



**BEFORE THE GOVERNING BOARD  
OF THE BENICIA UNIFIED SCHOOL DISTRICT  
OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA**

**RESOLUTION NO. 21-22-24**

**RELEASE OF TEMPORARY CERTIFICATED EMPLOYEES**

WHEREAS, the Superintendent has recommended that the below listed temporary certificated employees of the Benicia Unified School District be released at end of the 2021-2022 school year;

IT IS HEREBY RESOLVED that the Governing Board of the Benicia Unified School District of the County of Solano, State of California, release

**Employee # 108291    100% FTE**

pursuant to Education Code sections 44918(b), 44954(a) and 44954(b).

IT IS FURTHER RESOLVED that the aforementioned employees are released from employment effective the last work day of the 2021-2022 school year.

The Superintendent is directed to provide each affected employee with written notice of this action.

PASSED AND ADOPTED by the following vote called on the 7 day of April, 2022.

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

CERTIFICATION: I, Sheri Zada, President of the Governing Board of the Benicia Unified School District, do hereby certify that the above is a true and accurate copy of a resolution passed, approved, and adopted by said Board at a public meeting on April 7, 2022, the original of which is on file at the Office of the Superintendent, District Office, 350 East K Street, Benicia, California.

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Sheri Zada  
President, Board of Education

# Education Code

## Service of substitute or temporary employee for 75% or more of school year

EC 44918

(a) Any employee classified as a substitute or temporary employee, who serves during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and has performed the duties normally required of a certificated employee of the school district, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year.

(b) Any such employee shall be reemployed for the following school year to fill any vacant positions in the school district unless the employee has been released pursuant to subdivision (b) of Section 44954.

(c) If an employee was released pursuant to subdivision (b) of Section 44954 and has nevertheless been retained as a temporary or substitute employee by the district for two consecutive years and that employee has served for at least 75 percent of the number of days the regular schools of the district were maintained in each school year and has performed the duties normally required of a certificated employee of the school district, that employee shall receive first priority if the district fills a vacant position, at the grade level at which the employee served during either of the two years, for the subsequent school year. In the case of a departmentalized program, the employee shall have taught in the subject matter in which the vacant position occurs.

(d) Those employees classified as substitutes, and who are employed to serve in an on-call status to replace absent regular employees on a day-to-day basis shall not be entitled to the benefits of this section.

(e) Permanent and probationary employees subjected to a reduction in force pursuant to Section 44955 shall, during the period of preferred right to reappointment, have prior rights to any vacant position in which they are qualified to serve superior to those rights hereunder afforded to temporary and substitute personnel who have become probationary employees pursuant to this section.

(f) This section shall not apply to any school district in which the average daily attendance is in excess of 400,000.

(Amended by Stats. 1992, Ch. 336, Sec. 1.)

Reference:

Education Code 44954

# Education Code

## Education Code

### Release of temporary employees

EC 44954

Governing boards of school districts may release temporary employees requiring certification qualifications under the following circumstances:

- (a) 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.
- (b) After serving during one school year the number of days set forth in subdivision (a), 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.

(Repealed and Added by Stats. 1992, Ch. 336, Sec. 2 and 3.)



April XX, 2022

EMPLOYEE NAME  
ADDRESS

Re: Notice of Release

Dear \_\_\_\_\_:

In accordance with Education Code section 44918(b), 44954(a) and 44954(b) and other applicable provisions of law, you will be released from your position as \_\_\_\_\_ at the conclusion of the 2021-22 school year.

This decision was made by the District's Board of Trustees meeting on February 17, 2022.

A copy of Education Code section 44918(b), 44954(a) and 44954(b) are enclosed for your information. This letter and its attachments will be placed in your personnel file. Please contact me if you have any questions.

Sincerely,

Dr. Charles Young  
Superintendent

cc: Personnel File  
Enclosure

I, \_\_\_\_\_, received a copy of the "Notice of Release" on \_\_XX\_\_, 2022.  
[EMPLOYEE NAME]

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*Signature*

## **PROOF OF SERVICE**

I am employed in the County of Solano County, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: [ADDRESS]. My business phone number is [TELEPHONE NUMBER].

On \_\_\_\_\_, 2022, I served the attached:

### **NOTICE OF RELEASE WITH ATTACHMENTS**

By placing a true copy thereof enclosed in a sealed envelope and I caused delivery to be made by the mode of service indicated below:

  X   **BY PERSONAL SERVICE** by causing to be personally delivered a true copy thereof to the addressee above.

NAME OF EMPLOYEE SERVED

**(Put address where service is accomplished below)**

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on \_\_\_\_\_, 2022, at Benicia, California.

\_\_\_\_\_  
(Type in name of person serving)

\_\_\_\_\_  
(Witness)