

TRANSFERRED vs. REASSIGNED

This past year the ACSA Professional Standards Advocates assisted over 750 members. In a continuing series of articles centering on the services provided by the ACSA Professional Standards Department under the direction of Assistant Executive Director Joe Jones, EdCal recently asked Advocates Lloyd Wamhof and Rod Todd about the significance of an administrator being transferred vs. reassigned.

Question: Why is the difference between being transferred or reassigned so important to administrators?

Wamhof: Each year our Professional Standards Advocates deal with the issue of administrators being reassigned after the start of the new school year. The issue is that the administrator may be transferred at any time during the year; however he or she may not be reassigned after July 1 without proper notice. Reassignment and transfer are different as defined in EC 35035 and EC 44951, in addition to several court cases related to this difference.

Question: Can you give us an example?

Todd: Yes, a principal of a high school is told by the district he or she is being moved to an elementary site as principal on Jan. 1, and since the pay and work year will remain the same, there shouldn't be an issue. The problem with this move stems from the distinction between reassignment and transfer. A lateral movement to another administrative position within the same position designation can be done subject to any local board policies, agreements or contracts at any time during the year.

Question: So, the situation you just described wasn't a lateral move?

Wamhof: That's correct. If the district had moved the high school principal to another high school principal position, that would have been a transfer under EC 35035 and, therefore, wouldn't require a notice. Regardless of the salary and work year being the same in both jobs, the move is still a reassignment. The move was out of his or her position designation and is therefore considered a reassignment, which requires proper notice in accordance with EC 44951.

Question: What would proper notice be in this situation?

Todd: The district would have given the principal a March 15 Notice and a final notice approved by the board of education prior to July 1 of the previous school year.

Question: Can the district transfer the principal or any other administrator to a position on special assignment after July 1?

Wamhof: We do receive calls from administrators who have been reassigned to a position on special assignment. The answer to your question is no, not without the administrator's agreement. This move must be done by proper notice under EC 44951, by March 15 of the prior school year, although sometimes it is in the best interest of the administrator to accept the reassignment.

Question: Are there any exceptions to the fact that the district must give proper notice before reassigning an administrator?

Todd: Yes, compliance with EC 44951 isn't mandatory when the reassignment is for cause and the administrator fails to successfully dispute the district's contention that he or she was reassigned for cause. Also, the provisions of EC 44951 don't apply to a certificated employee who holds a written contract with an expiration date beyond the current school year.

For any questions regarding this article or other administrator due process issues call the ACSA Professional Standards Department at 800-608-2272.

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