

## VENTURA COUNTY OFFICE OF EDUCATION

**SUPERINTENDENT POLICY NO. 4121**

**ADOPTED: 2/14/96**

**CLASSIFICATION: Personnel**

**REVISED:**

**SUBJECT: Substitute/Temporary Teachers**

---

### **Classification**

VCOE may employ substitute or temporary certificated personnel in accordance with law.

At the time of initial employment during each academic year, new certificated employees shall receive a written statement indicating their employment status and salary. For temporary and substitute employees, the statement of employment shall clearly indicate the temporary nature of employment and the length of time for which the person is being employed. (Education Code 44916)

Suitable programs for training, assigning, orienting and evaluating the work of substitute or temporary teachers shall be provided by the certificated staff under the Superintendent's direction.

### **Granting Probationary Status**

Unless released from employment pursuant to Education Code 44954, any temporary employee or long-term substitute who was employed for one complete school year and who is re-employed for the following school year in a position requiring certification qualifications shall be classified as a probationary employee. If re-employed in a position requiring certification qualifications, the employee shall be classified as probationary employee and the employee's previous year of service shall be deemed one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917 and 44920)

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 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)

Temporary employees hired to teach temporary classes or perform other certificated duties on a day-to-day basis which will not last more than the first three months of any school term shall be classified as probationary employees if the duties continue beyond the first three school months. (Education Code 44919)

Temporary employees hired to teach special day and evening classes for adults or in schools for migratory populations shall be classified as probationary employees if the duties continue beyond the first four school months of any school term. (Education Code 44919)

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

The Superintendent may release substitute or temporary employees from employment:

1. At the pleasure of the Superintendent prior to their serving 75% of the days that regular schools are maintained during one school year; or
2. After serving at least 75% of the days that regular schools are maintained during one school year, provided the employee is notified before the end of the school year of VCOE's decision not to re-elect him/her for the following school year. (Education Code 44953, 44954)

### **Re-employment Rights**

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served at least 75% of the previous school year and who was not released prior to the end of the school year shall be re-employed to fill any vacant positions with VCOE. (Education Code 44918)

With the exception of on-call, day-to-day substitutes, temporary or substitute employees who were released pursuant to Education Code 44954 but who have nevertheless served as a temporary or substitute employee two consecutive years performing duties normally required of a certificated employee for at least 75 percent of each year shall receive first priority if VCOE 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)

### **Salary/Benefits**

The Superintendent shall adopt and make public the rates of compensation for substitute certificated staff. (Education Code 44977 and 45030)

Substitute teachers shall not participate in the health and welfare plans or other fringe benefits of VCOE.

## **Substitute Teacher Pool**

The Superintendent or designee shall develop a pool of qualified substitute teachers for emergency situations. He/she shall provide public notice of the basic skills proficiency test requirements and the dates and locations of test administration. Individuals who are known to be qualified as substitutes in other respects shall be encouraged to take the state basic skills proficiency test at its earliest administration. (Education Code 44830)

### **Legal Reference:**

#### **EDUCATION CODE**

23919	Retirant employed as substitute teacher
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
44914	Substitute and probationary employment in 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; re-employment rights
44919	Classification of temp. employees
44920	Employment of certain temporary employees; classifications
44921	Employment of temporary employees; reemployment rights (unified and high school districts)
44953	Dismissal of substitute employees
44954	Release of temp. employee
44956	Rights of laid-off teachers to substitute positions
44957	Rights of laid-off teachers to substitute positions
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

#### **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