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Introduction Date	June 8, 2016
Enactment Number	16-1223
Enactment Date	6-8-16



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Marion McWilliams, Co-General Counsel

Board Meeting Date June 8, 2016

Subject Board Policy 4116 Probationary/ Permanent Status for Certificated Employees

Action Requested Approval of modifications in Board Policy 4116

Background The Education Code sets forth legal requirements for probationary and permanent service in the District. The Education Code also sets forth how a probationary employee is notified that he or she is not re-elected for the following school year. The existing Board Policy did not provide policy guidance about whether a person who was non-re-elected during a probationary period could reapply for employment at any point in the future.

Discussion The modifications to the Board Policy 4116 expressly provide that employees who are probationary released from a teaching position remain eligible to reapply for non-teaching positions and may be eligible to reapply for a teaching position after demonstrated success in a comparable position in another school district. The District retains discretion in hiring.

Recommendation Approval by the modifications to BP 4116

Fiscal Impact N/A

Attachments

- Redlined Copy of BP 4116

OAKLAND UNIFIED SCHOOL DISTRICT
Board Policy

BP 4116
Personnel

Probationary/Permanent Status for Certificated Employees

Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of in-service training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. In-service training may be provided during school hours as part of a comprehensive staff development program.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)

In the event that a probationary employee, who is a teacher, is given timely notice that s/he will not be re-elected as a teacher for the following school year, the probationary employee shall be designated as not rehire eligible as a teacher in the District. For the avoidance of doubt, such probationary employee may apply for other open and non-teaching positions within the District and any probationary employees who were not re-elected but who later demonstrate success in a comparable position outside the District may reapply and be eligible for re-employment as a teacher with the District. The decision to re-employ shall be at the District's discretion.

(cf. 4117.4 - Dismissal)
(cf. 4117.6 - Decision Not to Rehire)

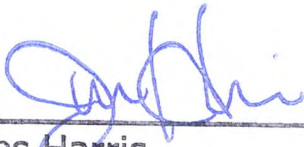
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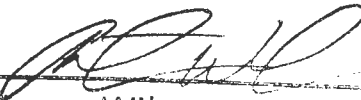
44466 Status of university interns
44850.1 No tenure in administrative or supervisory position
44885.5 Status of district interns
44908 Complete year for probationary employees
44911-44913 Service not computed in eligibility for permanent status
44915 Classification of probationary employees

44850.1 No tenure in administrative or supervisory position
44885.5 Status of district interns
44908 Complete year for probationary employees
44911-44913 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 Districts of 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, especially:
44948.2 Election to use provisions of Section 44948.3
44948.3 Dismissal of probationary employees

8/25/04; 6/8/16A (pending Board approval)



James Harris
President, Board of Education



Antwan Wilson
Secretary, Board of Education

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