

RIGHTS OF PROBATIONARY TEACHERS

NON-RENEWAL

Probationary teachers may be given notice of non-renewal effective at the end of the school year at any time prior to March 15 of the second year without any required statement of cause or hearing. Ed. Code §44929.21

Negotiation of cause for non-renewal is **NOT** within the scope of bargaining.

It is possible to challenge probationary teacher non-renewals as unlawful discrimination in retaliation for union activity where the teacher is a known union activist, or on the basis of discrimination on other prohibited grounds, such as age, race, sex or physical handicap.

MID-YEAR DISMISSAL

First and second year probationary employees may be dismissed during the school year for unsatisfactory performance determined by evaluation or for cause pursuant to Ed. Code §44932 (grounds for dismissal of permanent employees).

Probationary employees shall receive 30 days written notice, containing a statement of reasons and notice of the right to appeal. For second year probationary employees, notice must be not later than March 15. In a dismissal for unsatisfactory performance, a copy of the evaluation shall be included.

The employee has 15 days to request a hearing. An administrative law judge may conduct the hearing and make a recommended decision, but the board makes the final decision.