

Management and Confidential Personnel

PROMOTION/DEMOTION/RECLASSIFICATION

The Governing Board may promote, demote, and reassign management and confidential employees when such action is determined to be in the best interest of the District. The Board shall consider the recommendation of the Superintendent or designee when making decisions related to promotion, demotion, or reassignment.

Prior to any recommendation by the Superintendent or designee to the Board to demote a management or confidential employee, an evaluation process which includes the following should typically be followed:

1. Pre- and post-evaluation conferences.
2. The right of the affected management or confidential employee to respond in writing within a limited period of time.
3. A program of assistance to help correct any noted deficiencies.
4. A probationary period in which to correct the deficiencies.

The Superintendent or designee shall ensure that the District complies with all applicable statutory deadlines and due process procedures.

Legal Reference:

EDUCATION CODE

- 35031 Senior management employee in the classified service: nonreelection
 - 44660-44665 Evaluation and assessment of performance of certificated employees
 - 44850.1 No tenure in administrative or supervisory positions
 - 44896 Transfer of administrator or supervisor to teaching position
 - 44951 Continuation in position unless notified (position requiring administrative or supervisory credential)
 - 45101 Definitions (including disciplinary action, cause)
 - 45113 Rules for classified service in Districts not incorporating the merit system
- Court Decisions

- Jefferson v. Compton Unified School District, (1993) 14 Cal. App. 4th 32
- Ellerbroek v. Saddleback Valley Unified School District, (1981) 177 Cal. Rptr. 910
- Hentschke v. Sink, (1973) 34 Cal. App. 3d 19

Policy

Adopted: 11/13/90

Revised: 12/06/05

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California