

CAPISTRANO UNIFIED SCHOOL DISTRICT  
**BOARD REPORT**

To: Board of Trustees

From: Tim Brooks, Associate Superintendent, Human Resource Services

Date: March 4, 2020

Board Item: Resolution No. 1920-38, Non-Reelection of Probationary Certificated Employees

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**HISTORY**

Education Code section 44929.21(b), requires probationary certificated employees to be notified of the Board's decision to non-reelect them for the next succeeding school year. For probationary employees in their first year of service with the District, the employee must receive notice of Board action by the end of the school year. For probationary employees in their second year of service with the District, the employee must receive notice of Board action no later than March 15, 2020. In some situations, employees who have prior service as temporary employees may receive credit for the temporary service toward their attainment of permanent status. The number of days of service during a school year also affects the legal status of these probationary employees. Accordingly, the District recommends that all employees receive notice by March 15, 2020 regardless of whether they are in their first or second year of probationary service.

**BACKGROUND INFORMATION**

Site administrators have been required to substantiate why a certificated employee should progress and ultimately receive permanency. Each certificated employee (temporary and probationary) is evaluated using a rubric and evidence to support the administrators' decisions.

Documentation is sent to Human Resource Services, reviewed, and kept on file for future use, if necessary. This process and system has proved useful when making the important decision of both keeping and releasing employees during the short window of time to make such decisions.

**CURRENT CONSIDERATIONS**

Currently, two certificated employees are being recommended for non-reelection. Please see the supporting exhibit.

**FINANCIAL IMPLICATIONS**

There is no financial impact regarding notification to certificated probationary and temporary employees of their non-reelection.

**STAFF RECOMMENDATION**

It is recommended the Board of Trustees approve Resolution No. 1920-38, Non-Reelection of Probationary Certificated Employees.

**PREPARED BY:** Tim Brooks, Associate Superintendent, Human Resource Services

CAPISTRANO UNIFIED SCHOOL DISTRICT  
San Juan Capistrano, California

March 4, 2020

**RESOLUTION NO. 1920-38**  
**NON-REELECTION OF PROBATIONARY CERTIFICATED EMPLOYEES**

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*WHEREAS*, pursuant to Education Code section 44929.21(b), the Board is required to notify a probationary employee on or before March 15, 2020 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year; and

*WHEREAS*, such notice may be given to a probationary employee at any time before the end of the employee's first probationary year, i.e., no later than June 30 of the first probationary year; and

*WHEREAS*, during the 2019-2020 school year, the following employees have been employed by the Capistrano Unified School District in positions requiring certification qualifications, and are serving as probationary employees as indicated below:

Employee Number	First Date of Paid Service in Probationary Position	Probationary Year	Temporary Year
35151	08/15/2018	2	NA
33945	08/15/2018	2	NA

*WHEREAS*, none of the above-named employees are permanent employees of the District; and

*WHEREAS*, the performance of each of the above-named employees during his/her probationary period has not been sufficient to warrant the continuation of his/her probationary status or, as applicable, the granting of permanent status; and

*WHEREAS*, it is the Board's intent to non-reelect the above-named employees for the subsequent school year, 2020-2021, pursuant to Education Code section 44929.21(b);

*WHEREAS*, the decision to non-reelect each of the above-named employees has been made on an individualized basis;

*NOW, THEREFORE, BE IT RESOLVED*, as follows:

1. That the Board of Trustees has determined it is necessary, at this time, to send notice to the individual employees indicated above that he/she will not be reelected for the subsequent school year for the reasons set forth above; and
2. That the Superintendent or designee is directed to issue to each individual employee listed above the notice described in Education Code section 44929.21(b) that he/she will not be reelected for the 2020-2021 school year; and
3. That the Superintendent or designee is authorized to take such further and additional actions as are necessary and appropriate to accomplish the purposes of this Resolution.

CAPISTRANO UNIFIED SCHOOL DISTRICT  
San Juan Capistrano, California

*PASSED AND ADOPTED* by the Board of Trustees of the Capistrano Unified School District on March 4, 2020, by the following roll call vote:

AYES: 4  
NOES: 0  
ABSTENTIONS: 0  
ABSENT: 1

**BOARD OF TRUSTEES OF THE  
CAPISTRANO UNIFIED SCHOOL DISTRICT,  
COUNTY OF ORANGE, STATE OF CALIFORNIA**

  
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Jim Reardon  
President to the Board of Trustees

I, Gila Jones, Clerk of the Capistrano Unified School District Board of Trustees, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Trustees at its special meeting held on March 4, 2020.

By:   
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Gila Jones  
Clerk of the Board of Trustees