



TEACHER NON-REELECTION



**Know Your Rights and
Understand Your Options**



NON-REELECT FACT SHEET

Limited Legal Challenges to Non-Reelection



I've been non-reelected. Can the District do this to me?

Unfortunately, yes. Under Ed Code 44929.21, probationary employees, even if you have excellent reviews, are loved by students and parents, respected by your colleagues, and have never had a complaint can be non-reelected. The only exceptions are being let go for one or more of the following reasons:

1. Blatant discrimination of a protected status (sex, age, orientation, religion, etc.)
2. Union activity prior to the non-reelection
3. In lieu of budget reductions (e.g., layoffs; non-reelect is forever connected to a teacher's personnel file so the law prohibits this negative impact to teachers' careers because of district budget woes.)

Most of the time, the employer won't talk about why they are non-reelecting a teacher. If your district gives a reason for the non-reelection (for example, the inability to maintain discipline in the classroom, teacher performance, lack of communication with parents, or any other reason) the non-reelection could be challenged. Report the information to your CTA staff person.

NON-REELECT FACT SHEET

Getting Help Through Employee Assistance
Programs



I am really stressed out about my career, my family, and my finances now that I have received a non-reelect. Help?!

It is understandable that this is a highly stressful time for you and your family. In this packet you will find information on accrued sick leave and health insurance, career information such as getting recommendation letters, and unemployment insurance information. Note: regardless of whether you resign or take the non-reelect, you should be eligible for unemployment benefits.

To help you with the many emotions that come along with the non-reelect, please consider utilizing your district's Employee Assistance Program (EAP) (some districts utilize the County's EAP provider). Your chapter leadership can get the contact information for you, so you don't have to connect with the district directly on this matter. Know that EAP services are free, confidential, and in no way reported back to the district.

EAP services are varied, such as counselors to help you cope with the stress of the non-reelect, to financial advisors who can help you make smart financial decisions, and more.

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Sick Time, Health Insurance, and More



Do I lose my unused sick time?

If you become employed in another California K-12 school district, your accrued sick leave can be transferred to your new district (Ed Code Section 44979). When you retire under STRS, all unused sick leave contributes to your retirement. Before you leave your current district, make sure the district certifies your sick leave via a “Benefit Express Form” which you can then submit to your new district (or get credit for unused sick leave when retiring).

Will I be able to find another teaching position?

With the ongoing teacher shortage, it is highly likely you’ll find employment in another district.

What about my health insurance?

Health care coverage end dates vary from district to district. You should check with your local CTA chapter to confirm the date your health insurance coverage will terminate.

How does COBRA work?

Once the district stops paying their portion of your premium, you’ll have the option to continue coverage by paying 100% of the premium (e.g., COBRA). Consider COBRA. COBRA billing is often several months behind; while waiting for benefits to start in the new district in the fall, you have the peace of mind that comes with coverage. If you don’t utilize COBRA benefits, ignore the bill. You only pay for COBRA if you use the insurance between teaching jobs.

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Frequently Asked Questions



Will future employers know I was non-reelected?

EdJoin.com now has a box “have you ever been dismissed or asked to resign?” Non-reelects is not the same as a dismissal, which is governed by Ed Code. Be truthful because you can be terminated at any time, even years later, for any untruths on an application. You don’t have to volunteer the information, but if asked, say, “I was non-reelected, but I feel I will be a better fit in this district because...” Often, when employers are asked about employees, districts only confirm the dates of employment, not the details of the separation. Being truthful and confident with answers to questions about former employment is critical.



Can I reapply in my current District?

Yes, but if the district is non-reelecting you, it's probably in your best interest to move on and find a district that will appreciate your talents. For Prob 2 teachers, if you were to come back in a different position the next year, you will become permanent on the first day back, which is another reason it is unlikely the district will hire the same teacher twice.



Can I get a recommendation letter?

Yes, ask teachers and administrators who know and respect your work for recommendation letters prior to your last day. Don’t expect a formal letter of recommendation from the district; ask trusted colleagues, especially those who know what it takes to be successful in the classroom or in your position. Don’t list colleagues as references if you aren’t certain they will give you a positive reference.



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What is the Difference Between Taking the Non-Reelect and Resigning in Lieu of Taking a Non-Reelect?



	Take the Non-Reelect	Resignation in Lieu of a Non-Reelect
Eligible for Unemployment Benefits*	Yes	Yes
Reported to CTC or CDE	No	No
Eligible for CTA GLS 1 Hour Consult**	Yes	Yes

* Unemployment Insurance (UI) Benefits:

- 1. Eligibility.** Employees who are laid off, not re-elected, or who resign in lieu of non-reelect are often eligible to receive unemployment insurance benefits.
- 2. Filing for Unemployment Insurance Benefits.** File for UI benefits immediately after your last day of work because there is a one-week unpaid waiting period starting the date of application. When applying for UI, check the box indicating resignation in lieu of termination (e.g., non-reelect, did not leave on your own volition). If your application is rejected, you should request to speak with a department supervisor. The fastest and most convenient way to file a claim is online at www.eapply4ui.edd.ca.gov.

** CTA Group Legal Services (GLS):

CTA GLS attorneys may not be able to legally reverse the non-reelect, but if you want to talk to an attorney, consult with your Chapter Leader and CTA staff for the referral. CTA is here to support you.