



## **Human Resources and Employment**

5801 Conifer Street, Oak Park, CA 91377-1002 ♦ T: (818) 735-3200 ♦ F: (818) 865-8467

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## **Frequently Asked Questions & Answers**

### **For Temporary and Probationary Certificated Employees**

What is the difference between a temporary certificated employee and a probationary certificated employee?

**Probationary certificated employees** are continuing employees until given proper notice by the district.

**Temporary certificated employees** work for the district until the end-date listed on his/her contract (usually 1 year).

**If I am a temporary or probationary certificated employee and I am told I am going to be released from OPUSD employment, what are my due process rights?**

Under California law, if you are Probationary 1, Probationary 2 or Temporary certificated employees, you do not have due process rights and you can be released without OPUSD having to provide cause.

### **PROBATIONARY CERTIFICATED EMPLOYEES:**

**What is a non-renewal or non-reelect notice and when can one be issued?**

If you receive a non-renewal notice, this means your contract will not be renewed the following year.

- First year probationary certificated employees may be give notice of non-renewal effective at the end of the school year at any time without any statement of reasons or hearing.
- Second year probationary certificated employees in districts of 250 ADA or more may be given notice of nonrenewal effective at the end of the school year at any time before March 15 of the second year without any statement of reasons of hearing (CA Education Code 44929.21)

#### **California Education Code § 44929.21**

The governing board shall notify the certificated employee, on or before March 15 of the certificated employee's second complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the certificated employee for the next succeeding school year to the position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the certificated employee shall be deemed reelected for the next succeeding school year.

**If I had a good evaluation or if my evaluation was not done properly can I still be released?**

- Yes. School districts have complete discretion to release certificated employees who are not permanent.

**I have been told that if I do not resign I will be non-reelected. What does that mean?**

- It means your name will go to the OPUSD Board of Trustees for approval to non-reelect you, which means: to not renew your employment contract. In some districts you are asked on employment applications if you have been non-reelected on a previous district.

**Do potential future employers have access to my OPUSD personnel file?**

- No, they do not.

**What happens to my sick leave if I resign, I am non-reelected or laid-off?**

- If you go to employment in another California K-12 school district, your accrued sick leave is transferred to your new district. When you retire under STRS, all unused sick leave contributes to your retirement.

**I am a temporary teacher. What does that mean?**

- The Education Code allows districts to hire a number of temporary certificated employees to match the number of certificated employees on leave, and/or half of the number of job shares.

**TEMPORARY CERTIFICATED EMPLOYEES:**

**If I have been released as a temporary certificated employee, what are my rights?**

- State Education Code does not give temporary certificated employees due process rights and the layoff process does not cover temporary certificated employees. Temporary certificated employees can be released with a simple letter from the employer.

**Do I have any rights to be rehired?**

- Temporary certificated employees have no legal rights to be rehired, but you may indicate to OPUSD Human Resource Office that you hope to be rehired.

**Does my release mean that OPUSD doesn't think I am a good teacher?**

- OPUSD releases all certificated employees on a temporary contract.

**If I work in OPUSD next year, does my current year temporary service count toward becoming permanent?**

- If you work more than 75% of the days of the school year, your temporary service can count towards becoming permanent if you are rehired by OPUSD on a Probationary 2 contract for the following year. Only one year of temporary service can count toward becoming permanent