Welcome – Chris Meyer

Certificated Contracts -- Roberta Rowe, Lozano Smith
- Certificated Letters of Intent to Return
- Classified Reasonable Assurance letters

New Teacher & Leadership Development (NTLD) – Travis Brown

Credential: COVID Refresher – Sara Marvin
- What the rules are now
- New ways to meet subject matter
- Substitute Flexibilities

End of year survey – Chris Meyer
https://forms.gle/VM8QqEbgnuC9DAv67
SORTING IT OUT:
CERTIFICATED EMPLOYEE STATUS
AND CONTRACTS

Presented by: Roberta L. Rowe

Tulare County Office of Education -- Personnel Committee
March 24, 2023
Presenter

Roberta L. Rowe

AT LOZANO SMITH

Roberta L. Rowe is a Partner in Lozano Smith’s Fresno office. She focuses on student, and labor and employment matters for school districts and community college districts in her daily practice of law. Ms. Rowe has expertise in certificated and classified employee matters, termination and layoff hearings, collective bargaining, grievance arbitrations and unfair labor practice charges.

She also has in-depth knowledge of the Brown Act, conflicts of interest and policy development. In addition, she has been involved with investigations on behalf of school districts and municipalities related to harassment and discrimination complaints.

CONNECT

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Overview

- Certificated Employee Status/Contracts
- Certificated Letters of Intent to Return
- Classified Reasonable Assurance Letters
Certificated Employees

Four possible categories:
- Substitute
- Temporary
- Probationary (default)
- Permanent

There are quirks for:
- Interns (“probationary zero”; no tenure)
- Adult education / ROP
- Extra duty assignments
Substitute Certificated Employees

Definition: someone actually filling in for an absent employee

At-will employees = instant dismissal

Anti-discrimination laws still apply

(Ed. Code §§ 44917, 44953)
Temporary Certificated Employees

Schools can classify teachers as temporary only for limited reasons defined by statute - be careful!

District must must must give written notice of temporary status on or before the first day of paid service.

If not properly assigned and notified, default classification is probationary.

Teachers are routinely misclassified as temporary.
Temporary Certificated Employees

Common types of temporary employees

- Replacing teacher on leave ("long-term sub")
- Teachers for classes that will not last beyond first semester
- Walk-on athletic coaches
- Some categorically funded positions

(Ed. Code §§ 44909, 44917, 44918, 44919, 44920, 44921)
Termination of Temporary Employee

Can be dismissed at pleasure of governing board prior to serving 75% of the days in the school year

OR

After 75% mark, give notice prior to the end of the school year that employment will terminate June 30th

Personal service of notice is probably required!

(Ed. Code § 44954)
Re-employment & Seniority Rights of Temps

• Temporary employees are not subject to layoff
• If employee serves as temp / sub for at least 75% of a school year
  ▪ Employee deemed to have served one complete year IF employed as probationary next year (“tacking”)
  ▪ And, if not given release notice, temporary employee shall be employed in vacant position for the following school year

(Ed. Code § 44914, 44918)
Notice of Intent to Return

Education Code section 44842
Districts with Less than 2,500 ADA

Teacher shall notify District of Intent to Return by May 15

(Education Code section 44832)
Failure to Report to Work

Education Code section 44842, subdivision (6)
Classified Employees Reasonable Assurance of Employment
Notice 30 Days Before the End of the Work Year

DON'T MISS the DEADLINE
Employment Contracts

- Certificated Employee contracts.
Questions?
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For more information, questions and comments about the presentation, please feel free to contact:

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Or any of the attorneys in one of our 8 offices.
Supporting Districts with the Credential Puzzle

The Tulare County Office of Education’s New Teacher & Leadership Development (NTLD) unit provides a range of programs that are fully accredited by the California Commission on Teacher Credentialing. NTLD program completers earn the appropriate credentials to serve districts anywhere in the state of California.

**IMPACT District Intern Credential Program**
A district intern credential program that allows candidates to earn benefits and a salary while simultaneously teaching and earning a preliminary Multiple Subject, Single Subject, or Education Specialist teaching credential.

**Career Technical Education (CTE) Credential Program**
A program that honors the knowledge and expertise of candidates with industry experience as they earn preliminary and clear Designated Subjects CTE teaching credentials.

**Teacher Induction Program (TIP)**
A two-year, job-embedded program for clearing a preliminary teaching credential through mentoring, support, and professional learning.

**iLead Administrative Credential Program**
A program that supports new and aspiring administrators with earning preliminary and clear administrative services credentials.

https://www.tcoe.org/ntld
(559) 624-1035
The Personnel Administrative Services Committee proudly presents the 2023 Virtual Credential Sessions on Wednesdays in April! Mornings will consist of presentation(s) and afternoons questions and answers. These informative sessions will provide valuable insight into the complex world of credentials. This is open to all, and it is a perfect opportunity for those who are new to the field or those who want a refresher on credentials. These sessions are free! Please register for each session you would like to attend.

April 5, 2023, 9:00-11:00 a.m.; Q & A 2:00-3:00 p.m.
Topic: Credentials 101
Registration Link – Register by 3/31/23

April 12, 2023, 9:00-11:00 a.m.; Q & A 2:00-3:00 p.m.
Topic: Basic Skills/Transcript Evaluation
Registration Link – Register by 4/7/23

April 19, 2023, 9:00-11:00 a.m.; Q & A 2:00-3:00 p.m.
Topics: Teaching & Emergency Permits/Limited Assignment Permits/Extensions by Appeals
Registration Link – Register by 4/14/23

April 26, 2023, 9:00-11:00 a.m.; Q & A 2:00-3:00 p.m.
Topics: Child Development Permits/TK/UPK & Wrap-up
Registration Link – Register by 4/21/23