

Stockton USD

Board Policy 4116

Probationary/Permanent Status

BP 4116
Certificated Personnel

The Board of Trustees desires to employ and retain highly qualified certificated personnel to implement the District's educational program. Newly hired certificated personnel will serve a probationary period during which the District will determine their suitability for long-term employment. Certificated employees who satisfactorily complete the probationary period will be granted permanent status.

Probationary Status

Probationary certificated employees shall receive training, assistance, and evaluations consistent with their needs as new teachers. Such training and assistance 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.

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

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Certificated employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal set forth in (Education Code Sections 44932 through 44988.

Non-Reelection/Release of Probationary Employee

The Superintendent or designee may decide not to employ a probationary certificated employee for a subsequent year by providing proper notice. (Education Code §§ 44929.21, 44929.23)

At any time during a probationary certificated employee's first year of employment, the Superintendent or designee may give written notice to the employee of the District's decision not to employ the employee for a second school year. If the Superintendent or designee does not give written notice during the probationary certificated employee's first year of employment, the employee shall be deemed reelected for the next succeeding school year.

During a certificated employee's second probationary year, the Superintendent or designee must give the employee written notice of the District's decision not to employ the employee for the

following year on or before March 15. If the Superintendent or designee does not give a second-year certificated probationary employee 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)

Written notice of a decision not to employ a probationary certificated employee for the following school year shall be delivered by personal service upon the employee, certified mail with return receipt, email, or another method which documents actual receipt of the notice by the employee.

During the school year, a probationary certificated employee may be suspended or dismissed for unsatisfactory performance or for any other cause listed in Education Code Section 44932 in accordance with the following procedures: (Education Code § 44948.3)

1. The Superintendent or designee shall give the employee 30 days' prior written notice of dismissal.
2. The notice of dismissal must be delivered to the employee before March 15 of the employee's second probationary year and include a statement of the reasons for the dismissal as well as a notice of the employee's opportunity to appeal.
3. The employee may appeal the dismissal by submitting a written request within 15 days of receiving the notice of dismissal. Failure to submit a written request within 15 days shall constitute a waiver of the right to appeal.
4. If the employee timely requests an appeal, the District shall appoint an administrative law judge to hear the employee's appeal and submit a recommended decision to the Board of Trustees. The decision of the Board is final and not subject to appeal.

References:

BP 4115 - Evaluation/Supervision
BP/AR 4131 - Staff Development
BP 4218 – Dismissal/Suspension/Disciplinary Action

Legal References:

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
44911-44913 Service not computed in eligibility for permanent status
44915 Classification of probationary employees
44917-44921 Status of substitute or temporary employees
44929.21 Districts of 250 ADA or more

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
44949 Cause, notice and right to hearing required for dismissal of probationary employee
44955 Reduction in number of permanent employees

Adopted: 11/9/99 (Replacing BP 4116 (10/90))
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