

RANCHO SANTA FE SCHOOL DISTRICT

Board Policies Covering All Certificated Employees

Board Policy No. 4101: PROBATIONARY CERTIFICATED EMPLOYEES

- A. With respect to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter, the following provisions shall apply:
1. Such probationary employees may be dismissed during the school year or suspended without pay for a specified period of time in excess of fifteen (15) workdays under Education Code section 44948.3. Nothing in this Policy shall be construed to limit such right to dismiss or suspend. Among the reasons that may be deemed sufficient by the District to dismiss or suspend without pay such probationary employees are:
 - a. Unsatisfactory performance determined pursuant to the Stull Act (Education Code sections 44660, *et seq.*);
 - b. Cause, as defined in Education Code section 44932.
 2. The District Superintendent or designee shall give thirty (30) days' prior written notice of dismissal during the school year not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal or suspension and notice of the opportunity to appeal. In the event of a dismissal or suspension for unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code section 44664 shall accompany the written notice.
 3. If the notice of dismissal during the school year or suspension is given, the employee shall have fifteen (15) calendar days from receipt of the notice of dismissal or suspension to submit to the Board a written request for a hearing. The failure of an employee to request a hearing within fifteen (15) days from receipt of a dismissal or suspension notice shall constitute a waiver of the right to a hearing. The hearing shall be held before an impartial individual selected by the Board. The individual's decision shall constitute a recommendation to the Board and shall be advisory only.
- B. Provision A does not apply to any notice of non-reelection to a probationary employee pursuant to applicable law.

Legal Reference:

Education Code sections 35160.5(a)(2), 44948.3, 44660 *et seq.*

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: March 12, 1997; January 13, 2005; May 17, 2007

Date Policy Reviewed By The Board: December 11, 2008