

Policy 4121: Temporary/Substitute Personnel

Status: ADOPTED

Original Adopted Date: 07/01/2012 | **Last Revised Date:**
06/01/2024 | **Last Reviewed Date:** 06/01/2024

Qualifications

Any candidate recommended by the Superintendent or designee for a substitute or temporary position requiring certification qualifications shall possess the appropriate credential or permit authorizing employment in such position and shall meet all other requirements of law for certificated positions. (Education Code 44830)

The district shall not initially hire a certificated person on a substitute or temporary basis in a capacity designated in the person's credential unless the person has demonstrated basic skills proficiency in reading, writing, and mathematics pursuant to Education Code 44252.5, or is exempted by law. (Education Code 44830)

A noncredentialed person shall not substitute for any special education certificated position. The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers for special education positions. The Superintendent or designee shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56060, 56063)

Notifications

Before starting work, each new temporary employee shall receive a written statement indicating 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)

The Superintendent or designee shall notify all substitute and part-time certificated employees, within 30 days of their hire, of their right to elect membership in a defined benefit program under a qualified retirement plan. The employee shall sign a form provided by the system to acknowledge receipt of this notice and to indicate whether the employee elects or declines membership. Election of membership shall be irrevocable for all future employment to perform creditable service. (Education Code 22455.5, 22515)

Assignments

A person who holds an emergency 30-day substitute permit, emergency career substitute permit, emergency substitute permit for prospective teachers, or emergency substitute permit for career technical education shall be restricted in the number of days the employee may substitute for any one teacher in accordance with 5 CCR 80025-80025.5.

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. An inappropriately credentialed substitute teacher shall not serve as a substitute for a special education teacher for a period of more than 20 cumulative

school days for each special education teacher absent during each school year. The district may apply to the Superintendent of Public Instruction for an extension of 20 school days, or for a longer period in extraordinary circumstances. (Education Code 56060, 56061, 56062)

State	Description
5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5590	Temporary athletic team coach
5 CCR 80025-80025.5	Emergency substitute teaching permits
Ed. Code 22455.5	<u>STRS information to potential members</u>
Ed. Code 22515	<u>Irrevocable election to join retirement plan</u>
Ed. Code 37200	<u>School calendar</u>
Ed. Code 44252.5	<u>State basic skills assessment required for certificated personnel</u>
Ed. Code 44300	<u>Emergency permits</u>
Ed. Code 44830	<u>Employment of certificated persons</u>
Ed. Code 44839.5	<u>Requirements for employment of retirant</u>
Ed. Code 44845	<u>Date of employment</u>
Ed. Code 44846	<u>Criteria for reemployment preferences</u>
Ed. Code 44909	<u>Employees providing services through categorically funded programs</u>
Ed. Code 44914	<u>Substitute and probationary employment computation for classification as permanent employee</u>
Ed. Code 44915	<u>Classification of probationary employees</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44917	<u>Classification of substitute employees</u>
Ed. Code 44918	<u>Substitute or temporary employee deemed probationary employee; reemployment rights</u>
Ed. Code 44919	<u>Classification of temporary employees; classifications</u>
Ed. Code 44920	<u>Employment of certain temporary employees; classifications</u>
Ed. Code 44921	<u>Employment of temporary employees; reemployment rights (unified and high school districts)</u>
Ed. Code 44953	<u>Dismissal of substitute employees</u>
Ed. Code 44954	<u>Nonreelection of temporary employees</u>
Ed. Code 44955	<u>Reduction in number of permanent employees</u>
Ed. Code 44956	<u>Rights of laid-off permanent employees to substitute positions</u>
Ed. Code 44957	<u>Rights of laid-off probationary employees to substitute positions</u>
Ed. Code 44977	<u>Salary schedule for substitute employees</u>
Ed. Code 45030	<u>Substitutes</u>
Ed. Code 45041	<u>Computation of salary</u>
Ed. Code 45042	<u>Alternative method of computation for less than one school year</u>
Ed. Code 45043	<u>Compensation for employment beginning in the second semester</u>
Ed. Code 56060-56063	<u>Substitute teachers in special education</u>
Gov. Code 3540.1	<u>Public employment; definitions</u>
Lab. Code 220	<u>Sections inapplicable to public employees</u>
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 230.1	<u>Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off</u>
Lab. Code 233	<u>Leave to attend to family illness</u>
Lab. Code 234	<u>Absence control policy</u>
Lab. Code 245-249	<u>Healthy Workplaces, Healthy Families Act of 2014</u>
Management Resources	Description
Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187

Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District (2007) 149 Cal.App.4th 135
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>Commission on Teacher Credentialing</u>
Website	<u>CSBA</u>

Code	Description
0500	<u>Accountability</u>
4111.2	<u>Legal Status Requirement</u>
4111.2	<u>Legal Status Requirement</u>
4112	<u>Appointment And Conditions Of Employment</u>
4112.1	<u>Contracts</u>
4112.2	<u>Certification</u>
4112.2	<u>Certification</u>
4112.3	<u>Oath Or Affirmation</u>
4112.3-E(1)	<u>Oath Or Affirmation</u>
4112.4	<u>Health Examinations</u>
4112.5	<u>Criminal Record Check</u>
4112.5-E(1)	<u>Criminal Record Check</u>
4112.9	<u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u>
4113	<u>Assignment</u>
4113	<u>Assignment</u>
4116	<u>Probationary/Permanent Status</u>
4116	<u>Probationary/Permanent Status</u>
4117.14	<u>Postretirement Employment</u>
4117.3	<u>Personnel Reduction</u>
4127	<u>Temporary Athletic Team Coaches</u>
4127	<u>Temporary Athletic Team Coaches</u>
4140	<u>Bargaining Units</u>
4141.6	<u>Concerted Action/Work Stoppage</u>
4141.6	<u>Concerted Action/Work Stoppage</u>
4151	<u>Employee Compensation</u>
4154	<u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u>
4161.1	<u>Personal Illness/Injury Leave</u>
4161.2	<u>Personal Leaves</u>
4211.2	<u>Legal Status Requirement</u>
4211.2	<u>Legal Status Requirement</u>
4212.3	<u>Oath Or Affirmation</u>
4212.3-E(1)	<u>Oath Or Affirmation</u>
4212.4	<u>Health Examinations</u>
4212.5	<u>Criminal Record Check</u>
4212.5-E(1)	<u>Criminal Record Check</u>
4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>
4217.3	<u>Layoff/Rehire</u>
4227	<u>Temporary Athletic Team Coaches</u>
4227	<u>Temporary Athletic Team Coaches</u>
4240	<u>Bargaining Units</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4251	<u>Employee Compensation</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4261.2	<u>Personal Leaves</u>
4311.2	<u>Legal Status Requirement</u>

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4312.3	<u>Oath Or Affirmation</u>
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4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4317.14	<u>Postretirement Employment</u>
4327	<u>Temporary Athletic Team Coaches</u>
4327	<u>Temporary Athletic Team Coaches</u>
4340	<u>Bargaining Units</u>
4351	<u>Employee Compensation</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.2	<u>Personal Leaves</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
6175	<u>Migrant Education Program</u>
6175	<u>Migrant Education Program</u>
6200	<u>Adult Education</u>
6200	<u>Adult Education</u>