

FAQ for Temporary and Probationary Teachers

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

- Probationary teachers are continuing employees until given proper notice by the district.
- Temporary employees work until the end-date listed on his/her contract (usually 1 year).

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

Under California law, if you are Probationary 1, Probationary 2 or Temporary teacher, you do not have due process rights, and you can be released without cause.

PROBATIONARY TEACHERS:

What is a non-renewal notice (non-reelect) and when can one be issued?

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

- 1st year probationary teachers may be given notice of non-renewal effective at the end of the school year at any time without any statement of reasons or hearing (without cause).
- 2nd year probationary teachers in districts of 250 ADA or more may be given notice of non-renewal effective at the end of the school year, at any time before March 15 of the second year, without any statement of reasons or hearing (without cause) (CA Education Code 44929.21)

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 teachers who are not permanent.

I will be non-reelected, unless I choose to resign. What exactly does that mean?

It means your name will go on a resolution to the EESD School Board for approval to non-reelect you. The District decided not to renew your employment contract for the following year. In some districts you are asked on employment applications if you have been non-reelected by a previous district. If you resign, you can truthfully answer, "No."

If I decide to resign instead of being non-reelected, could I still apply for unemployment insurance?

Yes. You can apply for unemployment benefits either if you are non-reelected or if you resign instead of being non-reelected. You can apply for it after the last day of work in this school district.

Do potential future employers have access to my personnel file?

No, they do not.

What happens to my sick leave if I resign or if I am non-reelected?

If you are employed 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.

TEMPORARY TEACHERS:

I am a temporary teacher. What does that mean?

Education Code allows districts to hire a number of temporary teachers to match the number of teachers on leave, as well as the number of teachers in positions paid for by “soft” categorical money.

If I have been released as a temporary teacher, what are my rights?

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

Do I have any rights to be rehired?

Temporary teachers have no legal rights to be rehired, but you may indicate to EESD that you hope to stay. They’ve already invested time and money in helping you develop as a teacher, so they should do everything they can to keep you despite no requirement to do so.

Does my release mean EESD doesn’t think I am a good teacher?

Not necessarily, EESD will likely release all teachers on a temporary contract. The best way to judge the likelihood that you will be rehired if a position exists, is to look at your evaluation.

If I work in EESD next year, does my temporary service this year 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 EESD on a Probationary 2 contract for the following year. Only one year of temporary service can count toward becoming permanent.

Can I be kept as Temporary teacher for more than one year?

Education Code prohibits this practice, *unless* the district is experiencing declining enrollment.