



## **Chico Unified School District**

1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy: #4218**

**Section: 4000**

**Personnel**

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### **DISMISSAL/SUSPENSION/DISCIPLINARY ACTION**

The Governing Board expects all employees to perform their jobs satisfactorily, to exhibit professional and appropriate conduct, and serve as positive role models at school and in the community. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Merit Rules, 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, 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.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for reasonably 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 or leave without pay, reduction of wages or dismissal.

A probationary classified employee may be dismissed without cause any time before the probationary period expires.

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

#### **Procedures for Serious Disciplinary Proceedings for Classified Employees serious is defined under the CBA as Group II Reasons**

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a copy of the statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. (Education Code 45113, 45116)

If a timely request is submitted, a hearing shall be conducted by the Board or by a third-party hearing officer, in accordance with law. (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education Code 45113, and as specified in the accompanying administrative regulation.

Policy Adopted: 05/20/20; 11/02/22; 06/28/23; 06/26/24



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The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained, and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

If the Board concurs with the decision of the Skelly Officer, the District will notify the employee of the Board's decision regarding formal disciplinary action. No evidentiary hearing before the Personnel Commission will be held unless a written demand for the hearing is delivered to the Personnel Commission within fourteen (14) calendar days after the employee is notified of the District decision. If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final for certificated staff. Classified staff's final appeal is to the Personnel Commission, and their decision is final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When a matter is heard by a third-party hearing officer, the Board shall review the determination and adopt or reject the recommended decision. (Education Code 45113)

When any matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)



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### Compulsory Leave of Absence

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5, 45304)

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy

<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 1	<u>Inalienable rights</u>
Ed. Code 35161	<u>Board delegation of any powers or duties</u>
Ed. Code 44009	<u>Conviction of specified crimes</u>
Ed. Code 44010	<u>Sex offense; definitions</u>
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44940	<u>Compulsory leave of absence for certificated persons</u>
Ed. Code 44940.5	<u>Procedures when employees are placed on compulsory leave of absence</u>
Ed. Code 45101	<u>Definitions; disciplinary action and cause</u>
Ed. Code 45109	<u>Fixing of duties</u>
Ed. Code 45113	<u>Notification of charges; classified employees</u>
Ed. Code 45116	<u>Notice of disciplinary action</u>
Ed. Code 45123	<u>Employment after conviction of controlled substance offense</u>
Ed. Code 45302	<u>Demotion and removal from permanent classified service</u>
Ed. Code 45303	<u>Additional cause for suspension or dismissal of employee charged with mandatory or optional leave of absence offense</u>
Ed. Code 45304	<u>Compulsory leave of absence for classified persons</u>
Gov. Code 12954	<u>Employment discrimination; cannabis use</u>
Veh. Code 1808.8	<u>School bus drivers; dismissal for safety-related cause</u>
<b>Federal</b>	<b>Description</b>
42 USC 12101-12213	<u>Americans with Disabilities Act</u>
U.S. Constitution, First Amendment	<u>Free exercise, free speech, and establishment clauses</u>



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## Management Resources

### Description

Court Decision	<i>Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844</i>
Court Decision	<i>Kennedy v. Bremerton (2022) 142 S.Ct. 2407</i>
Court Decision	<i>California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391</i>
Court Decision	<i>CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150</i>
Court Decision	<i>Skelly v. California Personnel Board (1975) 15 Cal.3d 194</i>
U.S. Department of Education Publication	<u><i>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</i></u>
Website	<u><i>Office of the Attorney General</i></u>
Website	<u><i>Office of Administrative Hearings</i></u>
Website	<u><i>Department of General Services, About Teacher Dismissal Case Type</i></u>
Website	<u><i>CSBA District and County Office of Education Legal Services</i></u>
Website	<u><i>U.S. Department of Education</i></u>
Website	<u><i>CSBA</i></u>

## Cross References

### Code

### Description

1114	<i>District-Sponsored Social Media</i>
1312.1	<i>Complaints Concerning District Employees</i>
1312.3	<i>Uniform Complaint Procedures</i>
3230	<i>Federal Grant Funds</i>
3512	<i>Equipment</i>
3513.3	<i>Tobacco-Free Schools</i>
3513.4	<i>Drug And Alcohol Free Schools</i>
3515.2	<i>Disruptions</i>
3515.21	<i>Unmanned Aircraft Systems (Drones)</i>
3515.3	<i>District Police/Security Department</i>
3516.2	<i>Bomb Threats</i>
3542	<i>School Bus Drivers</i>
4000	<i>Concepts And Roles</i>
4020	<i>Drug And Alcohol-Free Workplace</i>
4030	<i>Nondiscrimination In Employment</i>
4040	<i>Employee Use Of Technology</i>



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<b>Code</b>	<b>Description</b>
4112.42	<i>Drug And Alcohol Testing For School Bus Drivers</i>
4112.5	<i>Criminal Record Check</i>
4112.6	<i>Personnel Files</i>
4113.5	<i>Working Remotely</i>
4119.1	<i>Civil And Legal Rights</i>
4119.12	<i>Title IX Sexual Harassment Complaint Procedures</i>
4119.21	<i>Professional Standards</i>
4119.22	<i>Dress And Grooming</i>
4119.23	<i>Unauthorized Release Of Confidential/Privileged Information</i>
4119.24	<i>Maintaining Appropriate Adult-Student Interactions</i>
4119.25	<i>Political Activities Of Employees</i>
4127	<i>Temporary Athletic Team Coaches</i>
4136	<i>Nonschool Employment</i>
4141.6	<i>Concerted Action/Work Stoppage</i>
4154	<i>Health And Welfare Benefits</i>
4157	<i>Employee Safety</i>
4158	<i>Employee Security</i>
4159	<i>Employee Assistance Programs</i>
4161	<i>Leaves</i>
4161.11	<i>Industrial Accident/Illness Leave</i>
4200	<i>Classified Personnel</i>
4212	<i>Appointment And Conditions Of Employment</i>
4212.42	<i>Drug And Alcohol Testing For School Bus Drivers</i>
4212.5	<i>Criminal Record Check</i>
4212.6	<i>Personnel Files</i>
4213.5	<i>Working Remotely</i>
4216	<i>Probationary/Permanent Status</i>
4219.1	<i>Civil And Legal Rights</i>
4219.12	<i>Title IX Sexual Harassment Complaint Procedures</i>
4219.21	<i>Professional Standards</i>
4219.22	<i>Dress And Grooming</i>



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<b>Code</b>	<b>Description</b>
4219.23	<i>Unauthorized Release Of Confidential/Privileged Information</i>
4219.24	<i>Maintaining Appropriate Adult-Student Interactions</i>
4219.25	<i>Political Activities Of Employees</i>
4227	<i>Temporary Athletic Team Coaches</i>
4236	<i>Nonschool Employment</i>
4241.6	<i>Concerted Action/Work Stoppage</i>
4254	<i>Health And Welfare Benefits</i>
4257	<i>Employee Safety</i>
4258	<i>Employee Security</i>
4259	<i>Employee Assistance Programs</i>
4261	<i>Leaves</i>
4261.11	<i>Industrial Accident/Illness Leave</i>
4312.42	<i>Drug And Alcohol Testing For School Bus Drivers</i>
4312.5	<i>Criminal Record Check</i>
4312.6	<i>Personnel Files</i>
4313.5	<i>Working Remotely</i>
4319.1	<i>Civil And Legal Rights</i>
4319.12	<i>Title IX Sexual Harassment Complaint Procedures</i>
4319.21	<i>Professional Standards</i>
4319.22	<i>Dress And Grooming</i>
4319.23	<i>Unauthorized Release Of Confidential/Privileged Information</i>
4319.24	<i>Maintaining Appropriate Adult-Student Interactions</i>
4319.25	<i>Political Activities Of Employees</i>
4327	<i>Temporary Athletic Team Coaches</i>
4336	<i>Nonschool Employment</i>
4354	<i>Health And Welfare Benefits</i>
4357	<i>Employee Safety</i>
4358	<i>Employee Security</i>
4359	<i>Employee Assistance Programs</i>
4361	<i>Leaves</i>
4361.11	<i>Industrial Accident/Illness Leave</i>



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<b>Code</b>	<b>Description</b>
5145.3	<i>Nondiscrimination/Harassment</i>
5145.7	<i>Sexual Harassment</i>
5145.71	<i>Title IX Sexual Harassment Complaint Procedures</i>
5145.9	<i>Hate-Motivated Behavior</i>
6145.2	<i>Athletic Competition</i>
6162.54	<i>Test Integrity/Test Preparation</i>
9000	<i>Role Of The Board</i>
9321	<i>Closed Session</i>