

# Santa Barbara Unified School District

## Administrative Regulation

AR 4313.2

### Management and Confidential Personnel

#### 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 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 Governing Board 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)

##### **Due Process**

The district shall comply with the following guidelines when taking action to demote a certificated administrator who is not subject to a collective bargaining agreement made between the exclusive representative for certificated employees and the school district. When taking action to demote a certificated administrator not employed pursuant to a multi-year contract, the school district shall provide the employee with all of the following:

1. Timely notice of the proposed action, pursuant to Education Code 44951, and a statement of the specific reasons for the action.
2. Timely access to any materials on which the proposed action is based.
3. The right to respond either orally or in writing to the proposed action.
4. The right to appeal, only on procedural issues such as the timeline requirements in Section 44951, to the Board of the school district. The Board and the certificated administrator shall not have counsel present during the hearing on the appeal.
5. The date on which the proposal action becomes final.

##### **Classified Management and Confidential Personnel**

For personnel in this classification:

*Demotion* means assignment to an inferior position or status, without the employee's written voluntary consent. (Education Code 45101)

*Reclassification* means the upgrading of a position to a high classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

If assigned to a position within a bargaining unit, management, supervisory and confidential classified employees shall be reclassified at the discretion of the district subject to provisions of the applicable collective bargaining agreement.

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeal rights, and procedure set forth in district policy, regulation or collective bargaining agreements for disciplinary action against classified employees. (Education Code 45113)

The Board shall provide 45 days' notice before demoting a deputy, associate or assistant superintendent or employee in the senior management of the classified service. (Education Code 35031)

In initiating the involuntary reassignment of a classified manager, the Superintendent or designee shall provide the classified manager with prior written notice of the intent to reassign him/her to a designated position. The notice will inform the manager of the specific reasons for the reassignment, his/her right to a hearing, and the time within which an appeal must be filed. The notice shall also contain a card or paper for requesting a hearing. The classified manager may, within five days after receiving such notice, file a written request for hearing before the Board.

The request for hearing shall be filed in the office of the Superintendent or designee. If the manager fails to file a request for hearing as specified above, he/she will be deemed to have waived the right to a hearing and the reassignment may be made effective immediately.

If a request for hearing is filed as specified above, a hearing shall be scheduled before the Board. The Board shall hear the matter, with the party initiating the reassignment bearing the burden of proving the reasons for the reassignment. A reporter or tape recording shall record the hearing. After the hearing, the Board shall determine whether to approve, modify, or revoke the reassignment. The decision of the Board shall be final.