

**ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

The Board of Trustees recognizes that effective management is vital to the success of district students and programs. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation, and oversight of district programs. Supervisors shall promote the productivity, professional growth, and teamwork of district staff.

*(cf. 4000 - Concepts and Roles)*

The Board shall adopt policies related to administrative and supervisory personnel insofar as they are needed to comply with law and describe terms of employment within the district.

The Board may, by resolution, establish or abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if he/she had not been in a senior management position. (Education Code 45104.5)

*Legal Reference:*

EDUCATION CODE

35031 *Term of employment*

45100.5 *Senior management positions*

45104.5 *Abolishment of senior classified management positions*

45108.5 *Definitions of senior classified management employees*

45108.7 *Waiver of provisions of 45108.5*

45128 *Overtime*

45130 *Exclusion from overtime provisions*

45256.5 *Designation of certain positions*

GOVERNMENT CODE

3540 *Purpose*

3540.1 *Definitions*

3543.4 *Management position; representation*

3545 *Appropriateness of unit; basis*

COURT DECISIONS

*Auer v. Robbins, (1997) 117 S.Ct. 905*

**ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

**Classified Senior Management and Supervisory Employees**

A senior management employee is either a fiscal advisor to the Superintendent/Principal or an employee in the highest position not requiring certification in a principal district program area, with districtwide responsibility for formulating policy or administering the program. (Education Code 45108.5)

Employees holding positions designated as classified senior management and supervisory positions are entitled to all of the rights, benefits, and burdens of other classified employees, except that each senior management and supervisory employees shall not obtain permanent status in a senior management position. (Education Code 45100.5, 45256.5)

If assigned to a position within a bargaining unit, classified management and supervisory employees shall be reclassified at the discretion of the Board of Trustees subject to provisions of the applicable collective bargaining agreement or, for districts incorporating the merit system, the rules of the personnel commission.

*(cf. 4312.1 - Contracts)*

Positions in the senior management of the classified service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have been found qualified for the positions as specified by the Superintendent/Principal and determined by the personnel commission. (Education Code 45256.5)

**ADMINISTRATIVE STAFF ORGANIZATION**

The Board of Trustees authorizes the Superintendent/Principal to organize the administrative and supervisory staff in a manner that best supports student achievement, the educational program, and efficient operations.

*(cf. 2110 - Superintendent Responsibilities and Duties)*  
*(cf. 4300 - Administrative and Supervisory Personnel)*

The Superintendent/Principal shall establish and define job responsibilities for supervisory and administrative personnel. (Education Code 44662)

*(cf. 4000 - Concepts and Roles)*  
*(cf. 4315 - Evaluation/Supervision)*

The Superintendent/Principal or designee may adjust staff responsibilities temporarily or permanently as needed to accommodate the workload and/or individual capabilities.

*(cf. 4032 - Reasonable Accommodation)*

The Superintendent/Principal shall maintain a current district organization chart which designates lines of primary responsibility and the relationships among all district positions. Lines of responsibility shall in no way prevent staff members at all levels from collaborating, communicating, and cooperating to develop the best possible programs and provide efficient services.

*Legal Reference:*

EDUCATION CODE

- 35010 Control of district; prescription and enforcement of rules
- 35020 Duties of employees fixed by governing board
- 35035 Powers and duties of superintendent
- 44662 Job responsibilities and evaluation

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2007

WEB SITES

- CSBA: <http://www.csba.org>
- Association of California School Administrators: <http://www.acsa.org>

**CONTRACTS**

The Board of Trustees recognizes the importance of attracting and retaining qualified administrative and supervisory personnel to help the district achieve its goals for student learning. To that end, the Board may employ certificated administrative and supervisory personnel and senior management of the classified staff on a contract basis. Prior to entering into any such contract, the Board and Superintendent/Principal shall consider the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.

*(cf. 0000 - Vision)*  
*(cf. 2121 - Superintendent's Contract)*  
*(cf. 3460 - Financial Reports and Accountability)*  
*(cf. 4111/4211/4311 - Recruitment and Selection)*  
*(cf. 4300 - Administrative and Supervisory Personnel)*  
*(cf. 4313.2 - Demotion/Reassignment)*  
*(cf. 4314 - Transfers)*

The Board may offer a deputy, associate, or assistant superintendent, or any other person holding a position requiring a supervision or administrative credential, a continuing contract for a period longer than one year but not to exceed four years. (Education Code 35031, 44929.20)

All contracts shall be ratified by the Board during an open session of a Board meeting and reflected in the Board's minutes. Copies of the contracts shall be available to the public upon request. (Education Code 35031; Government Code 53262)

*(cf. 1340 - Access to District Records)*  
*(cf. 9322 - Agenda/Meeting Materials)*  
*(cf. 9324 - Minutes and Recordings)*

A contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the employee's performance.

*(cf. 4315 - Evaluation/Supervision)*

During the term of the contract and with the consent of the employee, the Board may reemploy, effective on the next succeeding first day of July, a deputy, associate, or assistant superintendent and reelect/reemploy him/her on those terms and conditions mutually agreed upon by the Board and the employee for a new term to begin on the effective date of the termination of the existing term of employment. (Education Code 35031)

If the Board decides not to reelect or reemploy a deputy, associate, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 days prior to the expiration of the term of the contract. (Education Code 35031)

**CONTRACTS** (continued)

Employee contracts shall include a provision specifying the legal maximum cash settlement that the employee may receive upon termination of the contract. (Government Code 53260)

*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*

*Legal Reference:*

EDUCATION CODE

35030 Title of deputy, associate or assistant superintendent for certain positions

35031 Term of employment

44842 Automatic declining of employment

44843 Notice of employment to county superintendent

44929.20 Continuing contract

44951 Continuation in position unless notified

GOVERNMENT CODE

53260-53264 Employment contracts

54954 Time and place of regular meetings

54957 Closed session, personnel matters

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2007

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

Association of California School Administrators: <http://www.acsa.org>

**LOAD/SCHEDULING/HOURS OF EMPLOYMENT**

The Board of Trustees designates in accordance with law salaried positions which are exempt from overtime. Persons holding these positions work whatever hours are necessary in order to fulfill their assignments. Their positions are set apart from other positions by virtue of the duties, flexibility of hours, salary, benefit structure and authority which they entail.

Employees serving in positions excluded from overtime shall not be unreasonably discriminated against as a result of the exclusion. (Education Code 45130)

Exempt employees' pay shall not be subject to salary deductions for absences of less than a day.

*Legal Reference:*

EDUCATION CODE

45130 *Exclusion from overtime provisions*

UNITED STATES CODE, TITLE 29

201-215 *Fair Labor Standards Acts*

CODE OF FEDERAL REGULATIONS, TITLE 29

511-800 *Department of Labor Relations*

COURT DECISIONS

*Abshire v. County of Kern, (9th Cir. 1990) 908 F.2d 483*

**DEMOTION/REASSIGNMENT**

The Board of Trustees may authorize the demotion or reassignment of any administrative or supervisory employee upon the recommendation of the Superintendent/Principal or designee and when such action is determined to be in the best interest of the district.

- (cf. 0520 - Intervention for Underperforming Schools)*
- (cf. 0520.1 - High Performing Schools Grant Program)*
- (cf. 0520.2 - Title I Program Improvement Schools)*
- (cf. 0520.3 - Title I Program Improvement Districts)*
- (cf. 4300 - Administrative and Supervisory Personnel)*
- (cf. 4312.1 - Contracts)*
- (cf. 4314 - Transfers)*

The Superintendent/Principal or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures when an employee is to be demoted or reassigned.

*Legal Reference:*

EDUCATION CODE

- 35031 Senior management employee in the classified service: nonreelection*
- 44660-44665 Evaluation and assessment of performance of certificated employees*
- 44850.1 No tenure in administrative or supervisory positions*
- 44896 Transfer of administrator or supervisor to teaching position*
- 44897 Classification of administrator or supervisor to a teaching position*
- 44951 Continuation in position unless notified*
- 45101 Definitions (including disciplinary action, cause)*
- 45113 Rules for classified service in districts not incorporating the merit system*
- 52055.5 Meeting or exceeding growth requirements*
- 52055.650 Review by state board*
- 52055.57 Districts identified or at risk of identification for program improvement*

UNITED STATES CODE, TITLE 20

- 6316 School and district improvement*

COURT DECISIONS

- Jefferson v. Compton Unified School District, (1993) 14 Cal. App. 4th 32*
- Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768*
- Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348*
- Skelly v. California Personnel Board, (1975) 15 Cal.3d 194*
- Henschke v. Sink, (1973) 34 Cal. App. 3d 19*

**DEMOTION/REASSIGNMENT**

**Certificated Administrative Employees**

Permanent certificated management staff are not entitled to seniority rights in their administrative positions. However, such staff shall earn and/or retain any seniority earned in service as a classroom teacher or site administrator pursuant to Education Code 44893, 44894, or 44956.5.

*(cf. 4117.3 - Personnel Reduction)*  
*(cf. 4117.6 - Decision Not to Rehire)*

**End of Year Release/Reassignment of Certificated Administrators**

By March 15, an employee shall be notified by either registered mail or in person that he/she may be released or reassigned from his/her position for the following school year. If the notice is presented to the employee in person, the district shall obtain his/her signature acknowledging receipt of the notice on the district's copy of the written notice. (Education Code 44951)

If the March 15 notice indicates that release or reassignment is only a possibility, the Board of Trustees shall take additional action to release/reassign the employee before the new school year and shall send the employee a second notice by June 30 indicating that he/she has been released or reassigned.

If the employee is to be released or reassigned to a teaching position, the Board shall give the employee, upon his/her request, a written statement of the reasons for the release/reassignment. If the reasons include incompetence as an administrator or supervisor, the district shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date. (Education Code 44896)



**EVALUATION/SUPERVISION**

The Board of Trustees recognizes the importance of regular and comprehensive evaluations of administrative and supervisory personnel to provide ongoing feedback for continuous improvement of employee performance. Evaluations shall be linked to the district's vision, strategic plan, school improvement goals, professional development plan, and goals for student achievement.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 0500 - Accountability)*

*(cf. 2140 - Evaluation of the Superintendent)*

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

**Certificated Administrative and Supervisory Personnel**

The Superintendent/Principal shall develop objective evaluation guidelines and standards for use in the district's evaluation system for certificated administrative and supervisory personnel. Such standards may include those of the California Professional Standards for Education Leaders as well as other standards and criteria developed by the Board and Superintendent/Principal.

Each certificated administrative and supervisory employee shall be evaluated every other year. However, an employee may be evaluated every five years provided that he/she has been employed by the district for at least 10 years, his/her previous evaluation rated him/her as meeting or exceeding standards, and the evaluator and the employee agree to this schedule. Either the evaluator or the employee may withdraw consent for this schedule at any time. (Education Code 44664)

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

*(cf. 4116 - Probationary/Permanent Status)*

Any certificated administrative and supervisory employee who is new to a position may be evaluated each year for the first two years in the position. Evaluation is a continuous process and may occur between scheduled periods at the request of the employee, his/her supervisor, or the Superintendent/Principal or designee.

Evaluations shall be conducted within the timelines specified in law, Board policy, and administrative regulation. The evaluation process for certificated administrative and supervisory personnel shall be the same as for other certificated instructional personnel, as detailed in AR 4115 - Evaluation/Supervision.

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4312.1 - Contracts)*

## EVALUATION/SUPERVISION (continued)

### Classified Senior Management and Supervisory Employees

Classified senior management and supervisory employees shall be evaluated in accordance with the procedures developed by the Superintendent/Principal or designee and approved by the Board.

*(cf. 4215 - Evaluation/Supervision)*

Evaluations shall be used to recognize the exemplary skills and accomplishments of classified senior management and supervisory employees and to identify areas needing improvement. When the evaluation indicates areas needing improvement, the Board expects such staff to take the initiative to improve their performance and for their supervisors to assist them in obtaining needed job skills.

*(cf. 4331 - Staff Development)*

The evaluation shall be dated and signed by the classified senior manager or supervisory employee and his/her supervisor. The manager or supervisory employee may respond in writing to the evaluation within a reasonable time after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in his/her personnel file.

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

#### *Legal Reference:*

##### EDUCATION CODE

33039 *State guidelines for teacher evaluation procedures*

35171 *Availability of rules and regulations for evaluation of performance*

44660-44665 *Evaluation and assessment of performance of certificated employees*

45113 *Rules and regulations for the classified service in districts not incorporating the merit system*

##### GOVERNMENT CODE

3543.2 *Scope of representation*

##### UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*

7801 *Definition of highly qualified teacher*

#### *Management Resources:*

##### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Standards of Quality and Effectiveness for Administrative Services Credentials, 2001*

##### WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

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

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

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

Policy  
adopted:

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

**STAFF EVALUATING TEACHERS**

The Board of Trustees expects that administrators assigned to evaluate teachers shall:

1. Possess a valid administrative credential
2. Be competent in the instructional methodologies used by the teachers they evaluate
3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Be familiar with district curriculum priorities, policies and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation and staff development
5. Participate in at least one inservice per year in clinical supervision and/or other approved instructional and evaluational techniques

*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4331 - Staff Development)*  
*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6146.1 - High School Graduation Requirements)*  
*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

The Superintendent/Principal or designee shall ensure that administrators who evaluate teachers meet the above criteria and shall observe each administrator while he/she is conducting a teacher evaluation. This observation shall be a factor in the subsequent evaluation of the administrator. The Superintendent/Principal or designee also shall discuss his/her observations with the administrator and may develop and implement an appropriate professional improvement program for the administrator.

*(cf. 4315 - Evaluation/Supervision)*

*Legal Reference:*

EDUCATION CODE

33039 *Guidelines for teacher evaluation*

44660-44665 *Evaluation and assessment of performance of certificated employees*

44681-44689 *Administrator training and evaluation*

GOVERNMENT CODE

3543.2 *Scope of representation (re evaluation procedures)*

Policy  
adopted:

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

**PROFESSIONAL STANDARDS**

**CALIFORNIA PROFESSIONAL STANDARDS FOR  
EDUCATIONAL LEADERS**

**Preamble**

The administrator(s) at a school site have numerous responsibilities that ultimately lead to the improvement of the performance of all students in the school. By acquiring the skills, attitudes and behaviors as outlined in the following Professional Standards for School Leaders, students have the best opportunity to achieve the mission and vision of the district and to meet the expectations of high standards for student learning.

**Standards**

A school administrator is an educational leader who promotes the success of all students by:

1. Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community
2. Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth
3. Ensuring management of the organization, operations, and resources for a safe, efficient and effective learning environment
4. Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources
5. Modeling a personal code of ethics and developing professional leadership capacity
6. Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context

*Source: California Professional Standards for Educational Leaders, 2001*

**STAFF DEVELOPMENT**

**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 professional development opportunities enhance employee effectiveness and contribute to personal growth. Staff development for management, supervisory and confidential personnel shall be designed to guide instructional improvement, build leadership skills, and enhance overall management efficiency.

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

The Superintendent/Principal or designee shall develop a plan for administrator support and development activities based on a systematic assessment of the needs of district students and staff and aligned to the district's vision and goals. The Board desires that all administrators participate in planning activities that are pertinent to their specific areas of responsibility.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

Within budget parameters, the Superintendent/Principal or designee may approve participation in activities that will benefit individual administrators and enhance their contributions to the district.

*(cf. 3350 - Travel Expenses)*

The Superintendent/Principal or designee shall evaluate the benefit to staff and students of professional development activities.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

**STAFF DEVELOPMENT** (continued)

*Legal Reference:*

EDUCATION CODE

44510-44517 *Principal training program*

44681-44689.2 *Administrator training and evaluation*

60119 *Instructional materials funds*

*Management Resources:*

CDE PUBLICATIONS

*California Professional Standards for Educational Leaders, 2001*

WEB SITES

CTC: <http://www.ctc.ca.gov>

CDE: <http://www.cde.ca.gov>

Association of California School Administrators: <http://www.acsa.org>

California School Leadership Academy: <http://www.csla.org>

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Staff development activities may include but are not limited to:

1. Professional education conferences or committee meetings
2. Courses offered by institutions of higher education
3. Workshops offered by the district, county office of education, or state
4. Small-group activities
5. Self-directed learning
6. Observation of other schools
7. Follow-up activities that help staff implement newly acquired skills

*(cf. 3350 - Travel Expenses)*

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