successfully complete the program and obtain teaching or education specialist credentials.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

## INTERNS (continued)

### *Legal Reference:*

#### EDUCATION CODE

300-340 English language education for immigrant children  
44253.3-44253.4 Certificate to provide services to limited-English-proficient students  
44253.10 Qualifications to provide specially designed academic instruction in English  
44259 Minimum requirements for teaching credential  
44314 Diversified or liberal arts program  
44321 CTC approval of internship programs  
44325-44328 District interns  
44339-44341 Teacher fitness  
44380-44387 Alternative certification program; increased funding for internship programs  
44450-44468 Teacher Education Internship Act of 1967 (university interns)  
44560-44562 Certificated Staff Mentoring Program  
44830.3 Employing district interns  
44885.5 District interns classified as probationary employees  
52055.605 Identification of high priority schools, High Priority Schools Grant Program

#### CODE OF REGULATIONS, TITLE 5

6100-6126 No Child Left Behind teacher requirements

13000-13017 New Careers Program

80021.1 Provisional internship permit

80055 Internship credential

#### UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

### *Management Resources:*

#### COMMISSION ON TEACHER CREDENTIALING CORRESPONDENCE

08-03 Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, March 3, 2008

03-0028 Changes in District Intern Programs as a Result of Senate Bill 187, December 22, 2003

Implementation of SB 57, Early Completion Internship Option, March 10, 2003

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual, 2008

CTC Credential Handbook, revised 1997

California Standards for the Teaching Profession, 1997

Standards of Quality and Effectiveness for Teacher Preparation Programs for Preliminary Multiple and Single Subject Teaching Credentials (including internship programs), rev. April 2008

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

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

Improving Teacher Quality State Grants, rev. January 16, 2004

#### WEB SITES

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

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

Policy  
adopted:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4112.21(a)

## **INTERNS**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Chualar Union Elementary School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent/Principal or designee.

### **University Internship Program**

The Superintendent/Principal or designee shall cooperate with a college or university in the development, implementation, and coordination of the university internship program. (Education Code 44452, 44465, 44467)

*(cf. 4112.2 - Certification)*

The Superintendent/Principal or designee may enter into an agreement with a college or university for the employment of competent and qualified college or university staff members to supervise and guide interns as they pursue their district responsibilities. (Education Code 44461)

Salary payments for the supervision of interns may be made out of district funds and may be met by proportionately reducing the salaries of paid interns. In such cases, no more than eight interns may be supervised by one staff member and the district salary normally paid to interns may be reduced by no more than one-eighth to pay the supervisor's salary. The intern shall not be paid less than the minimum salary required by the state for a regularly certificated teacher. (Education Code 44462)

*(cf. 4151/4251 - Employee Compensation)*

Before an intern enrolls in any college or university program to renew his/her internship credential, the Superintendent/Principal or designee shall counsel the intern and plan a program for the first and subsequent renewals. (Education Code 44457)

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

### **Early Completion Option**

An intern may choose an early completion option leading to a five-year preliminary credential by completing the following requirements: (Education Code 44468)

1. Passing the CTC-approved assessment of knowledge of teaching foundations



## **INTERNS** (continued)

2. Passing the CTC-approved Teaching Performance Assessment (TPA)
  - a. The intern shall first pass the assessment of teaching foundations described in item #1 before qualifying to take the TPA.
  - b. The intern may take the TPA only one time as part of the early completion option. An intern who is not successful on the TPA may complete his/her internship program and his/her scores shall be used to provide an individualized professional development plan that emphasizes preparation in areas where additional growth is warranted and waiving preparation in areas where the intern has demonstrated competence. The intern shall be required to retake and pass the TPA at the end of the internship in order to be considered for recommendation to the CTC.
3. For interns pursuing a preliminary multiple subjects credential, passing the reading instruction competence assessment described in Education Code 44283
4. Meeting the requirements for teacher fitness as set forth in Education Code 44339, 44340, and 44341

### **Alternative Certification Program for Addressing Teacher Shortages**

To assist with recruitment of teachers in geographic and subject matter shortage areas, the district shall implement an alternative certification program that encourages persons with work experience and others who already have a bachelor's degree in the field in which they plan to teach to obtain a permanent credential. (Education Code 44382)

The district's alternative certification program shall be operated as a university internship program and/or district internship program under the requirements specified above for the applicable program. (Education Code 44384)

### **Enhanced Internship Program**

When granted additional state funding as an enhanced internship program, the district's program shall: (Education Code 44387)

1. Provide interns, before they provide instructional services, with the greater of the following:

**INTERNS** (continued)

- a. 120 hours of intensive preservice training focused on the teaching of English language learners
  - b. 40 hours of preservice training in addition to all other required training, including, but not limited to, training related to services for English language learners pursuant to Education Code 44253.3, 44253.4, and 44253.10
2. Provide all teacher interns with 40 hours of classroom observation, supervision, assistance, and assessment by one or more experienced teachers who possess valid certification to teach the same grade level and the same subject matter and who are employed by the district and assigned to assist the interns

*(cf. 4138 - Mentor Teachers)*

3. Maintain a ratio of one experienced teacher to no more than five

## **STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY**

### **Definitions**

*Instruction for English language development (ELD)* means instruction designed specifically for limited-English-proficient students to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

*Specially designed academic instruction in English (SDAIE)* means instruction in a subject area, delivered in English, that is specially designed to meet the needs of limited-English-proficient students. (Education Code 44253.2)

*Content instruction delivered in the primary language* means instruction in a subject area delivered in the primary language of the student. (Education Code 44253.2)

### **Teacher Qualifications**

The Superintendent/Principal or designee shall ensure that a teacher providing instruction for ELD, SDAIE, and/or content instruction in any student's primary language possesses the appropriate authorization issued by the Commission on Teacher Credentialing (CTC).

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

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

*(cf. 4113 - Assignment)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 6174 - Education for English Language Learners)*

The Board of Trustees shall make reasonable efforts to assign teachers with appropriate ELD authorizations to those students who need ELD instruction. However, a teacher awarded a Certificate of Completion of Staff Development for SDAIE pursuant to Education Code 44253.11 shall be considered certified and competent to provide ELD instruction. (Education Code 44253.11)

*(cf. 4131 - Staff Development)*

A teacher may be provisionally assigned to provide instruction for ELD or SDAIE during the period that he/she is pursuing training to complete a Certificate of Completion of Staff Development pursuant to Education Code 44253.10 or 44253.11.

*Legal Reference: (see next page)*

**STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY**  
(continued)

*Legal Reference:*

EDUCATION CODE

44253.1-44253.11 Certification for bilingual-crosscultural competence  
44258.9 County superintendent review of teacher assignment  
44259.5 Standards for teachers of all students, including English language learners  
44380-44386 Alternative certification  
52052 Adequate yearly progress  
52160-52178 Bilingual-Bicultural Act of 1976  
52180-52186 Bilingual teacher training assistance program  
62001-62005. 5 Evaluation and sunseting of programs  
99230-99242 Mathematics and Reading Professional Development Program

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act  
80016 Certificate of completion of staff development to teach English learners

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers  
6601-6651 Training and recruiting high-quality teachers  
6801-7014 Language instruction for English learners and immigrant students  
7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

COURT DECISIONS

Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Languages Other than English Single Subject Matter Standards for the Single Subject Teaching Credential, May 2004

CL-622 Serving English Learners, April 2006

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

06-0020 Implementation of Senate Bill 1292 regarding options to earn an English learner authorization, December 13, 2006

04-0001 Clarification of authorizations to teach English learners, January 12, 2004

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance, rev. January 16, 2004

WEB SITES

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

California Association for Bilingual Education: <http://www.bilingualeducation.org>

California Department of Education, English Learners: <http://www.cde.ca.gov/sp/el>

California Teachers of English to Speakers of Other Languages: <http://www.catesol.org>

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

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

Regulation  
approved:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4112.23(a)

## **SPECIAL EDUCATION STAFF**

### **Qualifications/Assignment of Special Education Teachers**

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization that specifically authorizes him/her to teach students with that primary disability within the program placement recommended in the students' individualized education programs (IEP). (5 CCR 80046.5, 80048.7)

*(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. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

The Superintendent/Principal or designee may request the Commission on Teacher Credentialing (CTC) to issue a special education limited assignment teaching permit to authorize a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. In so doing, the district shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026. If the teacher has not yet obtained permanent status, the Superintendent/Principal or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80027.1)

The district may employ a person with an appropriate district internship credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district internship program. (Education Code 44325, 44326, 44830.3)

*(cf. 4112.21 - Interns)*

### **Resource Specialists**

The district's resource specialist program shall provide, but not be limited to: (Education Code 56362)

1. Resource specialist(s) to provide instruction and services for students whose needs have been identified in their IEPs and who are assigned to regular classroom teachers for a majority of the school day

## **SPECIAL EDUCATION STAFF** (continued)

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.

2. Information and assistance for students with disabilities and their parents/guardians
3. Consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members
4. Coordination of special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of students who do not demonstrate sufficient progress to the IEP team
6. At the secondary school level, emphasis on academic achievement, career and vocational development, and preparation for adult life

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

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362 and 5 CCR 80070.8. (Education Code 56362)

### **Teachers of Students with Autism**

A teacher may be assigned to provide instruction to students with autism if he/she meets the qualifications described above in the section entitled "Qualifications/Assignment of Special Education Teachers."

In addition, a teacher whose 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. He/she 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.

## **SPECIAL EDUCATION STAFF** (continued)

2. He/she has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

*(cf. 5148.3 - Preschool/Early Childhood Education)*

The Superintendent/Principal or designee shall report teacher assignments under the criteria specified in items #1 and #2 above to the county office of education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)

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)

### **Caseloads**

The Superintendent/Principal or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the 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)*

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)*

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases unless otherwise specified and reasons stated in the SELPA plan. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 shall not exceed 40. (Education Code 56363.3, 56441.7)

*Legal Reference: (see next page)*

## **SPECIAL EDUCATION STAFF (continued)**

### *Legal Reference:*

#### EDUCATION CODE

44250-44279 *Credentials, especially:*

44256 *Credential types, specialist instruction*

44258.9 *Assignment monitoring*

44265-44265.99 *Special education credential*

44325-44328 *District interns*

44830.3 *District interns, supervision and professional development*

56000-56865 *Special education, especially:*

56195.8 *Adoption of policies*

56361 *Program options*

56362-56362.5 *Resource specialist program*

56363.3 *Maximum caseload; language, speech, and hearing specialists*

56441.7 *Maximum caseload; language, speech, and hearing specialists serving children ages 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*

80021 *Short-term staffing permit*

80021.1 *Provisional internship permit*

80025.4 *Substitute teaching, special education*

80026 *Declaration of need for fully qualified educators*

80027.1 *Special education limited assignment teaching permit*

80046.1 *Adapted physical education specialist*

80046.5 *Credential holders authorized to serve students with disabilities*

80047-80047.9 *Credentials to provide instructional services to students with disabilities*

80048-80048.9.3 *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*

*Legal Reference continued: (see next page)*



## **SPECIAL EDUCATION STAFF (continued)**

### *Legal Reference: (continued)*

#### 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

10-15 Alternative Route to Provide Special Education Services to Students with Autism, September 7, 2010

10-13 Approval of Title 5 Regulations Pertaining to Special Education Services Credentials, July 21, 2010

10-12 Approval of Title 5 Regulations Pertaining to Special Education Teaching Credentials Requirements, July 21, 2010

09-16 Approval of Additions to Title 5 Regulations Pertaining to Added Authorizations in Special Education, July 23, 2009

09-15 Approval of Amendments to Title 5 Regulations Pertaining to General and Special Education Limited Assignment Teaching Permits, July 23, 2009

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

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Education Specialist Teaching and Other Related Services Credential Program Standards, September 2010

#### 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>

Regulation  
approved:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
BP 4112.24(a)

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

Recognizing the importance of teacher effectiveness in improving student achievement, the Board of Trustees 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/Principal 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/Principal 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 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)*

*Legal Reference: (see next page)*

## TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT (continued)

### *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>

Policy  
adopted:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4112.24(a)

## TEACHER QUALIFICATIONS UNDER THE NO CHILD 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/Programs of Choice*)

(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 QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT** (continued)

*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**

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)

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

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. An *elementary 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)

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

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

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/Principal or designee shall verify the information and retain the signed original copy.

The Superintendent/Principal shall annually attest in writing as to whether the school is in compliance with NCLB requirements related to teacher qualifications. Copies of the attestation shall be maintained at the school office and shall be available to any member of the public upon request. (20 USC 6319)

### **District Plan for Highly Qualified Teachers**

Within the Title I local educational agency plan, the Superintendent/Principal 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/Principal 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/Principal 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
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)*

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

In addition, the Superintendent/Principal 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/Principal 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)

Regulation  
approved:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
E(1) 4112.24



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

**ATTESTATION REGARDING QUALIFICATIONS OF TITLE I TEACHERS**

*Instructions:* The following certification must be annually completed and signed by the Superintendent/Principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide programs) and 20 USC 6315 (targeted assistance schools).

School: \_\_\_\_\_ Superintendent/Principal: \_\_\_\_\_

I certify that all teachers hired after the first day of the 2002-03 school year to teach core academic subjects in a program supported by Title I funds meet the following qualifications:

1. Hold at least a bachelor's degree
2. Have a credential or are currently enrolled in an approved intern program for less than three years
3. Have demonstrated subject matter competence as required by 5 CCR 6100-6115 for the grade level(s) taught and the teacher's length of time in the profession

\_\_\_\_\_  
Signature of Superintendent/Principal

\_\_\_\_\_  
Date

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

### **PARENTAL NOTIFICATION OF TEACHER QUALIFICATIONS**

To Parents/Guardians:

Your child is attending a school receiving Title I federal funds under the federal No Child Left Behind Act (NCLB).

Under NCLB, teachers of core academic subjects are required to hold state certification and demonstrate subject matter competency for the grade span or subject matter taught. These requirements help us to ensure that all our students receive the best education by teachers who are highly skilled and knowledgeable in their subject areas.

This federal law requires the school to notify you that a teacher who has not yet completed the process for meeting NCLB requirements has taught your child for four or more consecutive weeks. However, the teacher is authorized to teach in California and is working toward completion of the requirements. Our school district continues to monitor teacher qualifications and to provide additional support and training, as necessary, to help teachers meet the requirements.

You may contact       [insert school name]       to request the qualifications of your child's teacher. If you have any questions, please contact       [insert Superintendent/Principal name]       at       [insert telephone number]      .

## **OATH OR AFFIRMATION**

4212.3

4312.3

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

*(cf. 9224 - Oath or Affirmation)*

Legally employed noncitizens shall be exempt from taking this oath. (Government Code 3101)

At the advice of legal counsel, the Superintendent/Principal or designee may exempt an employee from taking the oath if he/she raises a valid religious objection.

The Superintendent/Principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent/Principal or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

*(cf. 4121 - Temporary/Substitute Personnel)*

The Superintendent/Principal or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment. (Government Code 3105)

### **Reimbursement of Expenses for Disaster Service Workers**

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent/Principal or designee shall ascertain and certify that the employee has taken the oath or affirmation. (Government Code 3107)

*Legal Reference: (see next page)*

4212.3  
4313.3

**OATH OR AFFIRMATION** (continued)

*Legal Reference:*

EDUCATION CODE

60 Persons authorized to administer and certify oaths

44334 Oath or affirmation required for credential

44354 Administration of oath required for credential

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District 55 Cal. App. 3d 544 (1976)

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

Regulation  
approved:  
**All Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
E 4112.3

**OATH OR AFFIRMATION**

4212.3  
4312.3

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

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

Certified by:

\_\_\_\_\_  
(Person who administers the oath)

## **HEALTH EXAMINATIONS**

4212.4

4312.4

### **Tuberculosis Tests**

No applicant shall be initially employed in a classified or certificated position unless, within the past 60 days, he/she has submitted to an intradermal tuberculin skin test or other approved tuberculin test and, if that test was positive, has subsequently obtained an x-ray of the lungs. The applicant shall submit to the district a certificate signed by an authorized health care provider indicating that he/she is free of active tuberculosis. (Education Code 49406; 5 CCR 5503)

The cost of the pre-employment tuberculosis examination shall be paid by the applicant.

An applicant who was previously employed in another California school district or private or parochial school may fulfill the tuberculosis examination requirement either by producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having his/her previous employer verify that it has on file a certificate which contains that evidence. (Education Code 49406)

Every district employee who tests negative shall undergo a tuberculosis examination at least once every four years, or more often if so directed by the Board of Trustees upon recommendation of the county health officer, for as long as the employee's test remains negative. An employee with a documented positive test for tuberculosis infection shall no longer be required to submit to the examination but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

Tuberculosis tests for employees shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

If an employee's religious belief prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge or belief, he/she is free from active tuberculosis. In order to exempt the individual, the Board shall determine by resolution, after a hearing, that the health of students would not be jeopardized. (Education Code 49406)

The Superintendent/Principal or designee may exempt from the tuberculosis testing requirement classified employees who are employed for less than a school year if their functions do not require frequent or prolonged contact with students. (Education Code 49406)

## **HEALTH EXAMINATIONS** (continued)

The Superintendent/Principal or designee may exempt a pregnant employee from the requirement that a positive tuberculin skin test be followed by an x-ray of the lungs, for a period not to exceed 60 days following termination of the pregnancy. (Education Code 49406)

### **Medical Certification for Communicable Diseases for Certificated Employees**

The Board shall not fill a position requiring certification with an applicant who has not previously been employed in a certificated position in California or a retirant who has not been employed as a retirant, unless the district has on file a medical certification completed and submitted directly to the district by an authorized health care provider. (Education Code 44839, 44839.5)

*(cf. 4117.14/4317.14 - Postretirement Employment)*

The medical certification shall certify that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. The medical examination referred to in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

*(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)*

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

The Board may require certificated employees and/or retirants to undergo, at district expense, a periodic medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)

### **Mental Examination for Certificated Employees**

A certificated employee may be suspended or transferred to other duties if the Board has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties. In such a case, the district shall follow the process specified in Education Code 44942 and the district's collective bargaining agreement, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4118 - Suspension/Disciplinary Action)*

## HEALTH EXAMINATIONS (continued)

### Legal Reference:

#### EDUCATION CODE

44839 *Medical certificate; periodic medical examination*

44839.5 *Requirements for employment of retirant*

44932 *Grounds for dismissal of permanent employee*

44942 *Suspension or transfer of certificated employee on ground of mental illness*

45122 *Physical examinations*

49406 *Examination for tuberculosis*

#### BUSINESS AND PROFESSIONS CODE

2700-2838 *Nurses*

3500-3546 *Physician assistants*

#### HEALTH AND SAFETY CODE

121525 *Private and parochial school employees, examination for tuberculosis*

#### CODE OF REGULATIONS, TITLE 5

5502 *Filing of notice of physical examination for employment of retired persons*

5503 *Physical examination for employment of retired persons*

5504 *Medical certification procedures*

#### COURT DECISIONS

*Doe v. Lincoln Unified School District*, (2010) 188 Cal.App.4th 758

*Leonel v. American Airlines, Inc.*, (2005) 400 F.3d. 702

*Raven v. Oakland Unified School District*, (1989) 213 Cal.App.3d 1347

### Management Resources:

#### WEB SITES

California Department of Public Health: <http://www.cdph.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Public Health Institute: <http://www.phi.org>

U.S. Food and Drug Administration: <http://www.fda.gov>



## **DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**

4212.42

4312.42

The Board of Trustees desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent/Principal or designee shall establish a drug and alcohol testing program for all district drivers and other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of state and federal law.

*(cf. 3540 - Transportation)*

*(cf. 3543 - Transportation Safety and Emergencies)*

The district's testing program shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306)

The Superintendent/Principal or designee shall contract for testing services and shall ensure that testing contractors and procedures are certified by the U.S. Department of Health and Human Services to conduct drug specimen analysis and to conform to the requirements of federal law.

*(cf. 3542 - School Bus Drivers)*

*(cf. 4020 - Drug and Alcohol-Free Workplace)*

No driver may operate a district vehicle when his/her blood alcohol content is found to be .01 percent or greater. A driver shall not consume alcohol while on duty or for four hours prior to on-duty time and up to eight hours following an accident or until he/she undergoes a post-accident test, whichever occurs first. A driver shall not report for duty or remain on duty that requires performing safety-sensitive functions when the driver uses a controlled substance, unless so instructed by a physician. (49 CFR 382.205, 382.207, 382.209; Vehicle Code 34520.3; 13 CCR 1213.1)

Any driver who tests positive for alcohol or drugs or who refuses to submit to a test shall be removed from safety-sensitive functions and may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

The Superintendent/Principal or designee shall ensure that each driver receives an explanation of the federal regulations and the district's policy and procedure in accordance with law. In addition, each driver shall sign a statement certifying that he/she has received a copy of the above materials. Representatives of employee organizations shall be notified of the availability of this information. (49 CFR 382.601)

BP 4112.42(b)

4212.42  
4312.42

## **DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)**

(cf. 4112.9/4212.9/4312.9 - *Employee Notifications*)

### *Legal Reference:*

#### EDUCATION CODE

35160 Authority of governing boards

#### VEHICLE CODE

34500-34520.5 Safety regulations

#### CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

#### UNITED STATES CODE, TITLE 49

31306 Alcohol and controlled substances testing

41501-41507 Transportation Employee Testing Act

#### CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Part 40, Procedures for transportation workplace drug and alcohol testing programs

382.101-382.605 Controlled substance and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

### *Management Resources:*

#### WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance:

<http://www.dot.gov/ost/dapc>

Policy  
adopted:  
**Certificated Personnel**

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California  
AR 4112.5(a)

## **CRIMINAL RECORD CHECK**

### **Applicants for Employment**

The Superintendent/Principal 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 is using the Live Scan system, the Superintendent/Principal or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent/Principal 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/Principal or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent/Principal 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/Principal 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/Principal 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)

**CRIMINAL RECORD CHECK** (continued)**Subsequent Arrest Notification**

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

*(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/Principal 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/Principal 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/Principal 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/Principal 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: (see next page)*

**CRIMINAL RECORD CHECK** (continued)*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 SITESDepartment of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>CSBA: <http://www.csba.org>

## **PERSONNEL FILES**

4212.6

4312.6

The Superintendent/Principal or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent/Principal or designee. Official employee files shall be maintained at the district office. The Superintendent/Principal or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent/Principal or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

*(cf. 4115 - Evaluation/Supervision)*

### **Derogatory Information**

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The

## **PERSONNEL FILES** (continued)

employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code 44031)

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

### **File Review by Employee**

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent/Principal or designee shall not be required to make such records available at a time when the employee is required to render services to the district, unless the employee is required to view the file where it is stored. (Labor Code 1198.5; Education Code 44031)

The Superintendent/Principal or designee shall do one of the following: (Labor Code 1198.5)

1. Keep a copy of each employee's personnel records at the place where the employee reports to work
2. Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request
3. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee

Any employee wishing to inspect his/her personnel record shall contact the Superintendent/Principal or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

The Superintendent/Principal or designee shall not be required to make available to the employee: (Labor Code 1198.5, Education Code 44031)

**PERSONNEL FILES** (continued)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent/Principal or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

**File Review by Management and Board**

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent/Principal or designee's authorization, review an employee's personnel file.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

Board members are not individually allowed to request and access personnel files but the Board may request pertinent information from an employee's file in cases of personnel action.

*Legal Reference: (see next page)*



4212.6  
4312.6

**PERSONNEL FILES** (continued)

*Legal Reference:*

EDUCATION CODE

35253 *Regulations to destroy records*

44031 *Personnel file contents and inspection*

44663 *Performance appraisals and related materials*

GOVERNMENT CODE

3305-3306 *District police officers; personnel files*

6254.3 *Disclosure of home address and phone number*

LABOR CODE

1198.5 *Inspection of personnel files*

PENAL CODE

11165.14 *Report of investigation of child abuse complaint*

CODE OF REGULATIONS, TITLE 5

16020-16022 *Records, general provisions*

16023-16027 *Retention of records*

ATTORNEY GENERAL OPINIONS

Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

Regulation  
approved:

**CHUALAR UNION ELEMENTARY SCHOOL DISTRICT**  
Chualar, California