

## **MEMORANDUM OF UNDERSTANDING**

### **Teacher Displacement & Involuntary Transfer**

If at some future time, legal requirements regarding displacement and mutual consent are no longer in effect, the District will enter into negotiations with the Association regarding the return to the language used for involuntary transfer that was in effect during school year 2012-2013 as Administrative Procedure 4115.2. The language appears below.

At all times, the District will follow the law. Therefore, the District will only enter into negotiations about a return to Administrative Procedure 4115.2 in effect for school year 2012-2013 if such return is allowed by law.

For the parties' ease of reference, the pertinent language from Administrative Procedure 4115.2 in effect during school year 2012-2013 is as follows:

#### **Section A – Definition**

Involuntary transfer shall mean a District-initiated transfer from one school to another that becomes necessary due to enrollment decline or program change.

#### **Section B – Purpose**

The administration and the Association recognize that some involuntary transfers of teachers are unavoidable. It is agreed that, under normal circumstances, involuntary transfers should be held to a minimum. Involuntary transfers should not result in the assignment of the teacher to a position for which he/she is not qualified by academic preparation or license. It is recognized that an involuntary assignment is a sensitive issue. It is the goal of the District to remain sensitive to the human needs of all parties concerned.

#### **Section C – Procedure**

When the District finds it necessary to involuntarily transfer teachers due to enrollment decline or program change, the steps listed in this procedure will be followed. It is the understanding of administration and the Association that:

- 1) A teacher presently on a remediation plan, per Policy 4170, will not be involuntarily transferred.
- 2) Whenever possible, a teacher will not be involuntarily transferred more than once in any three year period. This will include those individuals who have been transferred under Section C, Step 2 of this procedure, but will not prohibit an individual from volunteering again.

#### **Step 1: Notification of Need to Involuntarily Transfer Teachers**

The principal will notify the teaching staff and the Assistant Superintendent of Human Resources will notify CCEA of the need to involuntarily transfer teachers. These notices will be in writing.

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### **Step 2: Request for Volunteers**

Information about available position(s) will be shared with the staff of the sending school and a request made for qualified volunteers who are willing to be involuntarily transferred. Administrators will determine and communicate to the staff the deadline for volunteering.

### **Step 3: Assignment of Volunteer**

The principals of the sending school and the receiving school(s) will review the qualifications of the volunteer(s) using the criteria listed in Section D "Criteria". If a volunteer meets the needs of the receiving school, each principal will recommend to the Assistant Superintendent of Human Resources that the transfer be made. The Assistant Superintendent of Human Resources will send a written confirmation of the transfer to the teacher, each building principal, and the appropriate Assistant Superintendent of Performance Improvement. If the volunteer does not meet the needs of any receiving schools, the sending school principal will notify the volunteer(s).

### **Step 4: Identification of Non-Volunteers**

If the need for an involuntary transfer still exists, the sending principal will work with the appropriate Assistant Superintendent of Performance Improvement, the Assistant Superintendent of Human Resources, and the receiving principal(s) to identify the teacher(s) in the sending school who can meet the needs of the sending and receiving school(s) by reviewing the criteria listed in Section D "Criteria".

### **Step 5: Communication of Decision to Affected Staff Members**

Following Step 4, the building principal will meet with the staff member(s) who has been identified in Step 4 and will inform him/her in writing of the criteria used to make the decision. The principal will inform the teacher(s) being involuntarily transferred of available positions and options. Maintaining open communication with the affected teacher(s) is encouraged to help reduce the stress associated with involuntary transfers.

### **Section D – Criteria**

The administration and the Association agree that the curricular program needs of students should be the primary guiding factor in making decisions regarding involuntary transfer assignments. Factors should be considered in the numerical order listed below:

1. Curricular program needs of the students in the sending and receiving schools such as: instructional strategies; affirmative action; department and/or team needs; endorsements and experience in endorsed areas, and experience in specific subject areas; academic preparation and training.

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2. Quality of teaching, including evaluation criteria.
3. Extra-curricular program needs.
4. Length of service: If after considering the factors listed above a transfer candidate cannot be identified, the teacher who has been employed by the District for the greater length of time will remain.

### Section E – Miscellaneous

1. Whenever practical, involuntary transfers will be effective at the beginning of the academic year, and the teacher being transferred will be notified in writing of such move by the end of the preceding academic year.
2. The teacher may request the Superintendent or designee to review the recommendation for involuntary transfer.
3. The involuntary transfer procedure will be applied consistently across the District.
4. If within one year, a similar position arises in the building/grade level/subject area from which a teacher was involuntarily transferred, unless there are unusual circumstances, the teacher will be given an opportunity to return if the teacher desires.
5. When the transfer results in a change in the pay cycle because of a change in calendar, the teacher may request that the administration review the impact by considering all available alternatives.

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Effective July 1, 2013