

ACADEMIC EMPLOYEES: PROBATIONARY CONTRACT FACULTY

The District shall employ a faculty member for the first academic year of his or her employment by contract. Any person who, at the time an employment contract is offered to him or her by the district, is neither a tenured employee of the District nor a probationary employee then serving under a second or third contract shall be deemed to be employed for "the first academic year of his or her employment."

A faculty member shall be deemed to have completed his or her first contract year if he or she provides service for 75 percent of the first academic year.

- A. Before making a decision relating to the continued employment of a contract employee, the following requirements shall be satisfied:
 - 1. The employee shall be evaluated in accordance with the evaluation standards and procedures established in accordance with law (see COSTA Master Agreement, Article 18).
 - 2. The Board of Trustees (Board) shall receive statements of the most recent evaluations.
 - 3. The Board shall receive recommendations of the Superintendent/President.
 - 4. The Board shall consider the statement of evaluation and the recommendations in a lawful meeting of the board.

- B. If a contract employee is working under his or her first contract, the Board, at its discretion, shall elect one of the following alternatives:
 - 1. Not enter into a contract for the following academic year.
 - 2. Enter into a contract for the following academic year.
 - 3. Employ the contract employee as a regular employee for all subsequent academic years.

- C. If a contract employee is working under his or her second contract, the Board, at its discretion, shall elect one of the following alternatives:
 - 1. Not enter into a contract for the following academic year.
 - 2. Enter into a contract for the following two academic years.
 - 3. Employ the contract employee as a regular employee for all subsequent academic years.

- D. If a contract employee is employed under his or her third consecutive contract, the Board shall elect one of the following alternatives:
 - 1. Employ the probationary employee as a tenured employee for all subsequent academic years.

2. Not employ the probationary employee as a tenured employee.

The Board shall give written notice of its decision and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with Human Resources. Failure to give the notice as required to a contract employee under his or her first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The Board shall give written notice of its decision under Section 87609 and the reasons therefore to the employee on or before March 15 of the last academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with Human Resources. Failure to give the notice as required to a contract employee under his or her third consecutive contract shall be deemed a decision to employ him or her as a regular employee for all subsequent academic years.

Reference: Educ. Code Section 87600 et seq.; COSTA Master Agreement, Article 18.

Approved: September 9, 2008

Revised: April 4, 2019