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Fontana Unified School District

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School Employees


Education Code has detailed provisions relating to employment of persons by school districts.

Types of Employees:

1. Certificated
2. Classified

Complaints

FUSD AR 1312.1

- Complaints Concerning School Personnel
- Complaints Concerning District Employees
- Uniform Complaint Procedure 

Due Process and Public Employment

Public Employment – Protected by 14th Amend.

- Public employment is governed by constitutional considerations
- Property Interest
- Education Code, State Regulations and local policies govern property interest

Discipline

Prediscipline safeguard mandated by U.S Supreme Court for permanent employees:

- Oral or written notices of charges
- An explanation of employer's evidence
- An opportunity to present his/her side of the story

Skelly v. State Personnel Board

Employee not constitutionally entitled to a full trial type of evidentiary hearing before disciplinary action taken.

But Preremoval safeguards:

- Notice of the proposed action to be taken
- The reasons for the proposed actions
- A copy of the charges and materials upon which it is based
- The right to respond either orally or in writing to the authority initially imposing discipline

Evidence admissibility

Ed. Code § 44031(b)(1)

- “Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have attached to any derogatory statement, his or her own comments. The review shall take place during normal business hours and the employee shall be released from duties for this purpose without salary reduction.”

Teacher Dismissal

- Notice of Unprofessional Conduct 45 Days (Ed Code Sec. 44938)
- Notice of Unsatisfactory Performance 90 Days (Ed. Code Sec. 44938)
- Black out period-summer (Ed Code Sec.44936)

Hearing

Hearing is conducted by Commission on Professional Competence

- *CPC Recommendation is Final*
- *If Decision is to reinstate District liable for all costs*
- *4-year bar on evidence (Ed. Code Sec. 44944)*

Education Code Section 44932 et.seq

- Grounds for Dismissal:
- immoral conduct
- dishonesty
- evident unfitness for service
- persistent violation of or refusal to obey the school laws of the state and/or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school District employing her/him
- a willful refusal to perform regular assignments without reasonable cause