
Non-Reelection of Certificated Probationary Employees (Under 250 ADA) Policy 5-105

Purpose

The Governing Board recognizes its responsibility to employ and retain certificated staff members who will advance the educational program of the District.

Scope:

This policy establishes the rules for the classification, reelections, and release of probationary certificated employees in school districts with fewer than 250 average daily attendance (ADA), in accordance with the California Educational Code.

1. Probationary Status

All certificated employees of the District shall be employed on a probationary basis and shall not attain permanent status unless and until the Governing Board affirmatively classifies the employee as permanent pursuant to Education Code section 44929.23.

2. Annual Reelection

The Governing Board is not required to grant permanent classification after any specific period of service unless the Board formally elects to do so.

3. Non-Reelection of Probationary Employees

In accordance with Education Code section 44948.5, before the Governing Board gives notice that a probationary certificated employee's services will not be required for the ensuing school year, the employee shall be provided written notice of the recommendation

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Revised on: N/A

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The policies are developed in collaboration with the Small School Districts' Association for general informational, educational and procedural purposes only and are not intended to constitute legal advice for any specific situation.

for non-reelection and the reasons supporting the recommendation within the timelines prescribed by law. Non-reelection determinations shall be for cause only and warranted by reasons related to the welfare of the District's schools and students.

The employee may request a hearing before the Governing Board in accordance with Education Code section 44948.5. Upon timely request, the Board shall conduct a hearing and consider the employee's response before making a final determination regarding non-reelection.

4. Nothing in this policy shall be construed to confer permanent status upon a probationary employee or to limit the Board's authority under Education Code section 44929.23 to reelect certificated employees on a year-to-year basis without granting permanent classification, except as otherwise provided by law.

5. **Collective Bargaining**

If the provisions of this policy conflict with a collective bargaining agreement, the provisions of the collective bargaining agreement shall control.

6. **Documentation and Recordkeeping**

- The Superintendent or designee shall maintain appropriate evaluation records, notices, and hearing documents to ensure compliance.
- The District may, but is not required to, issue a Notice of Unsatisfactory Performance by December 15 as a best practice to support due process and provide the employee an opportunity to improve.