



Huntington Beach Union High School District Board Policies and Administrative Regulations

AR 4117.4
Page 1 of 3

Certificated Personnel

Dismissal

1. Purpose and Scope

Dismissal procedures for probationary personnel.

2. Regulation

- A. Education Code Section 44948.3 provides that first and second year probationary employees may be dismissed or in the alternative suspended for a specified period of time without pay during the school year for unsatisfactory performance determined pursuant to Article 11 (commencing with Education Code Section 44660) of Chapter 3, or for cause pursuant to Education Code Section 44932.
- B. Any dismissal or suspension without pay shall be in accordance with the following procedures:
- (1) The Superintendent or his/her designee shall give thirty (30) days notice prior to written notice of dismissal or suspension, provided, however, that this notice shall be given not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal or suspension and notice of the employee's opportunity to appeal the action to the Governing Board by requesting a hearing. In the event of a dismissal for unsatisfactory performance, a copy of the evaluation conducted pursuant to Section 44664, if available, shall accompany the written notice. The notice may be served either by personal delivery or mailing, postage prepared to the address on file with the district's personnel office on the date of mailing.
 - (2) In the event that the employee desires a hearing on the matter, the employee shall have fifteen (15) calendar days from receipt of the notice of dismissal or suspension to request a hearing by filing a written request therefor, together with a statement admitting or denying any matters set forth in the notice of dismissal or suspension. The notice of dismissal shall be deemed received on the day it is served by personal service, or

Dismissal (continued)

shall be deemed received the third calendar day after deposit in the United States mail, postage prepared, addressed to the address on file with the district's personnel office on the date of mailing. The failure of the employee to request in writing a hearing pursuant to this provision within fifteen (15) calendar days shall constitute a waiver of the right to a hearing.

- (3) In the event a hearing is requested, the Superintendent shall request the Governing Board to hear the matter. The proposed decision shall be limited to upholding or rejecting the dismissal or suspension and shall state the reasons therefor.
- (4) The Governing Board shall conduct the hearing based on the notice of dismissal or suspension and any response thereto at a time and place approved by the Superintendent or his/her designee. Notice of the date, time, and place of the hearing shall be served on the employee by the Superintendent or his/her designee at least ten (10) days prior to the hearing by personal delivery or by mailing, postage prepared, to the address on file with the district's personnel office on the date of mailing.
- (5) The hearing shall be conducted in the manner most conducive to the determination of the truth, and the Governing Board shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by any informality in the proceedings.
- (6) Each side shall be permitted an opening statement and a closing argument. The Superintendent or his/her designee shall first present witnesses and evidence to sustain the charges, and the employee will then present witnesses and evidence in defense.
- (7) Each side shall be allowed to examine and cross-examine witnesses.
- (8) The hearing may be recorded either by electronic recording device or by a certified court reporter. Any party requesting a transcription of the proceedings shall bear the costs and make the necessary arrangements for such a transcription.
- (9) The Governing Board shall prepare a recommended decision no later than thirty (30) days after the matter of the appeal was taken under submission.

Dismissal (continued)

- (10) The decision of the Governing Board following the hearing shall be final.

Legal Reference:
