

SUSPENSION/DISCIPLINARY ACTION

The Board of Trustees expects all employees to exhibit professional and appropriate conduct and serve as positive role models both at school and in the community. An employee may be suspended or disciplined for unprofessional or inappropriate conduct in accordance with law, the district's collective bargaining agreement, Board policy, and administrative regulation.

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved and based on the severity of the misconduct. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

The Superintendent or designee shall ensure that, consistent with law, disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

Dismissal

A certificated employee may be dismissed from the service of the district for just cause or because of lay-off of personnel authorized under the Education Code.

1. Certificated personnel may be dismissed at any time for violation of any causes for dismissal listed in the Education Code.
2. Probationary certificated personnel may be dismissed (not rehired for the ensuing year) at the end of the school year for cause only, using the procedures and notices specified in the Education Code.
3. Both permanent and probationary certificated employees may be laid off under provisions of the Education Code. Personnel records of employees dismissed because of lay-off will show that the dismissal was made without prejudice against the employee.

*See ETA Collective Bargaining Agreement

Notice of Intention to Discharge Employee

On the filing of written charges, duly signed and verified by the person filing them, with the Board, or upon a written statement of charges formulated by the Board, charging that there exists cause for the dismissal of a permanent employee of the district, the Board may, by a majority vote give notice of its intention to dismiss the employee at the end of thirty days from the date of service of the notice unless the employee demands a hearing on the charges.

SUSPENSION/DISCIPLINARY ACTION (continued)

Any written charges of unprofessional conduct or incompetency shall state the statutes and rules the certificated employee is alleged to have violated and the facts relevant to each occasion of alleged unprofessional conduct or incompetency, and the Board shall not act on those charges unless during the previous half-year or semester, and at least 45 and 90 days respectively, before filing of the charge, the board or its authorized representatives has given the employee written notice of the unprofessional conduct or incompetency, specifying the nature of the charges and giving specific instances of behavior and particulars as will enable the employee to correct his/her faults and overcome the grounds for the charge.

The notice of intention to discharge the employee shall not be given between May 15th and September 15th in any year. It shall be in writing and be served on the employee personally or by registered mail addressed to the employee's last known address. A copy of the charges filed containing the information required by Government Code Section 11503 and the provisions of Article 3, Chapter 5 of the Education Code.

Right of Appeal

When any employee who has been served with notice of the Board's intention to dismiss him/her demands a hearing, the board may either rescind its action or schedule a hearing on the matter.

*(See ETA Collection Bargaining Agreement)

Hearing

Any hearing requested by an employee after receipt of notice of the intention of the Board to dismiss the employee shall be conducted according to the provisions of the Education Code.

No hearing will be granted as a result of dismissal by the board to any temporary or substitute employee. The action of the board is final.

*(See ETA Collective Bargaining Agreement)

In accordance with law, the Superintendent or designee shall notify the Commission on Teacher Credentialing when the status of a credentialed employee has been changed as a result of alleged misconduct.

Legal Reference: (see next page)

SUSPENSION/DISCIPLINARY ACTION (continued)

Legal Reference:

EDUCATION CODE

44008 *Effect of termination of probation*
44009 *Conviction of specified crimes*
44010 *Sex offense - definitions*
44011 *Controlled substance offense - definitions*
44242.5 *Reports and review of alleged misconduct*
44425 *Conviction of a sex or narcotic offense*
44660-44665 *Evaluation and assessment of performance of certificated employees*
44830.1 *Criminal record summary certificated employees*
44930-44988 *Resignations, dismissal, and leave of absence, especially:*
44940 *Sex offenses and narcotic offenses; compulsory leave of absence*
44940.5 *Compulsory leave of absence*
45055 *Drawing of warrants for teachers*
48907 *Exercise of free speech, expression*
48950 *Speech and other communication*
51530 *Advocacy or teaching of communism*

GOVERNMENT CODE

3543.2 *Scope of representation*

HEALTH AND SAFETY CODE

11054 *Schedule I; substances included*
11055 *Schedule II, substances included*
11056 *Schedule III, substances included*
11357-11361 *Marijuana*
11363 *Peyote*
11364 *Opium*
11370.1 *Possession of controlled substances with a firearm*

PENAL CODE

187 *Murder*
291 *School employees arrest for sex offense*
667.5 *Prior prison terms, enhancement of prison terms*
1192.7 *Plea bargaining limitation*

CODE OF REGULATIONS, TITLE 5

80303 *Reports of change in employment status*
80304 *Notice of sexual misconduct*

COURT DECISIONS

Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334