



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

May 27, 2026

To: Superintendents. Member School Districts (K-12)
From: Harjit Kaur, Associate General Counsel H.K.
**Subject: July Notice of Temporary Certificated Employment
Memo No. 05-2026**

This is a reminder that districts are required under California law to provide temporary certificated employees with a written statement clearly identifying the nature of their employment. Specifically, districts must provide written notice indicating:

- 1) The employee's classification as temporary;
- 2) The salary to be paid; and
- 3) The length of time for which the employee is being hired.

Pursuant to California Education Code section 44916, this written notice must be provided at the time of initial employment and thereafter during the month of July of each academic year. Temporary certificated employees must receive this written statement at the time of hire and prior to commencing service.

Education Code section 44916 provides:

“The classification shall be made at the time of employment and thereafter in the month of July of each school year. At the time of initial employment during each academic year, each new certificated employee of the school district shall receive a written statement indicating his employment status and the salary that he is to be paid. If a school district hires a certificated person as a temporary employee, the written statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. If a written statement does not indicate the temporary nature of the employment, the certificated employee shall be deemed to be a probationary employee of the school district, unless employed with permanent status.”



Compliance with section 44916 is essential when employing temporary certificated employees. Failure to provide the required written notice may result in a temporary certificated employee asserting entitlement to probationary status, thereby triggering additional statutory employment protections.

Temporary certificated employees may be released from employment, consistent with California Education Code section 44954, under the following circumstances:

- 1) At the pleasure of the board, prior to serving during one school year, at least 75 percent of the number of days the regular schools of the district are maintained.
- 2) After serving the number of days set forth above, if the employee is notified before the end of the school year of the district's decision not to reelect the employee for the next succeeding year.

Once an employee attains probationary status, separation from employment is governed by significantly more stringent legal requirements. A probationary employee may be dismissed for cause, as set forth in California Education Code section 44948, or through the non-reelection process pursuant to California Education Code section 44948.5. Classification as a probationary employee greatly limits a district's ability to remove that employee as compared to a temporary employee.

Given these legal implications, the importance of complying with Education Code section 449216, particularly the requirement to provide clear, written notice identifying temporary status at hire and each July, cannot be overstated.

Please also ensure that your district is able to identify a specific Education Code provision that allows for temporary employment for each certificated employee that you classify as temporary. If the district cannot identify a specific basis for temporary status, the individual employee may claim probationary status.

Please contact our office with any questions regarding this Legal Update or other related matters.

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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