

DISMISSAL

Permanent Employees

Permanent employees shall not be dismissed from their position except when cause for dismissal can be shown. Cause and procedures for dismissal are defined by provisions of Education Code 44932 et seq.

(cf. 4116 - Probationary/Permanent Status)

Probationary Employees

First and second year probationary employees, including district interns and teacher trainees in may be dismissed for cause or unsatisfactory performance. (Education Code 44660-44665)

Dismissal

Certificated probationary employees may be dismissed only for causes specified in Education Code 44932. (Education Code 44948)

During the school year, dismissal procedures shall be those set forth in Education 44932.

At the end of the school year, dismissal procedures shall be those set forth in Education Code 44948.5. The employee shall receive written notice on or before March 15 and may request a hearing, as provided by Education Code 44948.5, to determine if there is case for not reemploying him/her. If the Board does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44948.5)

Substitute employees may be dismissed at any time, subject to their reemployment rights under Education Code 44918. (Education Code 44953)

(cf. 4121 - Temporary/Substitute Personnel)

Legal Reference: (see next page)

DISMISSAL (continued)

Legal References:

EDUCATION CODE

44660-44665 Evaluation and assessment of performance

44842 Automatic declining of employment

44918 Substitute or temporary employee; reemployment rights

44929.21 Districts with 250 ADA or more; notice of reelection decision.

44929.23 Districts with daily attendance less than 250

44932-44947 Suspension and/or dismissal of permanent employees

44948 Dismissal or suspension of probationary employees during school year

44948.2 Election to use provisions of Education Code 44948.3

44948.3 Dismissal of probationary employees (over 250 ADA)

44948.5 Dismissal of probationary employees (under 250 ADA)

44949 Cause, notice and right to hearing for dismissal of probationary employee

44953 Dismissal of substitute employees

44955 Reduction in number of permanent employees

GOVERNMENT CODE

3543.2 Scope of representation (re duty of district to meet and negotiate regarding causes and procedures for discipline less than dismissal)