

**PROBATIONARY/PERMANENT STATUS**

Probationary 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 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 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 evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)

**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)

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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 years 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**

**PROBATIONARY/PERMANENT STATUS**

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

Policy Adopted: 12/11/19

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California