

## **Personnel**

### **Temporary/Substitute Personnel**

#### Hiring

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Governing Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. (Education Code 44917)

(cf. 4117.14 - Employment of Retired Teachers)

#### Classification

The Board may classify as substitute certificated personnel a teacher hired to fill a position of regularly employed person absent from service. (Education Code 44917)

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one complete school year. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day-to-day during the first three months of any term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any term (Education Code 44919)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

2. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

Before his/her first day of work, each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year confirming his/her employment status and salary. 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)

## **Personnel**

### **Temporary/Substitute Personnel (continued)**

Time of initial employment means before the employee starts work.

The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented and evaluated.

(cf. 4113 - Assignment)

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

#### Qualifications

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions.

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

(cf. 4112.2 - Certification)

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

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

(cf. 4112.5/4312.5 - Criminal Record Check)

Any person employed on a substitute or temporary basis in a capacity designated in his/her credential shall also be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

#### Qualifications for Special Education

A noncredentialed person shall not substitute for any special education certificated position. (Education Code 56060)

A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 cumulative school days for each special education teacher absent during each school year. Upon application by the district, the Superintendent of Public Instruction may approve an extension of 20 school days. In extraordinary circumstances the district may seek an extension beyond the initial 20 school days. (Education Code 56061)

## **Personnel**

### **Temporary/Substitute Personnel (continued)**

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. (Education Code 56062)

The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56063)

### **Salary/Benefits**

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

### **Granting Probationary Status**

Unless released from employment pursuant to Education Code 44954, and with the exception of on-call, day-to-day substitutes, any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year. (Education Code 44918)

(cf. 4116 - Probationary/Permanent Status)

### **Release from Employment/Dismissal**

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained.

## **Personnel**

### **Temporary/Substitute Personnel (continued)**

After serving during one school year 75 percent of the number of days the regular schools of the district are maintained, a temporary employee may be released as long as the employee is notified before the end of the school year of the district's decision not to reelect him/her for the following school year. (Education Code 44954)

#### **Reemployment Rights**

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served during one school year at least 75 percent of the number of days the regular schools of the district were maintained and who was not released pursuant to Education Code 44954 prior to the end of the school year shall be reemployed for the following school year to fill any vacant positions in the district. (Education Code 44918)

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive years, for at least 75 percent of each year, shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

#### **Substitute Teachers**

- A. The Personnel Office shall maintain an active list of persons fully qualified to act as substitute teachers. It shall be the duty of the Personnel Office to assign and release substitutes on a day-to-day basis.
- B. It shall be the responsibility of all certificated personnel who are ill to notify the Personnel Office as soon as possible. Specific procedures for this purpose are available at the school office.
- C. Substitute teachers employed in one assignment for a period longer than ten (10) consecutive days shall be considered as long-term substitutes. On the eleventh day and thereafter for the duration of the assignment, long-term substitutes shall be paid according to the adopted salary schedule.
- D. Building principals shall be responsible for the evaluation of substitute teachers in accordance with the procedure established by the Personnel Office.

**Personnel**

**Temporary/Substitute Personnel (continued)**

- E. Substitute teachers shall have the same responsibility and authority of the regular, except as otherwise directed by the building principal. Each substitute shall be provided with copies of all appropriate materials relating to his or her temporary assignment.
- F. The Personnel Office shall be responsible for the interviewing and processing and the maintenance of a list of all qualified substitute personnel.
- G. Pay of substitute teachers will be based on the following schedule:
  - 1. Actual time on the job being until the mid-point of the lunch hour or less, the substitute would receive one-half (1/2) of a day's pay. If after the mid-point but for the rest of the afternoon, the substitute would receive one-half (1/2) of a day's pay.
  - 2. If the substitute serves in the morning and after the mid-point or serves prior to the mid-point and the rest of the day, the substitute will receive a full day's pay.
  - 3. Substitute teachers are expected to be on the job one-half (1/2) hour before the job starts and one-half (1/2) hour after school closes.
  - 4. A substitute teacher cannot be allotted more time than the regular teacher's portion of the day.

**Personnel**

**Temporary/Substitute Personnel (continued)**

Legal Reference: EDUCATION CODE

- 44252.5 State basic skills assessment required for certificated personnel
  - 44300 Emergency teaching or specialist permits
  - 44830 Employment of certificated persons; requirements of proficiency in basic skills
  - 44839.5 Employment of retirant
  - 44846 Criteria for reemployment preferences
  - 44914 Substitute and probationary employment computation for classification as permanent employee
  - 44915 Classification of probationary employees
  - 44916 Time of classification; statement of employment status
  - 44917 Classification of substitute employees
  - 44918 Substitute or temporary employee deemed probationary employee; reemployment rights
  - 44919 Classification of temporary employees
  - 44920 Employment of certain temporary employees; classifications
  - 44953 Dismissal of substitute employees
  - 44954 Release of temporary employees
  - 44956 Rights of laid-off permanent employees to substitute positions
  - 44957 Rights of laid-off probationary employees to substitute positions
  - 44977 Salary schedule for substitute employees
  - 45030 Substitutes
  - 45041 Computation of salary
  - 45042 Alternative method of computation for less than one school year
  - 45043 Compensation for employment beginning in the second semester
  - 56060-56063 Substitute teachers in special education
- CODE OF REGULATIONS, TITLE 5
- 5502 Filing of notice of physical examination for employment of retired person
  - 5503 Physical examination for employment of retired persons

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005