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
F. **Record Retention**

Personnel file

G. **Responsible Administrative Unit**

Human Resources

H. **Approved By**

Associate Superintendent for Human Resources

**Legal Reference:**

<table>
<thead>
<tr>
<th>EDUCATION CODE</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>44929.21</td>
<td>Districts with 250 ADA or more; notice of reelection decision</td>
</tr>
<tr>
<td>44885.5</td>
<td>District interns</td>
</tr>
<tr>
<td>44948.2</td>
<td>Election to use provisions of Education Code 44948.3</td>
</tr>
<tr>
<td>44948.3</td>
<td>Dismissal of probationary employees (over 250 ADA)</td>
</tr>
<tr>
<td>44949</td>
<td>Cause, notice and right to hearing required for dismissal of probationary employee</td>
</tr>
<tr>
<td>44955</td>
<td>Reduction in number of permanent employees</td>
</tr>
</tbody>
</table>

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)