

**ARTICLE EIGHT**

**INVOLUNTARY ASSIGNMENT/RELOCATION**

**8-1 Criteria**

- A. The criteria for transfers and relocations are:
  - 1. Meet the economic, educational or affirmative action needs of the District.
  - 2. Transfer shall not be used as a substitute for evaluation or disciplinary action. Transfer in no way reflects on the competency or the qualifications of any MBU transferred for any reason.
- B. Any MBU who is involved in a Plan for Improvement may be prohibited from transferring.
- C. When it has been determined that a District-initiated transfer is necessary and there are no volunteers, the least senior MBU in that particular building, department, or program shall be transferred, provided that District, State and/or Federal certification and North Central requirements are met.
- D. No District-initiated transfer shall be arbitrary, capricious or without basis in fact.
- E. A MBU who is a District-initiated transfer shall not be required to be a District-initiated transfer again prior to the following school year.

**8-2 Time to Complete Transfers or Relocation**

- A. Whenever a transfer, relocation, or an entire school is moved during contract days, MBU(s) shall be allowed two (2) working days relieved of regular duties to complete the transfer.
- B. When a MBU has been designated as a District-initiated transfer during contract days, that MBU shall be given two (2) days off for the purpose of visiting schools at which vacancies exist, prior to specifying his/her preferred school assignment.

**8-3 Relocation**

- A. Before the District makes a decision to move a class from one school site to another, the District will hold a meeting with all MBUs that might be affected by the possible relocation. The purpose of this meeting is to discuss the necessity of the possible relocation and to seek feedback from those that might be affected.  
  
If the District does decide to relocate a class, a second meeting will be held to inform affected MBUs of the reasons for relocation.
- B. If relocation occurs, the affected MBU has the choice of moving with his/her class or being designated as a DIT and placed in accord with Article 7 or 8. A MBU involved in a relocation must make his/her decision known within three (3) days of notification of such relocation.

**8-4 District-Initiated Transfers for the Following School Year**

- A. A District-initiated transfer for the following school year shall take place no sooner than the third Monday in March and no later than September 14.
- B. If the District determines that a District-initiated transfer is necessary, the faculty shall be informed as to the reasons for the transfer.
  - 1. The Principal shall communicate the necessity for the transfer and request volunteers for a District-initiated transfer.
  - 2. There shall then be three (3) days in which to determine if a MBU wishes to volunteer to be a District-initiated transfer.
  - 3. No District-initiated transfer from a site or program shall begin until the three (3) day time period for volunteers has passed, except for any District-initiated transfers in the months of August and September, at which time there will be a one (1) day time period.
  - 4. If more than one MBU meets the requirements for a voluntary DIT, then the most senior MBU shall be designated as the DIT. If only one MBU meets the requirements for a voluntary DIT, he/she shall be designated as the DIT.

5. In any event, a voluntary DIT will only be accepted as the DIT provided their transfer meets the criteria listed in Article 8-1-A.
- C. A personal conference shall be initiated with the MBU designated as a District-initiated transfer by his/her immediate supervisor.
  1. A written notice of transfer which states the reasons for the transfer will be provided to the DIT either at the conference or within five (5) days following the conference.
  2. The reasons for transfer shall be discussed and the MBU shall have an opportunity to express any concerns regarding such transfer.
  3. At said conference the MBU shall be informed of the following:
    - a. The economic, affirmative action and enrollment factors causing the decision to be made;
    - b. the factors causing that particular building, department or program to lose a MBU;
    - c. the factors causing that particular MBU to be transferred.
- D. At said conference, a list of all vacancies shall be provided the MBU who has been designated as a DIT and through the first working day in July, the MBU may apply for vacancies in accord with Article 7.
- E.
  1. Beginning the first working day in July until the first contract date of the school year, MBUs designated as DITs, MBUs returning from leave of more than one year, and MBUs not re-hired as a result of a new school declaration will be referred to the TUSD website or provided a list of budgeted positions available for the following school year. MBUs will rank in order all positions for which they are qualified. These positions will be filled with the most senior applicant, with the exception of schools designated as "New Schools".
  2. MBUs who are identified as DITs from the first contract date of the school year up through September 14 will be transferred to a position for which he/she is qualified.
- F. MBUs transferred because of declining enrollment shall be given the right of first refusal in returning to the original site and/or program if enrollment increases and the position is re-opened prior to September 14.
- G. Before any vacancy occurring prior to June 30 is filled pursuant to Article 7, the position shall be offered to MBUs involuntarily transferred from the site of the vacancy, with the exception of MBUs involuntarily transferred due to a "new school" declaration. In such case, Article 7 is in effect for vacancies at a "new school" for a period of two (2) years from the involuntary transfer. If the MBU refuses the offer to return, all recall rights to return have been exhausted.
- H. Temporary contract MBUs are not eligible to become a voluntary DIT (per 8-4) or a DIT (per 8-1-C).
- I. **WHEN IT IS DETERMINED THE NUMBER OF DITS IS PROJECTED TO BE GREATER THAN 200 MBUS FOR THE FOLLOWING SCHOOL YEAR, TUSD WILL NOTIFY TEA BY MARCH 1. THE DISTRICT AND ASSOCIATION LEADERSHIP WILL MEET TO DETERMINE IF DIFFERENT PROCEDURES FOR THE PLACEMENT OF DITS ARE WARRANTED. ANY CHANGES TO THE PROCEDURES WILL BE IMPLEMENTED THROUGH A MEMORANDUM OF AGREEMENT AND WILL BE COMMUNICATED TO MBUS BY THE ASSOCIATION AND THE DISTRICT.**

**8-5 Notification**

TEA will be notified on a monthly basis, of MBUs selected to fill posted vacancies, their previous work site, the new work site, and status of the MBU prior to the assignment (long-term substitute, DIT, returning from leave, etc.)

**8-6 Temporary Assignment**

All MBUs who are District-initiated transfers or returning from leave of absence of more than one year may be temporarily assigned to positions other than posted vacancies, including substitute teacher positions, until they can be placed in a vacancy for which they are qualified. Such MBUs shall be placed in the first available vacancy for which they are qualified.