

**DECISION NOT TO REHIRE**

**A. Purpose and Scope**

To provide guidance and direction to District personnel regarding non-reelection of Certificated Probationary employees.

**B. General**

The Superintendent or designee shall provide the Governing Board with his/her recommendations regarding the rehiring of probationary employees.

**C. Forms Used and Additional References**

None

**D. Procedure**

Probationary Employees

The Board may decide not to rehire a probationary employee for a second year and give written notice of its decision to the employee at any time during his/her first year. If the Board does not give written notice, the employee shall be rehired for the following year. (Education Code 44929.21)

The Board may decide not to rehire a probationary employee for a third year and give written notice to the employee on or before March 15 of his/her second year. If the Board does not give written notice, the employee shall be rehired for the following year. (Education Code 44929.21)

District Teacher Interns

The Board may also decide not to rehire a district intern at the end of his/her first, second or third consecutive year. Written notice to the employee may be given at any time during the year except during the employee's last year as an intern, when notice must be given on or before March 15. If the Board does not give written notice, the employee shall be rehired as a probationary employee for the following year. (Education Codes 44929.21, 44885.5)

**E. Reports Required**

None

**DECISION NOT TO REHIRE (Continued)**

**F. Record Retention**

Personnel file

**G. Responsible Administrative Unit**

Human Resources

**H. Approved By**

Associate Superintendent for Human Resources

**Legal Reference:**

EDUCATION CODE

44929.21	Districts with 250 ADA or more; notice of reelection decision
44885.5	District interns
44948.2	Election to use provisions of Education Code 44948.3
44948.3	dismissal of probationary employees (over 250 ADA)
44949	Cause, notice and right to hearing required for dismissal of probationary employee
44955	Reduction in number of permanent employees

Bellflower Education Assn. v. Bellflower Unified School District 228 Cal. App. 3d 805; 279 Cal. Rptr. 179 (March 1991)

Fontana Teachers Assn. v. Fontana Unified School District 201 Cal. app. 3d 1517; 247 Cal. Rptr. 761 (May 1988)

Grimsley v. Board of Trustees 189 Cal. App. 3d 1440; 235 Cal. Rptr. 85 (March 1987)