

Chula Vista Educators – Proposal
To Chula Vista Elementary School District
Counter
September 8 ~~October 6~~th, 2021

ARTICLE 33. TRANSFER AND REASSIGNMENT

33.1 **Definition. A transfer** is defined as a change of school or administrative location.

~~A reassignment is defined as the movement from one grade level to another grade or to from one program to from another within the same school site.~~

A reassignment is defined as a change of grade level and/or instructional program assignment within the same school site.

Displaced Teacher: A displaced teacher is defined as a unit member who requires a change of school site due to a reduction in enrollment, change in capacity, or closing of a facility, change in educational program, or reconfiguration due to federal and/or state laws or regulations.

Vacancy: A vacancy is defined as any position that does not have a unit member assigned to it. This includes any vacated or newly created position including positions created by reconfiguration. Any position currently held by a temporary employee shall be considered vacant for the following year.

~~33.2. Transfer of Displaced Teachers~~ District-Initiated Involuntary Transfer and Displacement

33.2.1 Involuntary Transfer and Displacement Process

~~Displaced teachers will be transferred according to the following process. Employees may need to be transferred due to displacement.~~ No later than April 20 of each year, a meeting will be scheduled at the District Office where each Displaced Teacher will be provided with a list of the current vacancies. The CVE President or designee may attend. Principals with vacancies or their designees may attend. In the event of a mid year displacement the District and Association shall agree consult upon a timeline for implementation of the displacement process.

- a. District criteria for selecting the employee to be transferred shall be based upon the following:
 - (1.) Credential limitations and qualifications;
 - (2.) Affirmative action program; Equity policy**
 - (3.) Qualifications of the adopted job description and posted specifications.
- b. In the event of displacement(s) at a school site, the principal shall first seek qualified volunteer(s). When two or more employees qualify with respect to the above stated conditions, the employee with the shortest span of service within the District will be transferred.
- c. No employee may be transferred involuntarily more than once every two (2) three (3) years unless justified by necessity.
- d. Advance notification will be given to the employee being transferred. Such notification will be given no less than five (5) school days immediately preceding the employee's day of detachment. The reasons for transfer shall be explained to the employee prior to the formal announcement of the transfer. The explanation shall be given in a personal conference by the employee's immediate supervisor.
- e. A minimum instruction-free duty time of at least one (1) day for closing out and one (1) additional day for preparation and orientation in the receiving school shall be allowed unless extenuating circumstances prevent such provision
- f. The District will provide transportation and the labor to move the employee's materials to the new assignment.
- g. Physical facilities provided at the time of transfer are to be adequate to enable the employee to carry out his or her responsibilities.

33.2.2 During the week following the completion of the above referenced steps, Principals of a school site with a vacancy and individual Displaced Teachers may reach a mutual agreement on placement.

33.2.3 Remaining Displaced Teachers may provide a list of preferences prior to April 27 that will be considered by the Superintendent. The Superintendent will make a reasonable effort to place teachers based on their top three (3) preferences; however, the Superintendent retains the authority to determine the final placement. All Displaced Teachers shall be placed no later than May 4. Nothing in this shall prohibit any Displaced Teacher from following the Transfer process in this article.

33.2.4 Any Displaced Teacher who changes sites will be offered the opportunity to return to their site should a vacancy occur before the teacher work day of the beginning of the school year.

33.3 Employee Initiated Transfers-Requests for Transfer for the Coming School Year. **(Nurse assignment procedures are in Appendix E)**

33.3.1 In the week immediately following the selection and/or placement of Displaced Teachers as noted in 33.2 above, all remaining vacancies will be posted for six (6) days and will only be open to current District employees, which includes teachers returning from leave.

33.3.2 All eligible certificated employees will be permitted to submit applications for each of the positions for which they wish to transfer during this six (6) day time period. Principals will then begin to interview applicants in accordance to the following criteria:

- a. The transfer of an educational program; employee will result in the best
- b. The employee holds a required California credential;
- c. The employee meets the qualifications of the adopted job description;
- d. The employee meets the specifications indicated for a particular vacancy.

All interviews must be completed by the end of the fourth week of May. Certificated employees returning from leave who have not previously been selected via the transfer process, will be placed by the District.

33.3.3 When more than one employee applies for the same position, the employee with the longest span of service within the school District will be transferred provided only that the employee meets the qualifications and specifications stated in the posting. Team employees may submit recommendations regarding District drafted qualifications and specifications. The number of specifications are limited to 15.

33.3.4 Transfer requests to vacancies shall be given first consideration prior to assignments on a non transfer basis.

33.3.5 If a voluntary transfer request is denied, the employee shall, upon written request by the employee, be provided the reasons for denial in writing within two weeks following the employee's request.

33.3.6 All bargaining unit vacancies intended to be filled by the District, will be posted on one specific, fixed day of a week to be identified by Human Resources at the beginning of the school year.

33.3.7 Notification of Transfers

a. When a transfer is approved, the employee and immediate supervisor(s) concerned will be notified in writing of the new assignment. In addition, when a position is filled, all applicants interviewed shall be notified in writing within ten (10) days as to who has been chosen.

33.3.8 Unit member request for administrative transfer

a. A teacher, who has been repeatedly denied a transfer, may file a written request to the Superintendent by April 30 for a transfer when he or she believes that the best interest of the students, the District, and the employee will be served by the change in assignments for that particular employee.

b. The transfer decision lies solely within the discretion of the Superintendent.

33.4 Requests for Transfer During the School Year

33.4.1 Vacancies that occur during the school year shall be posted online on Wednesdays for no less than ~~five (5)~~ six (6) calendar days and responded to in accordance to Article 33.3. **The District will post vacancies on the Human Resources webpage. The District shall concurrently provide vacancy announcements to the Association, school sites and each unit member via district email. Postings will specify the closing date for submitting application for transfer.** Such posting will allow compliance with section 33.3.2 below. After reassignments are made within a school facility, all remaining positions shall be posted.

33.4.2 Application for transfer to vacancies posted during the school year shall be made within ~~five (5)~~ **six (6)** calendar days of the date of the posting of the vacancy.

33.4.3 Nothing in this Article shall prevent an employee from requesting a transfer.

33.4.4 Approval by the Superintendent or designee shall be based upon the following criteria:

- a. The transfer of an employee will result in the best educational program;
- b. The employee holds a required California credential;
- c. The employee meets the qualifications of the adopted job description;
- d. The employee meets the specifications indicated for a particular vacancy;
- e. Approval of the transfer does not restrict the District in complying with state and/or federal mandates regarding affirmative action.

33.4.5 When more than one employee applies for the same position, the employee with the longest span of service within the school District will be transferred provided only that the employee meets the qualifications and specifications stated in the posting. Team or loft employees may submit recommendations regarding District drafted qualifications and specifications.

33.4.6 Transfer requests to vacancies shall be given first consideration prior to assignments on a non transfer basis.

33.4.7 If a voluntary transfer request is denied, the employee shall, upon written request, be provided the reasons for the denial.

33.5 District Initiated Transfers Administrative Transfers

33.5.1 Transfers for the Coming School Year

- a. The immediate supervisor may file a written request by April 30 for the transfer of an employee when he or she believes that the best interest of the students, the District, and then the employee will be served by the change in assignments for that particular employee. Any change from the April 30 deadline must be approved by the Superintendent. In cases of federal and/or state mandates necessitating transfers, the District may consult with the Association to attempt to work out a solution satisfactory to the parties.

- b. Before any requests for administrative transfer are acted upon, the employee must be advised through a personal interview of the reason(s) why an administrative transfer is being recommended. Prior to such interview, the employee shall be informed of the forthcoming interview.
- c. An employee has the right to representation.
- d. A list of open positions in the District will be made available to all employees being transferred under these conditions. When a choice of positions is possible, employees may indicate an order of preference for consideration.
- e. Administrative transfers shall not replace proper evaluation procedures; however, the District and the Association recognize the Administrative transfer as an alternative that can have a positive effect on the educational program.
- f. An employee transferred under section 33.4.1 shall, upon written request, be provided the reasons for such transfer in writing.
- g. When a transfer is approved, the employee and immediate supervisor(s) concerned will be notified in writing of the new assignment.
- h. Employees who are to be transferred will be notified by June 1, except when unforeseen circumstances prevent such timely notification.

33.5.2 Transfers During the School Year

a. Employees may need to be transferred due to staff reductions which occur as a result of, but not limited to, reduction in enrollment, the change in capacity or closing of a facility, to comply with the District's affirmative action plan, or the needs and efficient operation of the District. In cases of federal and/or state mandates necessitating transfers, the District may consult with the Association to attempt to work out a solution satisfactory to the parties.

b. District criteria for selecting the employee to be transferred shall be based upon the following:

(1) Credential limitations and qualifications;

(2) Affirmative action program; Equity policy

~~(3) Qualifications of the adopted job description and posted specifications:~~

~~c. When two or more employees qualify with respect to the above-stated conditions, the employee with the shortest span of service within the District will be transferred:~~

~~d. No employee may be transferred involuntarily more than once every two years unless justified by necessity:~~

~~e. Advance notification will be given to the employee being transferred. Such notification will be given not less than five (5) school days immediately preceding the employee's day of detachment. The reasons for transfer shall be explained to the employee prior to the formal announcement of the transfer. The explanation shall be given in a personal conference by the employee's immediate supervisor.~~

~~f. A minimum instruction-free duty time of at least one day for closing out and one additional day for preparation and orientation in the receiving school shall be allowed unless extenuating circumstances prevent such provision:~~

~~g. The District will provide transportation and the labor to move the employee's materials to the new assignment:~~

~~h. Physical facilities provided at the time of transfer are to be adequate to enable the employee to carry out his or her responsibilities:~~

~~33-6-33.5.2~~ Notwithstanding any other provision in this article, should a determination be made by the Superintendent that an involuntary administrative transfer is reasonably necessary, such transfer may be made by the Superintendent following a conference with the employee.

~~33.7 33.6 7 REASSIGNMENT~~

~~33.7.1 An employee assigned to a grade level in one year, who is reassigned to a _____ combination class the next year which contains one of the grade levels they taught in the previous year is not considered a reassignment. Similarly, when a teacher teaches a combination class and then is reassigned to a grade level that is one of the grades previously taught in the combination class this is not considered a reassignment:~~

~~Example 1: Year 1- teacher teaches 1st grade~~

Year 2 - teacher teaches 1/2 combination class

Result: Not a reassignment

Example 2: Year 1- teacher teaches 3/4 combination class

Year 2 - teacher teaches 3rd grade

Result: Not a reassignment

Example 3: Year 1- teacher teaches 4th grade

Year 2 - teacher teaches 2/3 combination class

Result: This is a reassignment

33.6.1 7.2 For purposes of Agreement, a reassignment is the change of an employee's grade level or general subject matter teaching responsibility within a school site.

The District shall agree that when employees are reassigned it shall not be for arbitrary or capricious reasons and no employee shall be involuntarily reassigned twice in ~~two (2)~~ **three (3)** successive school years except for necessity. Necessity means that there is no other employee on the site who can be reassigned to accommodate District needs. **add a process that provides rationale to decisions*

33.6.2 The principal shall ensure member teaching assignments are created within a grade level span of three (3) years. The most recent grade level teaching assignment shall be counted as one (1) year and the span as two (2) additional grade level changes. For combination classes, a member shall only be assigned to one of the currently taught grade levels the following year.