

PROBATIONARY/PERMANENT STATUS

The Governing Board desires to employ and retain highly qualified certificated personnel to implement the district's educational program. Newly hired certificated personnel shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

Certificated employees who satisfactorily complete the probationary period shall be granted permanent status.

(Districts of 250 ADA or more, and districts with less than 250 ADA whose Board has elected to dismiss probationary employees during the school year pursuant to Education Code 44948.2 and 44948.3)

A probationary employee who has been employed by the district in position(s) requiring certification for three complete consecutive school years and is then reelected for the next succeeding school year shall become a permanent employee at the beginning of the fourth year. (Education Code 44929.21, 44929.23)

During the probationary period, employees shall receive professional development and assistance, which may consist of in-service training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. In-service training may be provided during school hours as part of a comprehensive staff development program.

(cf. 4131 - Staff Development)

The performance of each probationary employee shall be at least informally assessed during the first year and evaluated and assessed formally during the second year.

(cf. 4115 - Evaluation/Supervision)

Dismissal/Non-reelection of Probationary Employees

During the school year, a probationary employee may be suspended or dismissed only for cause and in accordance with district procedures. (Education Code 44948.3)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

With proper notice, the Board may, without cause, elect not to reemploy a probationary employee for the subsequent year. (Education Code 44929.21, 44929.23)

(cf. 4117.3 - Personnel Reduction)

The Superintendent or designee shall annually provide the Board with recommendations regarding the reelection or non-reelection of probationary certificated personnel for the ensuing school year.

PROBATIONARY/PERMANENT STATUS (Continued)

At any time during a probationary employee's first year of employment in the district, the Board may give written notice to the employee of the Board's decision not to reelect the employee for a second school year. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

During the final year of the probationary period, the Board may decide not to reelect the employee for the following year, and shall so notify the employee in writing on or before March 15. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44948.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Such notices shall be delivered through personal service upon the employee, certified mail with return receipt, email, or another method which documents actual receipt of the notice by the employee.

Legal Reference:

EDUCATION CODE

- 44466 Status of university interns*
- 44850.1 No tenure in administrative or supervisory position*
- 44885.5 Status of district interns*
- 44908 Complete year for probationary employees*
- 44910-44913 Service not computed in eligibility for permanent status*
- 44915 Classification of probationary employees*
- 44917-44921 Status of substitute or temporary employees*
- 44929.20 Continuing contracts (not to exceed four years - ADA under 250)*
- 44929.21 Districts of 250 ADA or more*
- 44929.23 Districts with less than 250 ADA*
- 44929.28 Employment by another district*
- 44930-44988 Resignations, dismissals and leaves of absence, especially:*
- 44948.2 Election to use provisions of Section 44948.3*
- 44948.3 Dismissal of probationary employees*
- 44948.5 Non-reelection procedures, districts under 250 ADA*
- 44949 Cause, notice and right to hearing required for dismissal of probationary employee*
- 44955 Reduction in number of permanent employees*

COURT DECISIONS

- Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325*
- Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 203 Cal. App. 4th 1552*
- Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69*
- California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146*
- Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258*
- Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280*
- Fischer v. Los Angeles Unified School District (1999) 70 Cal. App. 4th 87*
- Bellflower Education Assn. v. Bellflower Unified School District (1991) 228 Cal. App. 3d 805*
- Fontana Teachers Assn. v. Fontana Unified School District (1988) 201 Cal. App. 3d 1517*
- Grimsley v. Board of Trustees (1987) 189 Cal. App. 3d 1440*

PROBATIONARY/PERMANENT STATUS

Eligibility for Permanent Status

A probationary employee who, in any one school year, has served for at least 75 percent of the number of days maintained by regular district schools shall be deemed to have served a complete school year. (Education Code 44908)

The following shall not be included for purposes of computing the service required as a prerequisite to classification as a permanent employee:

1. Service as an instructor in classes conducted at regional occupational centers or programs (Education Code 44910)
2. Service under a provisional credential other than a one-year emergency credential (Education Code 44911)
3. Employment in summer school (Education Code 44913)

Interns

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year the employee shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

(cf. 4112.21 - Interns)

An employee who has completed an internship and at least one complete school year in a position requiring certification qualifications within the district shall be granted permanent status when the employee is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)