

**Agenda Item Only**  
**No Accompanying Documents**

Approved by:

  
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Tara Gard  
Deputy Chief Talent Officer, Talent Division

Date 12/17/2021

  
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Kyla Johnson-Trammell  
Superintendent & Secretary, Board of Education

Date 1-13-2022

  
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Gary Yee  
President, Board of Education

Date 1-13-2022

Legislative File	
File ID Number:	21-3145
Introduction Date:	01/12/2022
Enactment Number:	22-0024
Enactment Date:	1-12-2022 CJH
By:	

Approval by the board of Education authorizing the Superintendent of Schools or designee to send a Notice of Possible Reassignment for the School Year 2022-2023, to any and all Categorically-Funded, Certificated Employees, pursuant to provisions of California Education Code Section 44909.

## **CALIFORNIA EDUCATION CODE**

### **SECTION 44909**

**44909.** The governing board of any school district may employ persons possessing an appropriate credential as certificated employees in programs and projects to perform services conducted under contract with public or private agencies, or categorically funded projects which are not required by federal or state statutes. The terms and conditions under which such persons are employed shall be mutually agreed upon by the employee and the governing board and such agreement shall be reduced to writing. Service pursuant to this section shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee unless (1) such person has served pursuant to this section for at least 75 percent of the number of days the regular schools of the district by which he is employed are maintained and (2) such person is subsequently employed as a probationary employee in a position requiring certification qualifications. Such persons may be employed for periods which are less than a full school year and may be terminated at the expiration of the contract or specially funded project without regard to other requirements of this code respecting the termination of probationary or permanent employees other than Section 44918.

Whenever any certificated employee in the regular educational program is assigned to a categorically funded project not required by federal or state statute and the district employs an additional credentialed person to replace that certificated employee, the replacement certificated employee shall be subject to the provisions of Section 44918.

This section shall not be construed to apply to any regularly credentialed employee who has been employed in the regular educational programs of the school district as a probationary employee before being subsequently assigned to any one of these programs.