Certificated Personnel

BP 4118(a)

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