

What Everyone Needs to Know about Probationary Status and the Non Reelection Process

2022-23 update

What is it? When does it happen? What are the options?

What is probationary status?

A “Probe” is defined in Education Code as “those persons employed in positions requiring certification qualifications for the school year, who have not been classified as permanent employees or as substitute employees.” Sec. 44915

Any Probationary Status employee (Prob 0, Prob 1, or Prob 2) are subject to non reelection.

Your status is at the top of your Observations/Evaluations in the Evaluat'd system.

Who are probationary status employees?


New hires to FSUSD who had permanent status in their former district are probationary status for two years even though they have a clear credential and had permanent status previously.

OR

Preliminary credential holders, **STiSP** (Short Term Staff Permit), **PIPs** (Provisional Intern Permit), and Interns.

Check in #1

Is being in probationary 2 status
the same as being in your second
year of employment in FSUSD?



NO!

A person may be employed for more than two years and NOT be in probationary 2 status.

Employees hired as a STiSP or PIP usually are a Probationary “0” status for more than one year. People who start as interns may take more than one year to move out of Probationary 1 status.

How are years determined?

The time prior to earning a preliminary credential will not count toward the two years required for permanent status.

An **Intern** will have one year credit toward permanent status if the employee obtains a preliminary credential and subsequently is reemployed for the following academic year.

Regardless of status, an employee must be employed for 75% of a school year for the year to count as a year.

What is Non Reelection?

- Certificated employees in California must complete a “Probationary 2” year prior to obtaining permanent status. During all years in a probationary status, school districts may opt to non reelect any probationary status employee without offering a reason or, in other words, without cause.
- Simply, non reelection means you are not offered an employment contract in FSUSD for the following year.

Check in #2

Are non reelection and immediate release the same thing?



No!

Non reelection is different than an immediate release.

Immediate release is often connected to a disciplinary matter or a granted request to be released from FSUSD.

Non reelection is not disciplinary. In fact, it must be “without cause”. Employees work to the end of their contract year.

March 15th - the magic date

- Under California Education Code 44929.21(b) notification of non reelection must be given to an employee on or before March 15 of their Probationary 2 year.
- Probationary employees may be notified of non-reelection at any time prior to March 15 of their Probationary 2 status year.
- Permanent status is granted on the first day of paid service in the following year.

When does the process begin?

In December, principals begin conversations with Human Resources regarding potential non reelects.

In January, potential non reelects are determined. The FSUTA President usually receives an opportunity to advocate for members but has no authority over the final decision.

In late January and early February, site Principals hold individual meetings with non reelected members. The Principal should **ALWAYS** invite the Site Representative to attend this meeting.

What to expect in the meeting.

Education Code prevents management from giving a reason for the decision. Because of this, there is little or no discussion during the meeting. The principal will usually read from a brief script.

The principal most likely will have another administrator attend the meeting.

Do not go into the meeting alone. When you are notified of the meeting, tell the principal you will bring your Site Rep with you.

Check in #3

My observations and evaluations have been terrific and without mention of serious concerns or suggestions for areas of improvement. Can I still be non reelected?

Yes!

In a perfect world, non reelection should not be a surprise. Principals should discuss performance concerns and offer coaching. However, failure to do so does not prevent the non reelection process from occurring.

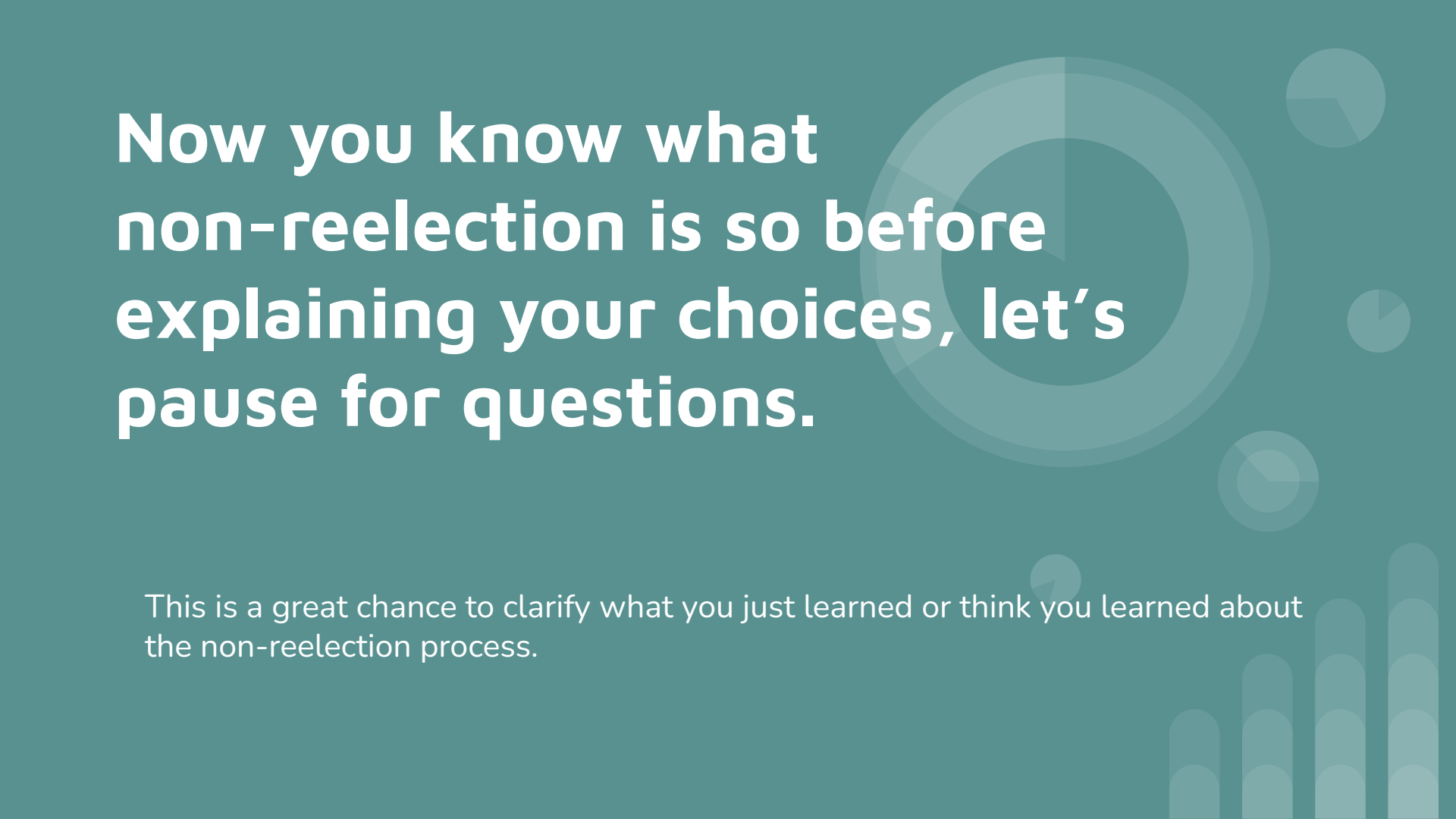
REMEMBER - non reelection is without cause - you will not be given a reason for the decision and usually Principals stop any conversation/discussion.

I received notice! Now What?

Technically non reelection occurs at the last Governing Board meeting prior to March 15. At that time, names of non reelected unit members are voted on in closed session.

HOWEVER

Unit Members are given the opportunity to voluntarily separate (resign) from FSUSD rather than completing the non reelection process if notice is completed prior to the Governing Board vote.



**Now you know what
non-reelection is so before
explaining your choices, let's
pause for questions.**

This is a great chance to clarify what you just learned or think you learned about the non-reelection process.

Resignation (Voluntary Separation)

If this option is chosen, there will be no record of non reelection.

All records in FSUSD will indicate a resignation from FSUSD.

The resignation is effective the last work day of the school year (June 9, 2023).

Members are required to complete their contract year and will receive their full pay and benefits.

FSUTA Recommends

Do NOT sign the Notice of Voluntary Separation (resignation) at the time of the notification meeting.

Do take the time necessary to process what has occurred and think through your options.

Do learn the deadline to file the Notice of Voluntary Separation as it must be finalized prior to the Governing Board meeting.

Do turn in your Notice of Voluntary Separation (if that is your choice) to Human Resources and not your site Principal! Ask for a proof of receipt or stamped copy.

I don't want to resign

If resignation is not chosen, or the deadline to voluntarily separate is missed, the non reelection process continues and is finalized by a vote of the Governing Board.

The employment record will indicate the unit member was non reelected by FSUSD.

Non reelected members continue to work at full pay and benefits until the last day of the school year, June 9, 2023.

Check in #4

I will be notified of being on the non reelection path in February and I am still expected to work until June?

Yes!

Failure to do so may result in immediate termination.

FSUSD will have the option of informing the California Commission on Teacher Credentialing (CCTC) of abandonment of position which may result in a suspension or revocation of you credential or future credential.

What do most employees do?

It is an individual's decision to make but many teachers choose to resign rather than complete the non reelection process.

- Allows them to truthfully answer that they have never been non reelected by a district.
- Many districts, and EdJoin, ask if an applicant has been non reelected OR resigned in lieu of non reelection. It is an individual's choice how to answer this question during the application process as there is no record why someone resigned.

Unemployment Benefits

Members who complete the non reelection process (name is voted on by the Governing Board) are eligible for unemployment benefits because they are terminated from their employment.

Historically, many members who resigned have also applied for and received unemployment benefits but these are not guaranteed.

But I don't want to leave!

A probationary status member has almost no recourse to overturn a non reelection.

Even if a challenge is possible (a reason was given or retaliation for union work for example), the challenge is a lengthy process (12 - 18 months) and the non reelection will stand in the interim.

If resignation is chosen, the right to challenge is waived.

Regroup

- We have a “teacher” shortage. Non reelection occurs at the height of the hiring season so attend job fairs, watch EdJoin, network, get letters of references, and put in applications and interview in other districts for the next school year. Do not accept a position that starts prior to June 9, 2023.
- A non reelected member may apply for positions in FSUSD as an outside candidate but an immediate rehire is unlikely.
- Enjoy your students and continue to hone your skills and experiences.

Attend CTA conferences

CTA offers many fantastic conferences with professional development and networking opportunities. As a member, conferences are free and costs to attend are reimbursed. University Credits are available at no cost to the member.

- Good Teaching Conference - February 3 - 5 - San Francisco
- New Educator Weekend - March 10 - 12 - Santa Clara

Check in #5

Veteran teachers told me probationary members should not participate in FSUTA because it might get me non reelected. Is this true?

NO!

It can't be said that it never happened in the past but what is certain is that NOT participating in the union has NEVER prevented a non reelection.

Principals are being held accountable for non reelections because non reelections are seen as a failure on the part of principals to either hire good educators or fail to coach them to success.

For this reason, the number of non reelections are decreasing.

Participating in your union is your right and should be done with pride.

Union support in non reelection

Empathy - This is a difficult time and you can count on your union members to support you.
An injury to one is an injury to all.

Confidentiality - What is said in the meeting is held in strict confidence.
We have your back addressing any gossip or rumors.

Information - All questions answered throughout the process.
From the notification meeting to the end of the year you are not alone.

Representation - Any irregularities or questionable practices in the process handled.
Should legal challenge be warranted, members receive it at no cost to them.

Questions?

If you have any questions on the presentation, or if you are notified to attend a non-reelections meeting, contact your Site Rep or Nancy Dunn, FSUTA President immediately.

Nancy can be reached at fsutaprez@gmail.com or 707-389-6623