

COMMISSION ON TEACHER CREDENTIALING

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OFFICE OF THE EXECUTIVE SECRETARY

86-8706

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TO: All Individuals and Groups Interested in the Activities
of the Commission on Teacher Credentialing

FROM: *Richard K. Mastain*
Richard K. Mastain, Executive Secretary

SUBJECT: Clarification of the meaning of the term "permanent
employee" as used in Education Code Section
44258.5(c)--the new Limited Assignment Authorization

Recent coded correspondence (#86-8705) advises you that the provisions of Senate Bill 2371 have become effective. The purpose of this letter is to clarify the meaning of the term "permanent employee" as it is used in this new Education Code Section, 44258.5.

Subsection (c) states, in pertinent part:

The commission may issue a limited assignment authorization, for a fee of twelve dollars (\$12), to a permanent employee allowing the employee to be assigned, with his or her consent, to teach in any single subject class in which he or she has accomplished one or more of the following...

The term "permanent employee" is defined in Part 25, Chapter 4, Article 2 of the Education Code, particularly in the following sections:

44882. *Classification as permanent employee; Notification of decision to reelect or not reelect employee for next year*

(a) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

This subdivision shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

(b) Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for two complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district. The governing board shall notify the employee, on or before March 15 of the employee's second complete consecutive school year of employment by the district in a position or positions requiring certification qualifications, of the decision to reelect or not reelect the employee for the next succeeding school year to such a position. In the event that the governing board does not give notice pursuant to this section on or before March 15, the employee shall be deemed reelected for the next succeeding school year.

This subdivision shall apply only to probationary employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter.

44884. Discretionary right to classify as permanent employees

At the discretion of the governing board of a district with 60,000 average daily attendance or more every employee of the district who, after having been employed by the district for two consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications may, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district. If such board is the governing board of more than one district it may exercise the discretionary power given it by this section in each district under its jurisdiction, whether or not each of such districts has 60,000 average daily attendance.

This section shall apply only to probationary employees whose probationary period commenced prior to the 1983-84 fiscal year.

44885. Classification as permanent employee by governing board.

Every employee of a school district of any type or class having an average daily attendance of less than 250 pupils, who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications, may be classified by the governing board of the district as a permanent employee of the district. If the classification is not made the employee shall not attain permanent status and may be reelected from year to year thereafter without becoming a permanent employee until the classification is made.

Questions concerning applying for the new Limited Assignment Authorization should be directed to the Commission's Information Services Office. Questions concerning the permanent status of an employee should be directed to the employing agency.