

RIGHTS OF TEMPORARY TEACHERS

RIGHT TO BE INFORMED OF TEMPORARY CLASSIFICATION

When initially hired and on each subsequent rehire, a temporary teacher must be given a written statement indicating the temporary nature of the employment and the period of employment. If such notification is not provided on initial hire, he or she is deemed a probationary employee. Ed. Code §44916.

DISMISSAL

School districts may release temporary employees: 1) at the “pleasure of the board” without notice and without cause prior to serving 75% of the school year; 2) after serving 75% of the school year, by giving notice before the end of the school year of the district’s decision not to re-elect the employee for the following year. Ed. Code §44954

Violation of contractual evaluation procedures which results in dismissal is arbitrable; and an arbitrator can order compensatory damages in lieu of reinstatement for one year, but not reinstatement, as a remedy. *Paramount Unified School District (1994) 26 Cal.App.4th 137*

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

REHIRE RIGHTS

Temporary teachers, who serve for a least 75% of the school year and are not released, have a right to be reemployed in the following school year to fill any vacant position. Ed. Code § 44918.

This reemployment preference is subordinate to the reemployment rights of RIF’d (Reduction In Force) permanent and probationary teachers.

If more than one such temporary teacher is available for a vacant position, a district has discretion to choose among them, provided the district’s decisions are not arbitrary or capricious.