Liberty Union High School District

Board Policy

Classification:	Certificated Personnel	Policy No.	BP4116
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Subject:	Probationary/Permanent Status	Effective	12/89
		Revised	01/15/20

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.

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

During the probationary period, employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)

Dismissal/Nonreelection 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 nonreelection of probationary certificated personnel for the ensuing school year.

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
44909 Classification of certificated employees in categorically funded projects
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 Nonreelection 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

(10/95 2/98) 10/19