



**ADMINISTRATIVE PROCEDURE**

CATEGORY: **Personnel, Certificated Staff**  
SUBJECT: **Employment Status and Status Change  
of Certificated Personnel**

**A. PURPOSE AND SCOPE**

1. To outline administrative procedures governing change in employment status of certificated employees. For regulations concerning employment status as it relates to salary placement, refer to Collective Negotiations Contract.
2. **Related Procedures:**

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| Application and employment of certificated employees<br>(contract and day-to-day substitute positions) ..... | 7270 |
| Employee health evaluations .....  | 7060 |
| Evaluation of regular contract certificated personnel .....  | 7355 |
| Resignation, suspension, and dismissal of certificated employees .....                                       | 7370 |

**B. LEGAL AND POLICY BASIS**

1. **Reference:** Board policy: I-3010; Education Code Sections 44252(b), 44845, 44846, 44887, 44893, 44894, 44902.1, 44902.2, 44908, 44911, 44920, 44921, 44929.21, 44931, 44975; Collective Negotiations Contract.

**C. GENERAL**

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resource Services Division,-Office of the Deputy Superintendent, Business.
2. **Definitions**
  - a. **Status:** The nature of a person's employment with the district. There are four classifications for certificated employees: substitute, temporary, probationary, and permanent. (Taylor v. Board of Trustees, 204 Cal. Rptr. 711 (1984))
    - (1) **Substitute.** Persons employed specifically to temporarily replace a particular regular certificated employee who is absent from service (Education Code Section 44917).
    - (2) **Temporary.** Certificated staff employed on a nonpermanent basis. This staff does not acquire tenure and generally may be summarily released.

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- (a) **Leave replacements.** Certificated staff employed for a complete school year, but not less than one semester, as replacements for certificated employees who have been granted leaves of absence or are experiencing long-term illness (Education Code Section 44920). These temporary employees may be released at the end of the school year by notice of the district's decision not to reelect the employee for the next succeeding school year (Education Code Section 44954). Any such temporary employee who serves a complete school year (75 percent or more) and is reemployed for the following school year in a vacant position must be classified as a probationary employee and the previous year's service is counted as a year of probationary service (Education Code Section 44920).
- (b) **First semester temporaries.** A certificated person employed for the first semester only whenever the district expects a reduction in student enrollment during the second semester due to students completing graduation requirements at midyear. If the person is continued in employment beyond the first semester he/she shall be deemed a probationary employee for the entire school year. Any such employee who receives an effective performance evaluation shall be reemployed for the following semester or school year to fill any vacant position for which the employee is certified. (Education Code Section 44921) Except as stipulated within Collective Bargaining Agreement, assignments to vacant positions will be made in order of seniority. In the event of a tie in seniority, assignments will be made based on the needs of the district and its students (Education Code Section 44846).
- (c) **Temporary classes.** Certificated persons employed to serve day-to-day in a position not currently held by a permanent or probationary employee during the first three school months of any school term to teach temporary classes not to exist after the first three school months of any school term or to perform any other duties which do not last longer than the first three school months of any school term. If the classes or duties continue beyond the first three school months, the employee shall be classified as a probationary employee. (Education Code Section 44919)

- (d) **Athletic coaches.** Persons employed to serve in a limited assignment supervising athletic activities of pupils, provided such assignment shall first be made available to teachers presently employed by the district. Service in this assignment is not counted towards permanency. (Education Code Section 44919) Currently employed teachers have a preference, not a guarantee, for these positions. (CTA v. Governing Board of Rialto Unified School District, 59 Cal. Rptr. 2d 671 (1997))
- (e) **Categorically-funded projects.** Certificated persons employed in categorically-funded projects that are not required by federal or state statutes. The terms and conditions of employment shall be as mutually agreed upon in writing. If the person serves a complete school year (75 percent or more of contracted days) and such person is subsequently employed as a probationary employee in a position requiring certification qualifications, service shall be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee. (Education Code Section 44909)
- (3) **Probationary.** Regular or categorically contract employees who are not substitute, temporary, or permanent employees. This status is retained until they fulfill requirements for permanency as outlined in paragraph C.2.a.(4).
- (4) **Permanent employees.** Employees who attain tenure or permanency by fulfilling the following requirements:
  - (a) Not excluded by law from tenure (Education Code Section 44911).
  - (b) Served two consecutive school years in the district in positions requiring certification with regular California credentials (Education Code Section 44929.21).
  - (c) Served each year at least 75 percent of the contracted work year each year (Education Code Section 44908).
  - (d) Are reelected the third successive year to a position requiring credentials (Education Code Sections 44929.21).

(5) **Other positions--interns.** Persons employed under agreements with local teacher education institutions or Commission on Teacher Credentialing approved district program who are issued temporary certificates and *do not earn tenure* (Education Code Sections 44325, 44450). University and district-designated interns subsequently employed as contract teachers begin employment as probationary teachers (Education Code Section 44466).

b. **Vacant position:** A position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. This term does not include a position that would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code Section 44920)

### 3. **Special Provisions Relating to Permanency**

a. **Permanency** starts at beginning of school year after completing the probationary two years or one year of probationary status beyond the internships. Military or maternity leave of absence does not count as teacher tenure service, but neither does it constitute a break in service for tenure purposes.

(Example: An employee who completes a year of service and then takes military or maternity leave for a year, returns as second-year probationary.)

b. **School year.** For the purpose of determining permanency, a school year is defined as 75 percent of the number of days regular district schools were in session. Absences because of illness (even though covered by paid sick leave), industrial accident, or personal business do not constitute service.

c. **Tenure limitation.** A certificated person may not hold permanency (tenure) in more than one type of position.

d. **Interrupted service.** A permanent employee who resigns and then is reemployed within thirty-nine months of last date of paid service is classified as permanent.

e. **Certificated supervisory or management positions.** Certificated staff assigned to supervisory or management positions retain tenure as classroom teachers.

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4. **Status Change.** (Section D.)

**D. IMPLEMENTATION**

1. **Status Change**

- a. **Substitute to probationary.** Follow procedure for employment as a regular employee (Procedure 7270).
- b. **Temporary to probationary.** Temporary, leave replacement, or intern, may change to probationary by securing employment as regular contract teachers.
- c. **Probationary to permanent**
  - (1) Employee completing second consecutive probationary year (Procedure 7060). For interns, one year of probationary service after completion of intern program.
  - (2) Human Resource Services Division
    - (a) Receives satisfactory evaluation from principal (Procedure 7355). If evaluation is unsatisfactory, follows Procedure 7370.
    - (b) Monitors credential expiration and assignment.

**E. FORMS AND AUXILIARY REFERENCES**

1. Contracts of Employment

**F. REPORTS AND RECORDS**

**G. APPROVED BY**



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Interim General Counsel, Legal Services  
San Diego Unified School District