

Human Resources

BP 7250 EDUCATIONAL ADMINISTRATORS

References:

Education Code Sections 72411 et seq., 87002(b), 87454, and 87457-87460;
Government Code Section 3540.1(g) and (m);
Title 5 Sections 53420 and 53430;
Wong v. Ohlone College (2006), 137 Cal.App.4th 1379, 40 Cal.Rptr.3d 923

The Board of Trustees shall employ, upon the recommendation of the Chancellor, such educational administrators as shall be necessary to assist the Chancellor in the conduct of the affairs of the District and colleges. The selection, appointment, assignment and retention of all management personnel, faculty and classified, are the responsibilities of management, subject to the final approval of the Board.

An administrator is a person employed by the Board in a supervisory or management position as defined in Government Code Sections 3540 et seq.

Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Chancellor. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Chancellor.

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, this policy, and administrative procedures adopted by the Chancellor.

Every educational administrator shall be employed by an appointment or contract of up to four years in duration.

The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a

new term to commence on the effective date of the termination of the existing term of employment.

If the Board determines that the administrator is not to be reemployed when his or her appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

Educational administrators shall be in possession of the following minimum qualifications for service:

1. Possession of a master's degree from an accredited institution; and
2. One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation and benefits shall be approved by the Board upon recommendation of the Chancellor.

Educational Administrator Academic Retreat Rights

I. Tenured Educational Administrators

In accordance with Education Code Section 87454, an educational administrator whose administrative assignment is terminated and who has acquired faculty tenure within the District shall have the right to be reassigned to a regular faculty position, provided the reason for the termination of the administrative assignment is other than dismissal for cause pursuant to Education Code Section 87732 and in accordance with the following provisions:

1. The retreating administrator will be placed on the salary schedule in accordance with the procedure agreed upon by the District and the Faculty Association (collective bargaining unit).
2. The administrator's original established service area or the service area in which the administrator did the majority of his/her teaching while a faculty member will be used to determine discipline placement.
3. The administrator will not replace a regular (tenured) or contract (tenure track) faculty member in the affected discipline.

II. Non-tenured Educational Administrators

An educational administrator whose administrative assignment is terminated and who does not have faculty tenure within the District shall have the right to become a first year probationary faculty member, provided the reason for the termination of the administrative assignment is other than dismissal for cause pursuant to Education Code Section 87732 and in accordance with the following provisions:

1. The administrator meets minimum qualifications for the requested faculty position, as specified in the list of disciplines as adopted by the Board of Governors of the California Community Colleges, and other such qualifications as may be required in accordance with the collective bargaining agreement between the District and the Faculty Association.
2. The administrator has completed at least two years of satisfactory service within the District, including any prior service as a faculty member.
3. The administrator is not replacing a regular (tenured) faculty member or a contract (tenure-track) faculty member.
4. A position for the retreating administrator must be available within the District.

This position will have been appropriately allocated, budgeted, vetted and prioritized in accordance with College and District procedures.

5. The retreating administrator will be placed on the salary schedule in accordance with the procedure agreed upon by the district and the Faculty Association (collective bargaining unit).

The administrator shall present a formal request for a faculty position to the Chancellor.

Date Adopted:

(This new policy replaces current CLPCCD Policies 4100, 4115, 4130, and 4160.)