

# San Dieguito Union High School District

## Employment Status Reports

AR 4117.7 4317.7

### Personnel

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or non-reelected
2. Resigns
3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action
4. Retires
5. Is otherwise terminated by a decision not to employ or reemploy.

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case.

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303.

### Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to CTC, using a form provided by CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to CTC. In addition, the Superintendent or designee shall report to CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period.

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Governing Board.

As appropriate, the Superintendent or designee also may notify CTC of any of the following:

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct

The notice to CTC shall contain all of the following information:

a. Name of the employee alleged to have engaged in the sexual misconduct

b. Name, age, and address of each victim of the alleged sexual misconduct

c. A summary of all information known to the district regarding the alleged sexual misconduct

d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program

4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination.

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes

44010 Sex offense, definitions

44011 Controlled substance offense, definitions

44030.5 Employment status reports

44225 Powers and duties of CTC

44242.5 Reports and review of alleged misconduct  
44420-44440 Adverse actions by CTC against credential holder  
44932 Causes for dismissal  
44940 Sex offenses and narcotic offenses; compulsory leave of absence  
44940.5 Compulsory leave of absence  
44955-44958 Reduction in force  
PENAL CODE  
187 Murder  
CODE OF REGULATIONS, TITLE 5  
80303 Reports of change in employment status, alleged misconduct  
80304 Notice of sexual misconduct

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel,  
2019

WEB SITES

CSBA: <http://www.csba.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

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