

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Certificated Personnel**

**DECISION NOT TO REHIRE  
AR 4117.6**

The Superintendent or designee shall provide the Governing Board with his/her recommendations regarding the rehiring of probationary certificated personnel.

*Note: In Hoschler v. Sacramento City Unified School District, a court held that, when providing notice of nonreelection pursuant to Education Code 44929.21, the district must ensure that the employee receives notice on or before March 15 either through personal service or through another method which will ensure actual receipt. Because the district provided notice via certified mail, but did not have evidence that the employee received the certified letter on or before March 15, the notice was not timely and the employee was deemed to have been reelected for the subsequent school year.*

The Board may decide not to rehire a probationary employee for a second year and give written notice of its decision to the employee at any time during his/her first year of employment. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

The Board may decide not to rehire a probationary employee for a third year and give written notice to the employee on or before March 15 of his/her second complete consecutive school year of employment. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (*Education Code 44929.21, 44929.23*)

(cf. 4112.21 - Interns)

(cf. 4116 - Probationary / Permanent Status)

(cf. 4117.3 - Personnel Reduction)

**Legal Reference:**

*EDUCATION CODE*

*44885.5 District interns*

*44929.21 Districts with 250 ADA or more; notice of reelection decision*

*44929.23 Districts with daily attendance less than 250*

*44948.2 Election to use provisions of Education Code 44948.3*

*44948.3 Dismissal of probationary employees (over 250 ADA)*

*44949 Cause, notice and right to hearing required for dismissal of probationary employee*

*44955 Reduction in number of permanent employees*

*COURT DECISIONS*

*Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258*

*Fischer v. Los Angeles Unified School District (1999) 70 Cal.App.4th 87*

*Bellflower Education Assn. v. Bellflower Unified School District 228 Cal. App. 3d 805*

*Fontana Teachers Assn. v. Fontana Unified School District 201 Cal. App. 3d 1517; 247 Cal. Rptr. 761 (May 1988)*

*Grimsley v. Board of Trustees 189 Cal. App. 3d 1440; 235 Cal. Rptr. 85 (March 1987)*