

## TENTATIVE AGREEMENT

ECRA/UTLA

December 9, 2015

### ARTICLE XV - ASSIGNMENTS

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#### 15.1 Staffing Procedures: Initial Requests and Assignments

15.1.1 Creation and Posting Of Matrix: Approximately four weeks prior to the day teachers finish service for the school year or four weeks before classes are selected, the site administrator shall prepare and post a matrix indicating the tentative number of classes for each subject. The parties acknowledge that the matrix is based on projections and therefore subject to change. The ECRCHS designated site administrator shall specify any special credentials, necessary qualifications and any differentials, along with the requirements to qualify for the differentials. In order to provide adequate planning time, teachers shall be notified of tentative assignments as soon as feasible, but not later than June 1.

#### 15.1.2 Assignments:

- a. Requests: Teachers with the specified credentials and required qualifications ("qualified") may request assignment to specific class(es) within a department using a teacher preference form or other locally determined method. Submission of this preference form shall serve as a request for the assignment. Teachers on leave who are scheduled to return to service should participate in the selection process.
- b. Departments: The department in which a permanent teacher is considered for assignment purposes shall be the one in which the teacher has taught for the major portion of teaching time during the most recent six (6) semesters of classroom teaching experience. This recent experience provision shall not apply when a teacher applies to a position unfilled after all teachers in the department have had the opportunity to submit requests
- c. Classes: Classes within a department shall be distributed by the principal (or designee) in consultation with the elected department chairs, in a fair and equitable manner, taking into account seniority and educational program needs

15.1.3 Changes in Assignment: Teachers shall also be notified, as soon as feasible, of a change in the tentative assignment. If a teacher is notified of a change of assignment within five (5) calendar days prior to the assignment (first student instructional day), upon request, the teacher shall receive up to the equivalent of two (2) days in paid status as preparation time for the assignment. In order to receive the equivalent of two (2) days of preparation time, the change of assignment must affect the majority of courses taught in a secondary assignment, and require a preparation for a course not in the previous

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assignment. In the case of a change of assignment that does not affect the majority of the courses taught, but does require a preparation for a course not in the previous assignment, the teacher, upon request, shall receive the equivalent of up to one (1) day of preparation time. The scheduling and configuration of such time may be in release time and/or additional paid time, and shall be mutually agreed upon between the teacher and the site administrator. In any event, however, the time must be utilized by the end of the second week of student instruction.

15.1.4 Dispute Resolution Procedure for Permanent Teachers: In the case of a dispute as to the assignment of a permanent secondary teacher to classes (but not as the result of the assignment of non-permanent teachers, whose assignments are not subject to any dispute resolution or grievance procedure), the dispute shall be resolved solely pursuant to the following procedures:

- a. Alleged violations of the procedures set forth this Section are subject to the grievance procedure of this Agreement; the substance of the assignment decision is not;
- b. Assignments to leadership classes and all athletic assignments shall not be subject to any dispute resolution procedure.

## 15.2 Staffing Procedures After Initial Selection

### 15.2.1 After Initial Selection Through the Fifth Week of School

The principal (or designee) and department working together shall reasonably determine who will fill the opening or vacancy. In doing so, they shall utilize the teacher preference forms or locally determined method for identifying teacher preference and shall take into account seniority and educational program needs. If agreement is not reached or if the parties prefer, the openings and vacancies shall be filled by a new hire, transferee, substitute, or auxiliary assignment.

### 15.2.2 After the Fifth Week of School:

If an opening or vacancy occurs in a teaching position, that vacancy shall be filled by a new hire, transferee, substitute, or auxiliary assignments (secondary).

### 15.2.3 Staffing Procedures For Spring Semester:

Any opening or vacancy shall be filled pursuant to Section 15.3.2 of this Article.

## 15.3 Department Chairpersons:

15.3.1 Department-chairpersons shall, if the affected employees desire, be elected annually by the employees in the department, excluding substitutes and contract pool teachers. Except in shortage fields as provided below, Chairpersons shall be required to have permanent status and shall be required to possess a regular credential in their subject field unless there are no candidates fitting these qualifications. However, in the

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shortage fields identified by the Charter School (e.g., math and science) employees may be candidates for election if they hold contract status and have provided satisfactory service in the department for a minimum of the two (2) previous years. The vote shall be weighted by the number of periods taught by each employee who works in the department in secondary schools.

- 15.3.2 Department Chairs shall, as a minimum, have the right to consult with, and make recommendations to, the site administrator or designee with respect to allocation of the department's budget funds, establishment of the department's class offerings, assignments of department members to specific classes, and balancing department classes pursuant to the Class Size Article of this Agreement.

#### **15.4 Coordinators & Deans**


##### 15.4.1 Determination as to Whether There Shall Be Coordinator or Dean Positions:

- a. Prior to this determination, the coordinator or dean job description and differential (if any) shall be posted at the School.
- b. With respect to dean positions, determination as to whether there shall be such a position shall be made by the school site administrator.
- c. With respect to full-time coordinator positions, determination of whether there shall be such a position shall be made by a majority of the votes cast by bargaining unit members, at the school location, in an election limited to that purpose.

##### 15.4.2 Required Elections of Coordinators and Deans:

Elections for full time coordinators and deans shall be conducted in the late spring prior to the preparation of the matrix of classes pursuant to this Article. Elections are required for coordinator and dean positions in the following circumstances:

- a. The position must be paid on the Preparation Salary Table;
- b. The position must be full-time. Funding must have been provided for a full-time position or the assignment is for five periods or more. (As an exception, if a position was, during the previous year, funded full time by a single funding source and has now been converted to two or more positions, the resulting part-time coordinators shall also follow the election process in Section 15.4.4, below;
- c. The position does not involve carrying a rollbook; and
- d. The assigned duties of the position do not include providing direct instruction or counseling to pupils on a daily basis.

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- e. Elections are not applicable to supplemental coordinatorships such as coaches, athletic coordinators, band, drama, or other differential or stipend earning assignments.

#### 15.4.3 Job Description and Eligibility for Election of Coordinators and Deans:

- a. Job descriptions for coordinator and dean positions shall be determined by the school site administrator, and notice of the available positions and job description shall be shared with the employees of the site.
- b. The site administrator shall request that any eligible candidate for a dean or coordinator position submit a statement of interest.
- c. To be an eligible candidate, a teacher must have permanent status, must have received "meets standard" performance ratings and, in the immediately preceding four (4) years, must not have received any Notices of Unsatisfactory Service and no more than one Notice of Unsatisfactory Act.

#### 15.4.4 Election Procedures for Coordinators and Deans:

- a. In the Spring, prior to the preparation of the Matrix, bargaining unit members shall annually elect these positions from among the qualified candidates who submitted statements of interest.
- b. Each vote shall be proportionate to the number of hours/days the voter is assigned. Election requires a majority of the votes cast.
- c. These elections are to be supervised jointly by the site administrator and chapter chair.

15.4.5 Filling Vacancies After the Fifth Week: If a vacancy occurs in a dean or coordinator position after the end of the fifth week of the semester, the site administrator shall make an interim appointment to fill the vacancy until the end of the semester. Prior to the next semester, the procedures in Section 15.4.4 shall be utilized to fill the position for the next semester. If the vacancy is filled by an interim appointment from the current staff, the interim appointee's former position shall be filled by a substitute or employee on temporary assignment.

### 15.5 Five-Year Out-of-Classroom Assignment Limitations

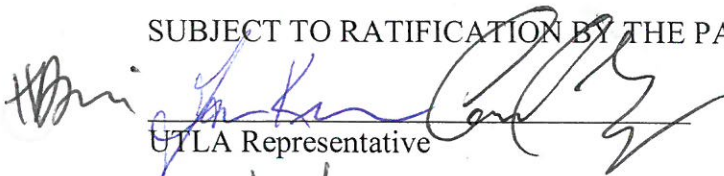
There is a five-year limit on out-of-classroom assignments such as coordinators and deans, but excluding librarians, counselors, nurses and personnel paid on the Support Services Salary Schedule. Also exempt from the five-year rule are (i) employees whose assignment requires direct instruction to or supervision of students at least 50% of the time, and (ii) an employee who is named in a continuing grant and whose compensation is at least 50% funded by that grant.

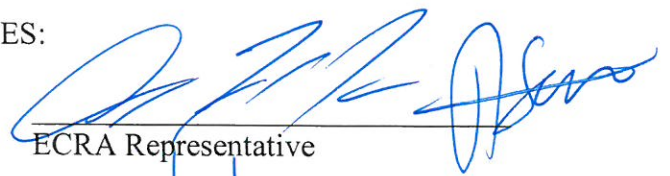
- (1) Employees who fill the on-site positions that are subject to the five-year rule will be selected pursuant to the above provisions. The five-year rule is an outside limit, and does not establish a minimum term or a right to serve for any given term.
- (2) Employees who wish to extend their out of classroom assignment beyond the five-year limit must declare their desire to continue and a qualifying secret ballot election will be held to determine their eligibility to become a candidate. If the incumbent receives the approval of 2/3 of the employees voting, the incumbent will qualify to become a candidate to fill an out-of-classroom position. In the subsequent secret ballot election for the position pursuant to any applicable requirements herein, the candidate (including the incumbent if eligible) who receives a simple majority of those voting shall be considered elected and a new five-year maximum limit will run from the effective date of that assignment.

**15.6 Secondary Counselor Reassignment to Teaching Position:**

Counselors who are reassigned to a teaching position shall receive written reason for this action upon request. Only a failure or refusal to provide the reasons upon request shall be grievable.

SUBJECT TO RATIFICATION BY THE PARTIES:

  
UTLA Representative  
Date: 1/20/16

  
ECRA Representative  
Date: 1/20/16