**Sections 44832, 44842 Notice**

**Districts Less Than 2,500 ADA**

DATE:

TO:

FROM:      , Superintendent, Clerk/Secretary to the Governing Board of

      School District

RE: Requirement to Give Notice of Intention to Return

In order to plan for staffing for the coming school year, we must know whether you intend to return next year. You are, therefore, directed to complete the attached form and return a copy to the district office no later than May 15,      .

If you fail to provide us with written notice of your intentions on or before the deadline listed above, you will be deemed to have declined employment and your services will terminate as of June 30 of this school year. This procedure is authorized by Education Code sections 44832 and 44842, copies of which are attached to this notice.

If you are uncertain about your plans for next year, or if you would like to discuss the options available to you, please feel free to contact me as soon as possible. However, I urge you not to delay in completing and returning this form. The May 15 deadline discussed above will still apply.

Attachments:

 Notice of Intention

 Ed. Code §§ 44832, 44842

**School District**

**Notice of Intention**

**(Education Code Sections 44832 and 44842)**

I have read the “Requirement to Give Notice of Intention to Return” memorandum, and I have had an opportunity to review the attached copies of Education Code sections 44832 and 44842. I have indicated my intentions below. I understand that if I indicate that I will not be returning or if I fail to return the form by the deadline, the district, in reliance on that fact, may employ someone else for my position. I also understand that if I indicate that I will be returning but fail to return, I may be deemed to have declined employment and may be subject to termination. Lastly, I understand that if I indicate that I will be returning but later attempt to resign my employment, my resignation may not be accepted and/or I may be reported to the California Commission on Teacher Credentialing for failure to fulfill my contract of employment.

To further assist in planning for the coming school year, I affirm by my signature below that I currently hold only the credentials listed herein and these credentials are duly registered with the County Superintendent of Schools Office.

|  |  |
| --- | --- |
| **TYPE OF CREDENTIAL** | **EXPIRATION DATE** |
|       |       |
|       |       |
|       |       |

Check One:

 [ ]  I intend to return for the 20     -20      school year.

 [ ]  I do not intend to return for the 20     -20      school year.

[ ]  I am undecided about my plans and want to discuss them with the district. I realize that unless I indicate an intention to return by the May 15, 20     , deadline, I will be deemed to have declined employment.

Date:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Employee's Signature

 Employee's Name (Printed or Typed)

**EDUCATION CODE**

**§ 44832. Notification of intent to return to teaching position**

(a) Notwithstanding Section 44842, and except for employees who are notified pursuant to Section 44955, each classroom teacher shall, by May 15 of each year, inform the employing school district whether he or she intends to return to a teaching position for the following school year.

(b) The school district and the exclusive bargaining representative may agree to include provisions regarding the requirements of subdivision (a) in any collective bargaining agreement applying to classroom teachers.

(c) This section shall apply only to teachers in school districts having an average daily attendance of less than 2,500.

**EDUCATION CODE**

**§ 44842. Automatic declining of employment**

(a) Except as set forth in subdivision (b), if, without good cause, a probationary or permanent employee of a school district fails prior to July 1 of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30 of that year.

(b) (1) In the case of an employee of a year-round school serving in a track that starts within 14 days of July 1, and serves in a position requiring certification qualifications, if the school district has, by April 30, requested that the employee notify the school district by June 1, of that year of his or her intention to remain or not to remain in the service of the school district for the following school year, and the employee, without good cause, fails to provide that notice, the school district may deem the employee to have declined employment and may terminate his or her services as an employee of the school district on June 30 of that year. An employee who gives notice of resignation pursuant to this paragraph after May 31, but before June 30, shall be released from his or her contract within 30 days of the employee's notice, or as soon as a replacement employee is obtained, whichever occurs first.

 (2) The request for notice sent to the employee by the school district pursuant to this subdivision shall be in writing and shall, along with a copy of this section, be either personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known address, by the clerk or secretary of the governing board of the school district.

(c) If, without good cause, a probationary or permanent employee of a school district fails to report for duty at the beginning of the ensuing school year after having notified the governing board of the district of his or her intention to remain in the service of the district in accordance with the procedures specified above, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on the day following the 20th consecutive day of absence. No school district may terminate any employee pursuant to this subdivision unless the district has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous school year.