BERKELEY UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION OF THE MERIT SYSTEM  
THURSDAY, JUNE 3, 2010, 4:00 P.M.

AGENDA  
1835 Allston Way  
Berkeley, CA 94703  
(Administrative Annex Conf. Room)

1. Call to Order  

2. Commissioner Roll Call  
   Shirley Van Bourg, Chair  □ present □ absent  
   Dan Lee, Vice-Chair  □ present □ absent  
   Heidi Hoffman Hintz  □ present □ absent

3. Approval of Agenda

4. Approval of Minutes  
   a. Personnel Commission Meeting of April 8, 2010  
   b. Personnel Commission Meeting of May 6, 2010

5. Public Comments

6. Reports  
   a. Collective Bargaining Units’ Comments  
   b. Secretary’s Comments  
      1. Current Recruitment Report  
   c. Commissioners’ Comments

7. Distribution of Merit Rules and Regulations

   Placed on Agenda by BCCE

8. Classification Study

9. Contracting BCCE Positions  

   Placed on Agenda by BCCE

10. Public Comments

11. Adjournment

INFORMATION

INFORMATION

ACTION

ACTION 1-10

INFORMATION

INFORMATION

INFORMATION

ACTION

11-11

DISCUSSION/ACTION

DISCUSSION/ACTION

12-24

INFORMATION

BY 7:00 P.M.
Personnel Commission of the Merit System Minutes
Thursday, April 8, 2010
BUSD Admin Annex Conf. Room
2134 Martin Luther King Jr. Way– Open Session
Berkeley, CA 94703

Personnel Commission Members
Shirley Van Bourg, Chairwoman
Dan Lee, Commissioner

1. Call to Order
Chairwoman Van Bourg called the meeting to order at 3:30

2. Commissioner Roll Call
Roll call was taken by Francisco Martinez, Director of Classified Personnel and Secretary of the Personnel Commission.
Present: Commissioner Shirley Van Bourg and Commissioner Dan Lee

3. Move to Closed Session
   a. Selection of Third Commissioner
   b. Personnel Matter

4. Report from Closed Session
   The Commission set interviews for the new Commissioner for Thursday, April 22nd at 3:00 p.m..

5. Approve Agenda

Motion: approve agenda

Unanimously approved

6. Approval of Minutes
   a. Personnel Commission Meeting of March 4, 2010

Corrections: #7, 3rd paragraph, second sentence; change “could get hired” to “are getting hired” and “could run rampant” to “is running rampant.” #8, 3rd sentence, change “believes” to “stated.”
Ms. Denise Diggs-Ray would like to see the changes to the Nov 5th minutes included in the next agenda.

**Motion:** To approve minutes from March 4, 2010 meeting as corrected.
*Unanimously approved*

7. **Public Comments**
Michelle Khazai, Berkeley Schools Volunteer Coordinator, spoke about the active volunteer program in the District. The program has placed over 1277 volunteers in 2009/2010. Volunteers are only assigned to credentialed and classified employees who request them. Ms. Khazai stated that the “volunteer program creates a link between the community and the school district.” The program works with high risk students and increases support for public education.

Janet Huseby, BCCE member and Volunteer Coordinator at Berkeley High School, explained that BHS has approximately 55 parent volunteers that work sporadically at the front desk. They assist in answering phones, stuffing envelopes, taking visitors on tours and editing college entrance essays for students. Ms. Huseby stated that she “understood that BCCE was very upset about the parent volunteers, but that the volunteers could never take the place of a paid employee.” She felt the Union’s stance could alienate the community from volunteering with the school district.

Denise Diggs-Ray, BCCE, expressed concern that parent volunteers are not fingerprinted. She also expressed concern about volunteers having access to students’ confidential information. Michelle Khazai responded stating that all volunteers are screened through the Megan’s Law data base, present picture identification, provide two letters of reference that are contacted and are never left unsupervised. Paula Phillips, BCCE president, commented that the union did not disagree that volunteers are helpful and that parents have a right to help in their child’s classroom. BCCE does not agree with volunteers performing clerical work while BCCE members are being laid off.

8. **Reports**
   a. **Collective Bargaining Units’ Comments**
Ms. Paula Phillips, BCCE President, stated the BCCE contract states the district may use volunteers to enhance the educational programs, but not to perform BCCE classified bargaining unit work.
b. Secretary’s Comments
Francisco Martinez, Director of Classified Personnel, informed the Commission that the Board will act on classified employee lay offs on April 28th. Effected employees will be notified on April 29th and 30th. This is in compliance with the 45 day Education Code requirement.

Filled Positions
Instructional Specialist-Dance     Cragmont
Instructional Specialist-PE        Oxford
Instructional Specialist-PE        Jefferson
Instructional Technician-EDP       BAM
Instructional Assistant-ECE        Rosa Parks

c. Commissioners’ Comments
Commissioner Lee requested a report regarding how possible management lay offs would effect the position of the Director of Classified Personnel at the next meeting.

9. Approve the Following Eligibility Lists:
   a. Parent Liaison/Rec. and Culture Facilitator – Bilingual (Open)
   b. Instructional Specialist - Dance (Open/Combined)
   c. Instructional Assistant –Special Ed. (Open/Combined)
   d. Food Service Assistant (Open/Combined)
   e. Instructional Assistant –ECE (Open/Combined)
   f. Instructional Technician – EDP (To Be Provided at Meeting)
   g. Food Service Satellite Operator (To Be Provided at Meeting)
   h. Sr. Food Service Assistant (To Be Provided at Meeting)
   i. School Bus Driver (Open) (To Be Provided at Meeting)

Motion: to approve eligibility list (b- i)
Unanimously approved

Paula Phillips, BCCE President, requested to pull list (a) because the District had not negotiated with BCCE over the bilingual classifications. Pasquale Scuderi, Director Personnel Services, stated that the BCCE contract requires the District to consult with the union and that the District had met with BCCE on March 17th, 2010 to meet the contractual obligations. Mr. Scuderi was present at the meeting to clarify for the Commission that the District is not required to
negotiate the positions with BCCE. Mr. Scuderi stated that it is management’s right to create a position when needs arise. The District is required to consult and receive feedback from BCCE. The requirement is stated in the contract- it is not Education Code. Mr. Scuderi confirmed that the District had met the contractual obligation of consulting with the union regarding the creation of bilingual positions. Paula Phillips, BCCE, stated that BCCE did not agree with the way the Vision 2020 is being implemented. Commissioner Van Bourg did not believe it was within the purview of the commission to resolve the dispute between BCCE and the District.

Vote:
Lee: Yes
Van Bourg: No
List (a) Parent Liaison/Recreation and Culture Facilitator-Bilingual was not approved

10. Review Appointments of Provisional (50.300), limited term, (60.300.1), and Temporary Appointments to Ensure Compliance with Ed Code and Merit Rules.
This item was placed on the agenda by BCCE. Ms. Phillips, BCCE, provided a legal opinion concerning limited term employees prepared for the California Schools Personnel Commissioners Association. Commissioner Lee stated that he wished he had received the document before the meeting so he could have reviewed it prior to the meeting.

Ms. Phillips, BCCE, stated provisional employees are being allowed to stay in positions beyond 90 days. BCCE requested that employees in provisional appointments beyond 180 days be made probationary. Ms. Phillips stated that the Commission has the ability to make employees who have been in positions for more then 180 days probationary. Ms. Phillips expressed concern specifically for Instructional Assistants-Special Education that have worked more then 75% of the school year with out a status change.

Paula Phillips, BCCE, inquired about a contractor working in the payroll department while an employee was out on sick leave. Mr. Martinez stated that the District currently had two temporary employees working in positions where there was no substitute pool. Both of the positions require specific job knowledge and skill sets (Payroll and Accounting). The District had to bring in someone on an emergency basis to ensure departmental operations were not delayed or stopped. Commissioner Lee requested that the Commission be informed when emergency contractor hires are made.
Commissioner Van Bourg informed Ms. Phillips that the item needed to be placed on the next meeting’s agenda as an action item for the Commission.

11. Proposed Personnel Commission Budget
The Merit Commission budget was submitted for discussion. Director Martinez announced that the directive from the Governor states that budget cuts have to come from the central offices. The major difference in the budget is with the Clerical Specialist position being eliminated in Human Resources. The Commission paid 20% of the position’s salary. Mr. Martinez advised the commission that the budget would be submitted to the Board for approval at the April 28th meeting.

12. Classified Employee Recognition Celebration
The Employee Recognition event has been set for May 20th at B-Tech, 3:00 – 5:30 pm.
Commissioner Lee requested that the event be similar to last year’s event.

13. 2010 Personnel Commission Meeting Dates
The July 1st meeting date was reviewed due to the holiday and summer recess. The Commission decided to leave it on the meeting calendar and to decide in June if the July meeting would take place.

14. Review BUSD Hazardous Communication Program for Commission’s Role and Implementation
This item was placed on the agenda by BCCE. Paula Phillips stated that employees are to be given hazard communication training within two weeks of being hired. Commissioner Lee inquired if this was a contractual issue. Ms. Phillips responded that training of classified staff falls under the Commission. Director Martinez stated that he needed to review the Merit Rules and EdCode to see if it falls under the Commission. Mr. Martinez suggested that the safety issues brought about by the BUSD Hazardous Communication Program be explored by the District/BCCE Safety Committee.

15. Public Comment
Paula Phillips, BCCE, requested that State Disability and FMLA information be provided to new hires at the time of hire. Denise Diggs-Ray, BCCE, inquired about the investigation regarding a member’s test results. The Director of Classified Personnel was to investigate the reported test improprieties and report back to the Commission. Francisco Martinez, Director of Classified
Personnel reported that the investigation had not been completed. Paula Phillips, BCCE, requested that a time limit be set on the investigation. Ms. Phillips stated that the employee had not heard the results of the investigation.

Motion Summary

Motion: To approve agenda
Unanimously approved

Motion: to approve March 4, 2010 minutes as corrected
Unanimously approved

Motion: to approve eligibility list (b-i)
Instructional Specialist - Dance (Open/Combined)
Instructional Assistant - Special Ed. (Open/Combined)
Food Service Assistant (Open/Combined)
Instructional Assistant - ECE (Open/Combined)
Instructional Technician – EDP (To Be Provided at Meeting)
Food Service Satellite Operator (To Be Provided at Meeting)
Sr. Food Service Assistant (To Be Provided at Meeting)
School Bus Driver (Open) (To Be Provided at Meeting)
Unanimously approved
Personnel Commission of the Merit System Minutes
Thursday, May 6, 2010
BUSD Admin Annex Conf. Room
2134 Martin Luther King Jr. Way–Open Session
Berkeley, CA 94703

Personnel Commission Members
Shirley Van Bourg, Chairwoman
Dan Lee, Commissioner

1. Call to Order
Chairwoman Van Bourg called the meeting to order at 4:02

2. Commissioner Roll Call
Roll call was taken by Francisco Martinez, Director of Classified Personnel and Secretary of the Personnel Commission.
Present: Commissioner Shirley Van Bourg and Commissioner Dan Lee

3. Approve Agenda

Motion: approve agenda

Unanimously approved

4. Approval of Minutes

a. Personnel Commission Meeting of April 8, 2010
Corrections: #8, 1st paragraph, first sentence; change “do clerical work” to “perform BCCE classified bargaining unit work.” #9, second to last paragraph: change “that” to “the.” #15, Public Comments, add information regarding test investigation.

The April 8, 2010 minutes will be resubmitted for approval at the June 3, 2010 meeting.

5. Public Comments
Paula Phillips, BCCE President, stated the public had not been provided the opportunity to make public comments regarding the appointment of the 3rd commissioner. Ms. Phillips also commented on the Commission’s proposed budget cuts. She expressed concern over the proposed elimination of the Clerical Specialist position in Human Resources. Twenty percent of the salary for the position is paid for
by the Personnel Commission’s budget. She did not believe that the Board could eliminate a position partially funded by the Commission.

Deirdre Nurre, Cragmont Elementary School PTA president, spoke on behalf of the parents of Cragmont. Ms. Nurre expressed support for the Bilingual Parent Liaison position at Cragmont. This position supports both the parents and staff at Cragmont. “Ms. Pacheco is essential and valuable to the whole school community. She helps to break down barriers for non-English speaking parents. Parents educate each other and at times this requires language translation. We need to understand the concerns of all parents.”

Belen Pulido-Martinez, BOCA, translated for two Berkeley High parents. Both parents expressed appreciation for the provisional Bilingual Parent Liaison that has been hired at Berkeley High School. They gave several examples of how the Bilingual Parent Liaison has helped them communicate with their child’s teachers and counselors. Both parents expressed an absolute need for bilingual support staff at BHS.

Nancy Charlson, Cragmont Elementary’s BCCE site rep, stated that one of Cragmont’s Site Governance Council’s goals is to make sure they are able to effectively communicate with all parents.

Paula Phillips, BCCE, stated that BCCE did not disagree there is a need for bilingual positions. BCCE has concern over the salary and work calendar being assigned to the positions.

Melisandra Leonardos, Admissions Manager, reiterated the need for a bilingual position in the Admissions Office.

6. Reports
   a. Collective Bargaining Units’ Comments
      none
   b. Secretary’s Comments

   Filled Positions

   Food Service Satellite Operator          MX
   Senior Food Service Assistant           King
   Custodian I                              EM/JM
   Custodian II                             Washington
   Library Media Tech                       Willard
   School Bus Driver                       Transportation
c. Commissioners’ Comments
none

7. Approve the Following Eligibility Lists:
   a. Parent Liaison/Rec. and Culture Facilitator – Bilingual (Open)
   b. Instructional Assistant-ECE (Open/Combined)

BCCE requested to pull list (a). A meeting is scheduled for May 13, 2010 to discuss the positions. Ms. Phillips, BCCE, expressed concern that the bilingual job descriptions were written to address current needs and do not address future needs.

Motion: to approve eligibility list (b)
Unanimously approved

List (a) Parent Liaison/Recreation and Culture Facilitator-Bilingual was not approved

8. 2010-11 Proposed Personnel Commission Budget Public Hearing
Paula Phillips, BCCE, questioned the decision to eliminate the Clerical Specialist position. Ms. Phillips would like to see the budget cuts come from another area in the budget. Francisco Martinez, Director of Classified Personnel, stated the functions that the Clerical Specialist performs for the Personnel Commission would still get completed. Commissioner Lee expressed concern if staff working for the Commission are performing work outside of Merit duties.

9. Adoption of 2010-2011 Personnel Commission Budget
Motion: to adopt 2010-2011 Personnel Commission Budget
Unanimously approved

10. Reclassification Appeal Hearing – Rafael Adames
Item placed on the agenda by BCCE. Tim Donnelly, BCCE, expressed concern over the “sweatshop” treatment of clerical staff at the Berkeley Adult School. BCCE believes that Mr. Adames is entitled to a fair hearing. He has been laid off this year and should have rights to another technical position. Paula Phillips, BCCE, stated that the union requested an appeals hearing for Mr. Adames, but one was never granted. BCCE would like to know why the hearing was never scheduled. Paula Phillips, BCCE, said Mr. Adames has the right to an appeal hearing. Director Martinez stated that a request for an appeal
has to be made in writing. BCCE had not submitted a written request for appeal. Commissioner Lee suggested a desk audit be conducted for Mr. Adames by a neutral third party. Commissioner Lee expressed concern that Mr. Adames may be performing a job that we do not have a classification for. Francisco Martinez stated that RSG conducted a desk audit and interview with Mr. Adames. Tim Donnelly thought the RSG study would be a useful reference. Commissioner Lee requested that the item be brought back to the Personnel Commission with as much information as possible. Paula Phillips inquired if the Commission was scheduling an appeal hearing. Commissioner Van Bourg responded that an appeal hearing was not being scheduled. Commissioner Lee was requesting more information. If it seems valid, the Personnel Commission can hear an appeal. A written request for an appeal hear will have to be submitted.

11. Legal Opinion – Limited Tenure Employees
       Item placed on the agenda by BCCE. Ms. Phillips provided a legal opinion from Jack Hayes stating that all employees in positions for more than 180 days should be made permanent. The Personnel Commission tentatively scheduled a Personnel Commission for May 20, 2010 to further discuss the eligibility list for Parent Liaison/Rec. and Culture Facilitator-Bilingual position.

Meeting adjourned at 7:08

Motion Summary

Motion: To approve agenda
Unanimously approved

Motion: to approve eligibility list (b)
Instructional Assistant –ECE (Open/Combined)
Unanimously approved
May 22, 2010

Shirley Van Bourg
Personnel Commission of the BUSD
2134 Martin Luther King Jr. Way
Berkeley, CA 94704

RE: Distribute Merit Rules and Regulations

Dear Commissioner Van Bourg:

It has been brought to the attention of the Union that bargaining unit members of the Berkeley Council of Classified Employees Union have not received copies of the Merit Rules. Because the merit rules are not distributed to classified employees, they are unaware of their rights, the rules and regulations of the merit system and how the merit system is designed to ensure fairness and equity in the areas of selection, retention and promotion of classified employees.

According to Article 6 Merit System, section 45262 of the Ed Code, the merit rules shall be made available to all new regular employees in a variety of ways.

45262. (a) The rules of the commission and copies of this article shall be printed and made available or electronically transmitted to each school, office, and permanent worksite where employees report, and shall be distributed to school libraries for loan to employees.
(b) Within one year of the adoption of the merit system, the commission shall adopt rules pursuant to Section 45260 and shall give to each new regular employee a handbook that summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

The Union is requesting that staff is directed to adhere to Ed Code Section 45262 on a consistent and regular basis and that in the absence of a handbook, direct staff to distribute copies of the merit rules to all regular classified employees.

Sincerely,

Paula A. Phillips, President
DATE: May 26, 2010

TO: Personnel Commissioners

FROM: Paula Phillips, President

Dear Commissioners:

During the March 4, 2010 Personnel Commission meeting, Francisco Martinez, Classified Personnel Director for the Personnel Commission, presented section 45103 of the Ed Code as justification for allowing the District to contract out work that is customarily performed by classified employees. During the meeting Commissioner Van Bourg and the Union informed the Classified Personnel Director that this section of the Ed Code does not pertain to a school district that has incorporated the Merit System because section 45103 (f) specifically states,

This section shall apply only to districts not incorporating the merit system as outlined in Article 6 (commencing with Section 45240).

The Berkeley Unified School District is a Merit System School District, which makes this section and Mr. Martinez's justification to allow BUSD to violate the Ed Code inappropriate.

However, it should be noted that Education Code 45103.1 (a) significantly restricts the ability of the Berkeley Unified School District to contract out for services normally and customarily performed by classified employees. For this reason, the Berkeley Council of Classified Employees Union, AFT Local 6192 is informing the Personnel Commission that the District is not in compliance with the Education Code's restrictions on contracting out duties normally and customarily performed by the District's classified service, particularly for BCCE bargaining unit work.

The District is currently using the services of Robert Half International and ANOVA to perform work that is customarily performed by BCCE classified employees. One of the most obvious violations of Ed Code 45103.1 (a) is where the district is using the services of Tanya Smith, a temporary contractor from Robert Half International (RHI) to perform the work of an Accounting Technician who is out due to a medical leave. RHI contractors have also been used to perform classified work over the past several years to perform the work of Payroll Specialists, the Workers' Compensation Specialist and Program Assistants, to name a few.

In addition to the RHI contractors, it should also be noted that the Classified Personnel Director has allowed the District to contract out work that is customarily performed by BCCE classified 1:1 Special Education Instructional Assistants. The personal services of Instructional Assistants from ANOVA are being used to serve as 1:1 Special Ed Instructional Assistants to monitor and adapt students' behavior at John Muir, Rosa Parks, Jefferson and Oxford elementary schools, to
name a few. ANOVA IAs work under the supervision of an ANOVA Behavior Analyst, a BFT Special Ed Teacher, and/or a Special Ed Program Supervisor and they also work alongside of BUSD Special Ed IAs. In fact, when ANOVA IAs are absent, the district has used a BUSD substitute IA to fill the position on the day of the absence. For a detailed listing of the job duties for an ANOVA Instructional Assistant, please see the attached job descriptions as well as the BUSD Special Ed IA job assignments that list similar duties.

Based on the simple fact that the district has employed the services of RHI and ANOVA to perform work that is customarily performed by BCCE classified employees, the district is unable to meet “all” of the conditions as outlined in Ed Code section 45103.1(a). Therefore, the Union is requesting that the Classified Personnel Director is directed to adhere to section Ed Code section 45103.1 (a) as well as all other relevant sections of Article 6, Merit System of the Ed code and the BUSD Merit Rules when filling all classified positions of the Berkeley Unified School District. The Union is also requesting that the Classified Personnel Director is directed to terminate the services of all contracted positions including those not listed in this letter. In the absence of an eligibility list, the Union requests that these positions are filled with provisional appointments until an eligibility list is established and approved by the commission.

ED CODE/MERIT RULES:
Ed Code Sections: 45103.1 (a), 45260, 45261, 45272
BUSD Merit Rules: 50.200 - 60.500

Attachments: BUSD Special Ed Job Assignments
ANOVA Job Descriptions
Ed Code 45103.1 (a)
Instructional Assistant
Job Assignment Description for 2008/2009

FTE  Diff.  Principal  SITE(S)  PROGRAM  Job #
.80   5  Wilson  LeConte  Full Inclusion  50247

SPHC

Academic Requirements
Adapt and modify general education curriculum. Implement instructional programs. Collect and chart data. Basic computer skills. Implement positive behavior plans. Experience with autism required. Must have good organizational and clerical skills. Proficiency in oral and written English. Assistance with research and report writing. Knowledge of and implementation of positive behavior intervention strategies essential.

Physical Requirements
Be prepared to run, move quickly, sit on rug, bend, kneel. Walking during field trips. Lift students on and off climbing structures. Lifting at least 40 lbs. Required to swim with students in pool in adapted aquatics.

BILINGUAL  M/F OK?  Requires bus duty:  Differential For:
no  yes  in a.m.  

Requires Travel from:

OTHER:

All I/A/Interpreter assignments are designated as part of the school site special education team. Your assignment could change for a short duration, depending on a particular circumstance (e.g., student or staff absence). You could be asked by a Program Supervisor, Department Chair, Principal, Vice Principal, or Special Education teacher to assume a different special education duty at the site, other than what is specified on this job assignment. You will not be asked to cover for SPHC students if you have not been trained to do so. It is also possible that the requirements of the program, changes based on the student’s IEP, could result in a transfer of your employment to another position within the Special Education Department. While this is not anticipated, should it occur, you would be given two weeks’ notice in writing by Human Resources Department.

I have read the above and accept this position: ____________________________

Employee Name  Date

August 15, 2008
Instructional Assistant
Job Assignment Description for 2008/2009

FTE  Diff. Principal  SITE(S)  PROGRAM  Job #
.80  5 Wilson  LeConte  Special Day Class/Full Inclusion  23061  8

SPHC

Academic Requirements
Adapt and modify general education curriculum. Implement instructional programs. Collect and chart data. Basic computer skills. Implement positive behavior plans. Must have good organizational and clerical skills. Proficiency in oral and written English. Assistance with research and report writing. Knowledge of and implementation of positive behavior intervention strategies essential.

Physical Requirements
Be prepared to run, move quickly, sit on rug, bend, kneel. Walking during field trips. Lift students on and off climbing structures. Lifting at least 40 lbs. May be required to provide toileting and/or diapering assistance. Required to swim with students in pool in adapted aquatics.

BILINGUAL  M/F OK?  Requires bus duty?  Differential For:
No  Yes  Yes, waiting with students for bus

Requires Travel from: N/A

OTHER:

All IA/Interpreter assignments are designated as part of the school site special education team. Your assignment could change for a short duration, depending on a particular circumstance (e.g., student or staff absence). You could be asked by a Program Supervisor, Department Chair, Principal, Vice Principal, or Special Education teacher to assume a different special education duty at the site, other than what is specified on this job assignment. You will not be asked to cover for SPHC students if you have not been trained to do so. It is also possible that the requirements of the program, changes based on the student's IEP, could result in a transfer of your employment to another position within the Special Education Department. While this is not anticipated, should it occur, you would be given two weeks' notice in writing by Human Resources Department.

I have read the above and accept this position: Employees Name  Date

August 15, 2008
# Instructional Assistant/Interpreter

## Job Assignment Description for 2006/2007

<table>
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<th>FTE</th>
<th>Diff.</th>
<th>Principal</th>
<th>SITE(S)</th>
<th>PROGRAM</th>
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<td>.80</td>
<td>5</td>
<td>Saddler</td>
<td>Rosa Parks</td>
<td>Special Day Class/Full Inclusion</td>
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</tbody>
</table>

## Academic Requirements

- Knowledge of elementary curriculum. Adapt and modify general education curriculum.

## Physical Requirements

- Be prepared to run, move quickly, sit on rug, bend, kneel. Walking during field trips. Lift students on and off climbing structures. Lifting at least 40 lbs. Required to swim with students in pool in adaptive aquatics.

## BILINGUAL

- Bilingual: No
- Gender: Male/Female: Yes

## Requires Travel from:

- N/A

## Other:

All IA/Interpreter assignments are designated as part of the school site special education team. Your assignment could change for a short duration, depending on a particular circumstance (e.g., student or staff absence). You could be asked by a Program Supervisor, Department Chair, Principal, Vice Principal, or Special Education teacher to assume a different special education duty at the site, other than what is specified on this job assignment. You will not be asked to cover for SPHC students if you have not been trained to do so. It is also possible that the requirements of the program, changes based on the student’s IEP, could result in a transfer of your employment to another position within the Special Education Department. While this is not anticipated, should it occur, you would be given two weeks’ notice in writing by Human Resources Department.

I have read the above and accept this position: __________________________  __________________________

Date: __________________________

August 16, 2006
## Instructional Assistant/Interpreter
### Job Assignment Description for 2006/2007

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<th>PROGRAM</th>
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<tbody>
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<td>.80</td>
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<td>Pappenheimer</td>
<td>KING MS</td>
<td>Special Day Class/Full Inclusion</td>
<td>C07</td>
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### Academic Requirements
Knowledge of elementary curriculum. Must have good organizational and clerical skills. Proficiency in oral and written English. Assistance with research and report writing. Maintain logs and other records. Ability to modify curriculum. Ability to implement behavioral intervention programs. Computer skills. Ensure home assignments are correctly copied down.

### Physical Requirements
Negotiate Arts Magnet campus. Assist student in active participation at PE and recess. Walking on field trips. Required to assist with students in pool in adapted aquatics.

### BILINGUAL
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<th>M/F OK?</th>
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<tr>
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<td>Yes, waiting with students for bus</td>
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### Requires Travel from:
N/A

### OTHER:

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All IA/Interpreter assignments are designated as part of the school site special education team. Your assignment could change for a short duration, depending on a particular circumstance (e.g., student or staff absence). You could be asked by a Program Supervisor, Department Chair, Principal, Vice Principal, or Special Education teacher to assume a different special education duty at the site, other than what is specified on this job assignment. You will not be asked to cover for SPHC students if you have not been trained to do so. It is also possible that the requirements of the program, changes based on the student’s IEP, could result in a transfer of your employment to another position within the Special Education Department. While this is not anticipated, should it occur, you would be given two weeks' notice in writing by Human Resources Department.

I have read the above and accept this position: _________________________________  Employee Name  _________________________________  Date

August 16, 2006
### Academic Requirements

Knowledge of elementary curriculum. Adapt and modify general education curriculum. Implement instructional programs. Collect and chart data. Basic computer skills. Implement positive behavior plans. Must have good organizational and clerical skills. Proficiency in oral and written English. Assistance with research and report writing.

### Physical Requirements

Be prepared to run, move quickly, sit on rug, bend, kneel. Walking during field trips. Lift students on and off climbing structures. Lifting at least 40 lbs. Prefer familiarity with restraint techniques. Required to swim with students in pool in adapted aquatics.

### Bilingual

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<th>M/F OK?</th>
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</table>

### Requires Travel from:

N/A

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All IA/Interpreter assignments are designated as part of the school site special education team. Your assignment could change for a short duration, depending on a particular circumstance (e.g., student or staff absence). You could be asked by a Program Supervisor, Department Chair, Principal, Vice Principal, or Special Education teacher to assume a different special education duty at the site, other than what is specified on this job assignment. You will not be asked to cover for SPHC students if you have not been trained to do so. It is also possible that the requirements of the program, changes based on the student's IEP, could result in a transfer of your employment to another position within the Special Education Department. While this is not anticipated, should it occur, you would be given two weeks' notice in writing by Human Resources Department.

*I have read the above and accept this position:*

_____________________________  ____________________________  
Employee Name  Date

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August 15, 2008
POSITION TITLE:
Paraprofessional Assistant / Behavior Assistant

UNIT / ORGANIZATION: Anova Education & Behavior Consultation’s Non-Public Agency (NPA) Programs.

REPORTS TO: Behavior Analyst

PURPOSE OF POSITION: This position is primarily responsible for the direct implementation of behavioral and instructional methodologies to address student IEP goals primarily in public school settings. This position is not hired to work exclusively with one student but acts as an agency resource for all Anova students. While Anova strives to provide a consistent work schedule for each of its employees, this position’s daily and weekly hours may be altered with short notice at the discretion of management in order to meet the needs of the agency as a whole. This individual provides direct training and supervision of their assigned student(s) under the direction of an Anova Behavior Analyst with support from the classroom teacher and other support staff, ensuring a positive and reinforcing academic experience and compliance with Anova policies and procedures and other appropriate regulations and standards. Some students served by Anova require special training, skills and/or abilities. Depending on the particular student assignment this position may require:

- Working outside providing community based instruction in the school’s neighborhood;
- Lifting, turning, bending, stooping and carrying students requiring physical support;
- Frequent standing and sitting; or standing for long periods;
- Occasional running;
- Performing physical management techniques including physical escort and restraint of students; including the implementation of PART techniques.
- Performing medical related procedures including tube feeding, catheterization, and other procedures provided under the supervision of school medical staff.

SKILL REQUIREMENTS: Ability to monitor and evaluate student performance. Ability to meet student’s educational, physical care and socialization needs. Ability to make logical and practical decisions. Ability to relate to students in a positive, effective and age-appropriate manner. Ability to develop and maintain positive and constructive working relationships with teachers and other staff. Ability to effectively communicate and maintain professional boundaries with students, teachers and parents. Ability to provide instruction for students in a constructive and effective manner. Ability to maintain professional appearance and conduct at all times. Ability to encourage an atmosphere conducive to helping students achieve their greatest potential in the least restrictive environment.

KEY RESPONSIBILITY AREA: Student Supervision, Instruction and Care

Specific Duties:

- Provide constant and effective supervision for student(s) assigned.
- Adhere to Anova policies and procedures at all times.
- Implement directions from Behavior Analyst and / or Teacher.
- Assist Behavior Analyst in ensuring that program is effective and appropriate by making constructive recommendations for possible changes / revisions.
- Implement all assigned behavioral interventions and methodologies.
- Instruct students in new skills using instructional methods and materials provided by the Teacher.
- Provide positive reinforcement for appropriate behavior.
• Use positive behavior management techniques at all times.
• Provide consequences and alternatives for problem behaviors.
• Model instructional and behavior management techniques for others.
• Report significant changes in the student's behavior to the Behavior Analyst.
• Provide assistance with curriculum modifications.
• Completes and updates student’s substitute orientation information.
• Comply with all State and Federal Laws applicable to the delivery of the professional services rendered by a Non-Public agency.

**KEY RESPONSIBILITY AREA:** Substitute Assignments

**Specific Duties:**

• Immediately telephone Substitute Coordinator when assigned student is not present at school and be available to serve as a substitute with another student.
• Drive to various county school sites when assigned a substitute case.
• Provide student supervision, instruction and care for assigned substitute case.
• Implements procedures delineated in student’s substitute orientation information.

**KEY RESPONSIBILITY AREA:** Preparation and Documentation

**Specific Duties:**

• Assist Teacher in preparing resources for instruction, as assigned.
• Document behavioral and instructional progress as assigned.
• Complete clear and concise Incident Reports when indicated.
• Attendance at all mandatory meetings and In-service training.

**KEY RESPONSIBILITY AREA:** Administrative

**Specific Duties:**

• Submit accurate timesheets signed by the classroom teacher, on time for processing by Anova administration.
• Provide constructive input into the development and / or revision of Anova Policies and Procedures.
• Provide constructive input into staff orientation procedures.
• Complete activities as required by the California Department of Education pursuant to maintaining certification as a non-public agency.

**OTHER:**

• Complete other duties and assignments at the discretion of the Anova Management Team and under the direct supervision of the Behavior Analyst / Executive Director.

**MINIMUM JOB REQUIREMENTS:**

**Education:** A High School diploma required, Bachelor’s degree preferred.

**Preferred Experience:** At least two years of experience working with developmentally disabled and / or emotionally disturbed students in an environment utilizing an Applied Behavior Analysis approach is required.
POSITION TITLE:
Paraprofessional Assistant / Classroom Assistant

UNIT / ORGANIZATION: Anova Center for Education (ACE) School Programs

REPORTS TO: Teacher

PURPOSE OF POSITION: This position is primarily responsible for the direct implementation of behavioral and instructional methodologies to address student IEP goals at the Anova Center for Education (ACE) School. This individual provides direct training and supervision of assigned students under the direction of the classroom teacher, ensuring a positive and reinforcing teaching environment and compliance with Anova policies and procedures and other appropriate regulations and standards. While Anova strives to provide a consistent work schedule for each of its employees, this position’s daily and weekly hours may be altered with short notice at the discretion of management in order to meet the needs of the agency as a whole.

SKILL REQUIREMENTS: Ability to monitor and evaluate student performance. Ability to make logical and practical decisions. Ability to relate to students in a positive, effective and age-appropriate manner. Ability to develop and maintain positive and constructive working relationships with other staff. Ability to provide instruction for students in a constructive and effective manner. Ability to maintain professional appearance and conduct at all time. Ability to encourage an atmosphere conducive to helping students achieve their greatest potential in the least restrictive environment. Have an understanding of and the ability to provide physical management for students in crisis situations including the implementation of Professional Assault Response Training techniques.

This position may require:

- Lifting, turning, bending, stooping and carrying students requiring physical support;
- Frequent standing and sitting; or standing for long periods;
- Occasional running;
- Performing physical management techniques including physical escort and restraint of students; including the implementation of PART techniques; Performing medical related procedures including tube feeding, catheterization, and other procedures provided under the supervision of administration.

KEY RESPONSIBILITY AREA: Student Supervision and Instruction

Specific Duties:

Provide constant and effective supervision for all students assigned.

Adhere to Anova policies and procedures at all times. Ensure posted classroom responsibilities / schedule is completed. Implement directions from Teacher and or Classroom Coordinator. Assist Teacher and /or Classroom Coordinator in ensuring that activities are effective and appropriate by making constructive recommendations for possible changes / revisions. Implement all assigned behavioral interventions and methodologies. Instruct students in new skills using instructional methods and materials provided by the Teacher. Provide positive reinforcement for appropriate behavior. Use positive behavior management techniques at all times. Provide consequences and alternatives for problem behaviors. Report significant changes in student behavior to the Teacher.
and Behavior Analyst assigned to the classroom. Provide physical management of student’s behavior according to the individual behavior plan and PART techniques. Attend and actively participate in classroom team meetings to improve student and team performance. Comply with all State and Federal Laws applicable to the delivery of the professional services rendered by a Non-Public school.

**KEY RESPONSIBILITY AREA:** Preparation and Documentation

**Specific Duties:**

- Assist Teacher and/or Classroom Coordinator in preparing resources for instruction.
- Document behavioral and instructional progress as assigned.
- Complete clear and concise Incident Reports when indicated.
- Ensure on-going organization of classroom resources.
- Attendance at all mandatory meetings and In-service training.

**KEY RESPONSIBILITY AREA:** Administrative

**Specific Duties:**

- Provide constructive input into the development and/or revision of ACE School Policies and Procedures.
- Provide constructive input into staff and student orientation procedures.
- Complete activities as required by the California Department of Education pursuant to maintaining certification as a non-public school.

**OTHER:**

- Complete other duties and assignments at the discretion of the Anova Management Team and under the supervision of the School Director.

**MINIMUM JOB REQUIREMENTS:**

**Education:** A Bachelor's Degree in a related field with some Behavior Management training/experience. (Two additional years experience in a behavior management setting may be substituted for degree).

**Experience:** At least two years of experience working with developmentally disabled and/or emotionally disturbed students in an environment utilizing an Applied Behavior Analysis approach is required.

Please e-mail your resume to mycareer@anovaeducation.org
Ed Code 45103.1 (a) Personnel Services Contracting

45103.1. (a) Notwithstanding any other provision of this chapter, personal services contracting for all services currently or customarily performed by classified school employees to achieve cost savings is permissible, unless otherwise prohibited, when all the following conditions are met:

(1) The governing board or contracting agency clearly demonstrates that the proposed contract will result in actual overall cost savings to the school district, provided that:

(A) In comparing costs, there shall be included the school district's additional cost of providing the same service as proposed by a contractor. These additional costs shall include the salaries and benefits of additional staff that would be needed and the cost of additional space, equipment, and materials needed to perform the function.

(B) In comparing costs, there shall not be included the school district's indirect overhead costs unless these costs can be attributed solely to the function in question and would not exist if that function was not performed by the school district. Indirect overhead costs shall mean the pro rata share of existing administrative salaries and benefits, rent, equipment costs, utilities, and materials.

(C) In comparing costs, there shall be included in the cost of a contractor providing a service any continuing school district costs that would be directly associated with the contracted function. These continuing school district costs shall include, but not be limited to, those for inspection, supervision, and monitoring.

(2) Proposals to contract out work shall not be approved solely on the basis that savings will result from lower contractor pay rates or benefits. Proposals to contract out work shall be eligible for approval if the contractor's wages are at the industry's level and do not undercut school district pay rates.

(3) The contract does not cause the displacement of school district employees. The term "displacement" includes layoff, demotion, involuntary transfer to a new classification, involuntary transfer to a new location requiring a change of residence, and time base reductions. Displacement does not include changes in shifts or days off, nor does it include reassignment to other positions within the same classification and general location or employment with the contractor, so long as wages and benefits are comparable to those paid by the school district.

(4) The savings shall be large enough to ensure that they will not be eliminated by private sector and district cost fluctuations that could normally be expected during the contracting period.

(5) The amount of savings clearly justify the size and duration of the contracting agreement.

(6) The contract is awarded through a publicized, competitive bidding process.

(7) The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards.

(8) The potential for future economic risk to the school district from potential contractor rate increases is minimal.

(9) The contract is with a firm. A "firm" means a corporation, limited liability corporation, partnership, nonprofit organization, or sole proprietorship.

(10) The potential economic advantage of contracting is not
Ed Code 45103.1 (a) Personnel Services Contracting

outweighed by the public's interest in having a particular function performed directly by the school district.

(b) Notwithstanding any other provision of this chapter, personal services contracting shall also be permissible when any of the following conditions can be met:

(1) The contract is for new school district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.

(2) The services contracted are not available within the district, cannot be performed satisfactorily by school district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district.

(3) The services are incidental to a contract for the purchase or lease of real or personal property. Contracts under this criterion, known as "service agreements," shall include, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.

(4) The policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process. Contracts are permissible under this criterion to protect against a conflict of interest or to ensure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.

(5) The nature of the work is such that the criteria for emergency appointments apply. "Emergency appointment" means an appointment made for a period not to exceed 60 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work. The method of selection and the qualification standards for an emergency employee shall be determined by the district. The frequency of appointment, length of employment, and the circumstances appropriate for the appointment of firms or individuals under emergency appointments shall be restricted so as to prevent the use of emergency appointments to circumvent the regular or ordinary hiring process.

(6) The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the school district in the location where the services are to be performed.

(7) The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under the district's regular or ordinary hiring process would frustrate their very purpose.

(c) This section shall apply to all school districts, including districts that have adopted the merit system.

(d) This section shall apply to personal service contracts entered into after January 1, 2003. This section shall not apply to the renewal of personal services contracts subsequent to January 1, 2003, where the contract was entered into before January 1, 2003, irrespective of whether the contract is renewed or rebid with the existing contractor or with a new contractor.