

SEPARATION - CERTIFICATED

RESIGNATION

Certificated employees should submit resignations in writing. The Superintendent of Schools, or his/her designee, shall be authorized by the Board of Trustees to officially accept the resignation of any employee. The resignation shall be effective at the time of receipt by the Superintendent.

DISMISSAL OF TEACHERS

SUSPENSION

Suspension is applied when an employee's unprofessional conduct or a violation of any of the causes for dismissal is not considered serious enough to warrant dismissal.

GROUND FOR SUSPENSION

1. A permanent certificated employee may be suspended on grounds of unprofessional conduct consisting of acts or omissions other than those specified under Calif. Education Code Section 44432 (see 4117.41 – Just Cause), but any charge shall specify instances of behavior amounting to unprofessional conduct.
2. The governing board of a district may suspend without pay for specific period of time a certificated employee on grounds of unprofessional conduct.

DISMISSAL OF PERMANENT EMPLOYEES

Permanent employees shall not be deprived of their position except where it can be shown there is just cause for the dismissal, unprofessional conduct, or, where the District finds it necessary to lay off employees.

1. A certificated permanent employee may be dismissed from the service of the District for cause as listed in Calif. Educ. Code Section 44932.
2. Certificated personnel may be dismissed at any time for violation of any of the causes for dismissal listed in Calif. Educ. Code Section 44932 or 44933. However, notice of intent to dismiss cannot be given between May 15 and September 15.
3. Both permanent and probationary certificated employees may be laid off under provisions of Calif. Educ. Code Sections 44955 et seq.

DISMISSAL OF PROBATIONARY EMPLOYEES – GROUNDS FOR DISMISSAL

1. Current Probationary Employees (*hired prior to fiscal year 1983/84*)
Current probationary employees may be dismissed during the school year for cause only, as in the case of permanent employees.
2. New Probationary Employees (*hired during fiscal year 1983/84 and thereafter*)
 - a. First and second year probationary employees may be dismissed during the school year for cause or for unsatisfactory performance.

- b. The governing board may suspend a probationary employee for a specified period without pay as an alternative to dismissal.

GROUNDINGS FOR DISMISSAL OF CERTIFICATED EMPLOYEES

Any of the following will be considered as a basis for dismissal:

1. Immoral or unprofessional conduct.
2. Dishonesty.
3. Incompetency.
4. Evident unfitness for service as a teacher.
5. Physical or mental conditions unfitting the teacher to instruct or associate with children.
6. Violation or refusal to obey the school laws of the State, policies, regulations and procedures prescribed by the Board of Trustees or the State Board and Department of Education.
7. Conviction of a felony or any crime involving moral turpitude.
8. Advocating or teaching communism or refusal to answer loyalty questions.
9. Acts detrimental to the welfare of pupils and of the school district.
10. Commission, aiding or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.
11. Alcoholism or other drug abuse which makes the employee unfit to instruct or associate with children.

LEGAL REFERENCES**EDUCATION CODE**

44932	Suspension of Permanent Employees
44933	Other Grounds for Dismissal
44940	Sex Offenses and Narcotic Offenses; Compulsory Leave of Absence
44942	Suspension or Transfer of Certificated Employee on Grounds of Mental Illness
44948	Dismissal of Probationary Employees
44948.3	Re: Dismissal of Probationary Employees
44948.5	Re: Dismissal of Probationary Employees
51530	Advocacy or Teaching of Communism

GOVERNMENT CODE

3543.2.1	Scope of Representation (Re: Duty of District to Meet and Negotiate Regarding Causes and Procedures for Disciplinary Action)
3543.3	