

Personnel

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

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

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

Permanent classified employees shall be subject to disciplinary action only for cause.

State

CA Constitution Article 1, Section 1: Inalienable rights

Ed. Code 35161: Board delegation of any powers or duties

Ed. Code 44009: Conviction of specified crimes

Ed. Code 44010: Sex offense; definitions

Ed. Code 44011: Controlled substance offense

Ed. Code 44940: Compulsory leave of absence for certificated persons

Ed. Code 44940.5: Procedures when employees are placed on compulsory leave of absence

Ed. Code 45101: Definitions; disciplinary action and cause

Ed. Code 45109: Fixing of duties

Ed. Code 45113: Notification of charges; classified employees

Ed. Code 45123: Employment after conviction of controlled substance offense

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Ed. Code 45302: Demotion and removal from permanent classified service

Ed. Code 45303: Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense

Ed. Code 45304: Compulsory leave of absence for classified persons

Veh. Code 1808.8: School bus drivers; dismissal for safety-related cause

Federal

42 USC 12101-12213: Americans with Disabilities Act

U.S. Constitution: Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources

Court Decision: Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Court Decision: California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391

Court Decision: CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150

Court Decision: Skelly v. California Personnel Board (1975) 15 Cal.3d 194

Website: Office of the Attorney General

Website: Office of Administrative Hearings

Website: Department of General Services, About Teacher Dismissal Case Type

Website: CSBA District and County Office of Education Legal Services

Policy Adopted: 12/14/22

ORCUTT UNION SCHOOL DISTRICT
Orcutt, CA