

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 4116: Probationary/Permanent Status

Original Adopted Date: 1/17/2024

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)

Permanency Achieved in Other Districts

A person who has achieved permanent status as a certificated employee in another school district may be employed by the Governing Board as a permanent certificated employee. (Education Code 44929.28)

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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 44466

Description

[Status of university interns](#)

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

Management Resources

Court Decision	Description Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69
Court Decision	Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280
Court Decision	California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146
Court Decision	Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325
Court Decision	Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
4112.21	Interns
4112.21	Interns

4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4131	Staff Development
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.5	Military Leave
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4261.11	Industrial Accident/Illness Leave
4261.5	Military Leave
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.7	Employment Status Reports
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.5	Military Leave