

MODESTO CITY SCHOOLS

Administrative Regulation

AR 4116

CERTIFICATED PERSONNEL

Probationary/Permanent Status

Eligibility for Permanent Status

A probationary employee who, in any one school year, has served for at least 75 percent of the number of days maintained by regular district schools shall be deemed to have served a complete school year. (Education Code 44908)

The following shall not be included for purposes of computing the service required as a prerequisite to classification as a permanent employee:

1. Service as an instructor in classes conducted at regional occupational centers or programs (Education Code 44910)
2. Service under a provisional credential other than a one-year emergency credential (Education Code 44911)
3. Service only as a teacher of basic military drill in high school cadet companies (Education Code 44912)
4. Employment in summer school (Education Code 44913)

Interns

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year, the employee shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

An employee who has completed an internship and at least one complete school year in a position requiring certification qualifications within the district shall be granted permanent status when the employee is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

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Legal References:

EDUCATION CODE

44466 Status of university interns
44850.1 No tenure in administrative or supervisory position
44885.5 District interns classified as probationary employees
44908 Complete year for probationary employees
44910-44913 Service not computed in eligibility for permanent status
44915 Classification of probationary employees
44917-44921 Status of substitute or temporary employees
44929.20 Continuing contracts (not to exceed four years - ADA under 250)
44929.21 Notice of reelection decision; districts with 250 ADA or more
44929.23 Districts with less than 250 ADA
44929.28 Employment by another district
44930-44988 Resignations, dismissals and leaves of absence
44948.2 Election to use provisions of Section 44948.3
44948.3 Dismissal of probationary employees
44948.5 Nonreelection procedures; districts under 250 ADA
44949 Dismissal of probationary employees
44955 Reduction in number of permanent employees

Management Resources:

COURT DECISIONS

Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69
Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280
California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146
Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325
Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258

WEB SITES

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

Cross References (cf.):

0420.4 – Charter School Authorization
4112.21 – Interns
4112.5/4212.5/4312.5 – Criminal Record Check
4112.5-E(1) – Criminal Record Check (N/A)
4112.5/4212.5/4312.5 E – Confidentiality Statement Criminal Justice Info
4112.9/4212.9/4312.9 – Employee Notifications
4112.9/4212.9/4312.9-E – Employee Notifications
4115 – Evaluation/Supervision
4117.3 – Personnel Reduction (N/A)
4117.7/4317.7 - Employment Status Reports
4121 – Temporary/Substitute Personnel (N/A)
4121 – Hourly and Substitute Employees – Paid Sick Leave

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Cross References (cf.) (cont.):

4131 – Staff Development

4161.1 – Personal Illness/Injury Leave

4161.11/4261.11/4361.11 – Industrial Accident/Illness Leave

4161.5/4261.5/4361.5 – Military Leave

4212.5-E(1) – Criminal Record Check (N/A)

4312.5-E(1) – Criminal Record Check (N/A)

4361.1 – Personal Illness/Injury Leave (N/A)