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## ARTICLE VIII

### Transfers

#### A. DEFINITIONS AND CONDITIONS:

1. This Article provides procedures for a change in work location (one school, office, or other District site to another) of an employee.
2. “Vacancy” as defined in this article is an open position which the District intends to fill. This excludes openings that occur during the school year and/or openings that the District determines not to fill.
3. “Seniority” as defined in this article for probationary and permanent employees shall be the first date of certificated contract service. Days/hours in areas including but not limited to pre-service, staff development, substitute teaching or summer employment will not be considered in determining seniority.
4. “Specialized positions” as defined in this article are positions that include one or more of the following:
  - a. Calendar year beyond 184 days;
  - b. Specific certification, experience, and training including but not limited to: Transitional Kindergarten, AP; GATE (Secondary); TOSA; Special Education Autism, ED, and Transition;
  - c. All Eligible bargaining unit members interested in an Elementary GATE opening must indicate their intent on the transfer application. Elementary GATE positions will follow the vacancy guidelines outlined below:
    1. Vacancies at all elementary sites that are non - GATE position in the current year would go through the employee-initiated transfer request process outline in Article VIII, Section B.
    2. Vacancies at all element sites that were GATE positions in the current year would be flown as specialized positions;
  - d. Special skills in areas which are paid additional assignments; or
  - e. Non-traditional assignments including but not limited to: Multi-Age; GOC and CDS; Literacy; Dual Immersion; and TOSA.

The District and the Association will collaborate on additions to the list of specialized positions annually no later than two months prior to the March 15 posting date.

5. The District Transfer Committee shall recommend the placement of unassigned unit members to vacancies in accordance with the provisions of this article. The Committee shall attempt to match employee requests against identified vacant positions through the transfer process period commencing March 31 and ending on the seventh student day of the first week of the traditional school year. The recommendations of the Committee shall be advisory to the District. The District reserves the right to make the final determination.

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2 The District Transfer Committee shall be composed of members appointed by the  
3 Association and the District. TALB shall designate: (a) two representatives to each  
4 committee, Elementary and Secondary; and (b) one representative representing Special  
5 Education to each committee, Elementary and Secondary. The District shall designate: (a)  
6 two representatives to the Elementary committee designated by the Elementary Assistant  
7 Superintendent; (b) one representative to each committee, Elementary and Secondary,  
8 designated by the K-8/Middle Schools Assistant Superintendent; (c) two representatives to  
9 the Secondary committee designated by the Assistant Superintendent of High Schools; and  
10 (d) one representative to each committee, Special Education Elementary and Special  
11 Education Secondary designated by the Assistant Superintendent Office of School Support  
12 Services. The District Transfer Committee shall include members of the Human Resource  
13 Services support staff to facilitate the process.  
14

15 Placement recommendations for non-specialized positions made by the Transfer  
16 Committee shall be based on the criteria listed in Section E in the following order:  
17

- 18 a. Employer-Initiated Transfers: Ranked by Permanent, Probationary in  
19 order of seniority within each group. When possible, placement  
20 recommendations shall be made within each group considering the first  
21 three preferred school sites in addition to other site preferences indicated  
22 on the Request for Transfer application.
  - 23 b. Employee Initiated Transfers: Ranked same as above
  - 24 c. Return from Leave of Absence: Ranked in order of receipt of Request  
25 for Transfer to Human Resource Services.
- 26
- 27 6. To facilitate the staffing process, employees are expected to make known their leave,  
28 resignation, or retirement requests by March 1.  
29
  - 30 7. Instructional Specialists and Nurses whose regular assignments involve travel between two  
31 (2) or more District work sites shall be assigned to schedules by the District following  
32 opportunity for advisory input as to employee preferences. These employees may request a  
33 transfer for all or a part of their assignment. These assignments shall be reviewed by the  
34 District Transfer Committee.  
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36 Resource Specialist Program and itinerant teachers shall not be subject to any employer  
37 initiated change in assignment during the work year without an opportunity to meet and  
38 consult with the appropriate manager regarding the need for the change.  
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40 **B. EMPLOYEE INITIATED TRANSFER REQUESTS:**  
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- 42 1. Lists of known vacancies for the next school year shall be posted in each school no later than  
43 March 15. Postings shall be sent to the TALB Office, to each school site for posting on a  
44 designated bulletin board in the faculty lounge, and posted on the District's website. Updates  
45 of current openings will be posted in March, April and May. Postings in June and July shall  
46 be made for information purposes only. The lists shall include (a) the District elementary or

1 secondary school; (b) grade level or subject matter; (c) or schedule for year-round  
 2 assignments; (d) other pertinent credential/special certification and/or job description  
 3 information. TALB shall be sent a copy of each list.  
 4

- 5 2. On or before March 31, teachers, nurses, and librarians may submit requests for transfer  
 6 indicating each position for which they are credentialed and which they would be willing to  
 7 accept, whether or not that position appears as a vacancy.

8 Such transfer requests shall be made on the appropriate District form. If qualified, those who  
 9 submit requests will be considered for all applicable positions as they become available  
 10 through the end of the first seven (7) student days of the following traditional school year.  
 11

- 12 3. Additional vacancies shall be filled by the District as they occur throughout the spring and  
 13 summer, up to the end of the first seven (7) student days of the following traditional school  
 14 year. The District Transfer Committee shall monitor all vacancies until they are filled.  
 15

- 16 4. Factors to be considered for Employee Initiated transfers are contained in Section E of this  
 17 article.  
 18

19 **C. EMPLOYER INITIATED TRANSFER REQUESTS:**  
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- 21 1. Changes in staffing other than those made under Section B. above shall be made whenever  
 22 the District determines that there is a need (a) to reduce staff because of enrollment loss or  
 23 discontinuance of a program, grade level, or school closure; (b) to balance a school staff in  
 24 terms of gender, teaching experience, bilingual needs, magnet programs and/or co-curricular  
 25 needs. In addition, employer initiated transfers may be made for other factors confidential to  
 26 the employee and Human Resource Services.  
 27

- 28 2. When the manager determines the factors related to an employer initiated transfer  
 29 necessitated by school, segment, or department enrollment loss, he/she shall ask for a  
 30 qualified volunteer. In the event that no one volunteers, the manager shall select for transfer  
 31 the probationary employee who has the least districtwide seniority as a certificated employee.  
 32 If there are no probationary employees in the school, segment, or department, the manager  
 33 shall select the tenured employee who has the least districtwide seniority as a certificated  
 34 employee.  
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36 Probationary and permanent employees may be exempted from employer initiated transfer  
 37 if the change would adversely affect any of the following: (a) compliance with state and  
 38 federal requirements; (b) balance of numbers of males and females on faculty/department  
 39 staff; (c) balance of numbers of male and females in Physical Education (PE).  
 40

- 41 3. A manager will hold a conference in a timely manner with an employee who is to be  
 42 transferred at employer request to discuss the reasons for the change. Upon request, the  
 43 employee may have an Association staff or site representative present at the conference. The  
 44 displaced employee shall be given priority consideration and the employee will have the  
 45 opportunity to submit a transfer request indicating positions for which he/she is appropriately  
 46 credentialed.

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4. Notwithstanding the provisions in C.2. above, employees shall not be subject to transfers at employer request if they are fifty-nine (59) years of age or older with twenty (20) or more years of service to the District, have been transferred at employer request within the previous three (3) years, or have volunteered in writing for transfer to their principal and were transferred in lieu of transfer at employer request.
  5. Displaced employees who are transferred shall have the right to return to their last identical assignment if it is reinstated before the end of the seventh student day of the following traditional school year. Reinstatement may only occur as a result of an increase in student enrollment.
  6. Factors to be considered for Employer Initiated transfers are contained in Section E of this article.

16 **D. RETURN FROM LEAVES OF ABSENCE:**

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1. Employees returning from leave shall be assigned in the order their Request for Transfer is received by Human Resource Services.
  2. To facilitate the staffing process, employees are expected to make known their leave, resignation, or retirement requests by March 1.

24 **E. FACTORS IN DETERMINING TRANSFERS:**

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1. One or more of the following factors shall be considered in determining transfers initiated by employees or by the District:
    - (a) Credential(s) including Supplemental Authorization;
    - (b) Compliance with state and federal requirements, including but not limited to Education Code 35036;
    - (c) Department, grade level, or team-teaching responsibility in the affected schools;
    - (d) Staffing needs of the schools (gender, teaching experience);
    - (e) Designated elementary schools;
      - Designated Elementary Schools are those where the classroom teacher demographics do not match student demographics.
      - Vacancies due to retirement, resignation, or transfers at designated elementary schools will not be subject to Article VIII, Section B. These vacancies shall be posted in each school no later than March 15. Postings shall be sent to the TALB Office, to each school site for posting on a designated bulletin board in the faculty lounge, and posted on the District's website. Updates of current openings will be posted in March, April and May.
      - All eligible bargaining unit members who request a transfer to a vacant position at any of the designated elementary sites will be given the opportunity to apply for these vacant positions. Site interview teams, comprised of a majority of unit members, shall provide recommendations for

1 consideration to the site administrator. The site administrator shall make the  
2 final consideration recommendations to the District Transfer Committee.

- 3 • The District and TALB have entered into a Memorandum of Understanding  
4 (MOU) – Implementations of Changes to Transfer Process. This MOU will  
5 guide the implementation of the designated elementary schools transfer process  
6 outlined in Section E.1.e. This MOU will be revisited and renewed annually as  
7 part of the yearly negotiation process.

8 (f) Skills, experience, certification, and/or training; and

9 (g) Recommendation of site interview team.

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- 11 2. When the District determines that the above factors are substantially comparable, seniority  
12 in the District as a certificated employee will determine transfers; except that, in cases of  
13 equivalent seniority in the District, additional consideration will be given to the employee's  
14 length of service at the present school site. A final tie-breaker will be determined by the  
15 higher last four digits of the employees' randomly generated identification number allowing  
16 that employee to stay at the site.
- 17
- 18 3. The superintendent of a school district may not transfer a teacher who requests to be  
19 transferred to a school offering kindergarten or any grades 1 to 12, inclusive, that is ranked  
20 in deciles 1 to 3, inclusive, on the Academic Performance Index if the principal of the school  
21 refuses to accept the transfer pursuant to Education Code, Section 35036.
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- 23 4. Under E.1.f above, a selection process shall be required for specialized positions as defined  
24 in section A.4 posted by the District. All individuals who requested a transfer to that position  
25 will be given the opportunity to participate in the selection process. Site interview teams,  
26 comprised of a majority of unit members, shall provide recommendations for consideration  
27 to the site administrator. The site administrator shall make the final recommendations for  
28 consideration to the District Transfer Committee(s) in accordance with A.5 above.
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- 30 5. Any employee is eligible to initiate a transfer request or volunteer for displacement when  
31 his/her most recent final evaluation is effective in all areas.
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33 **F. MISCELLANEOUS PROVISIONS:**

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- 35 1. Employees who are to be transferred shall be given notice of tentative assignment normally  
36 prior to the close of the school session year. Those transferred after the close of the school  
37 year shall be notified by mail.
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- 39 2. It may be necessary to make employer/administration initiated transfers or employee  
40 initiated transfers during the school year. Such changes shall be made at a time and in a  
41 manner that the District determines to be least disruptive to the educational program or  
42 support service.

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44 Employees who are transferred during the school year will be given as much advance notice  
45 as possible. Those who so request shall be allowed one (1) day of preparation time and  
46 reasonable custodial assistance in moving the employee's materials to the new work location.

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- 2 3. Employees who are transferred at employer request at the end of the school year shall be
- 3 given reasonable custodial assistance, upon request, in moving materials to the new location.
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- 5 4. Employees who are granted their transfer requests shall not be eligible to apply for a
- 6 subsequent transfer for at least three (3) years except with the consent of the District.
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- 8 5. An employee who has received an employer initiated transfer and who was not placed in a
- 9 position he/she requested shall be placed in the first priority grouping of employee initiated
- 10 transfers for placement in the subsequent year if the employee submits a Request for
- 11 Transfer.
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- 13 6. Teachers who are assigned to sites with multiple campuses such as Poly/PAAL are
- 14 considered to be assigned to the same site. Movement between the two campuses shall not
- 15 be defined as a transfer.

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17 **G. REASSIGNMENTS:**

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19 The Long Beach Unified School District and the Teacher Association of Long Beach have  
20 entered into a Memorandum of Understanding for implementing reassignments dated April  
21 5, 2023. This MOU will expire on June 30, 2025

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23 The memorandum of Understanding in part states, in the event a unit member has concerns  
24 with the reassignment, the teacher will have ten (10) working days to request a review  
25 meeting with the Director of Employee Relations Office with a clear, concise statement of  
26 the extenuating circumstances. Thereafter a review meeting will be held with the  
27 Principal’s Supervisor and Human Resources Administrator. Every effort will be made to  
28 schedule the review meeting within ten (10) working days of the written request.

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30 **H. GUIDELINES FOR CHANGE OF ASSIGNMENT – TEACHER SUPPORT:** The  
31 Long Beach Unified School District and The Teacher Association of Long Beach have  
32 entered into a Memorandum of Understanding (MOU) – Guidelines for Change of  
33 Assignment – Teacher Support dated April 5, 2023. This MOU will expire on June 30,  
34 2025.

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36 The Memorandum of Understanding reviews assistance teachers will receive from sites to  
37 support a smooth adjustment period for affected teachers who are transitioning to a new  
38 content area/grade level, and/or moving schools.

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