



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

General Counsel
Danielle Houck

Attorneys
Nicollette M. Alvarado
Jessica E. Ozalp
Steven P. Reiner
Debra I. Sanders
Kaitlyn Schwendeman
Loren W. Soukup
Frank Zotter, Jr.

Of Counsel
Robert J. Henry
Laura J. O'Neill

LEGAL UPDATE

April 4, 2024

To: Superintendents, Member School Districts (K-12)

From: Steve P. Reiner *SPR*
Senior Associate General Counsel

Subject: New Requirements for Categorically Funded Employment
Contracts
Memo No. 04-2024

This is a reminder that commencing July 1, 2024, AB 897 modifies categorically funded employment contract requirements for certificated positions.

Contracts for employment of certificated employees for categorically funded projects are governed by Education Code §44909. This statute permits districts to employ persons possessing an appropriate credential as certificated employees to perform services conducted under contract with public or private agencies, or categorically funded projects that are not required by federal or state statutes.

The law now requires that employment agreements for categorically funded positions be mutually agreed upon by the employee and the governing board, in writing, and include the following:

- a. The expected end date of employment;
- b. The source of the funding; and
- c. The nature of the categorically funded program or project.

Employment under a categorical program pursuant to Education Code §44909 does not count toward permanent status unless:

1. The person has served in the categorical position for at least 75 percent of the number of days of the regular schools of the district by which the person is employed are maintained; **and**



2. The person is subsequently employed as a probationary employee in a position requiring certification qualifications.

Our office is happy to provide clients with a complementary employment contract for categorically funded employees upon request.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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