

# Maricopa Unified School District

## Board Policy

### Personnel

#### Suspension/Disciplinary Action

**BP 4118**

The Governing Board expects all employees to exhibit professional and appropriate conduct and serve as positive role models both at school and in the community. An employee may be suspended or disciplined for unprofessional or inappropriate conduct in accordance with law, the district's collective bargaining agreement, Board policy, and administrative regulation.

(cf. 4000 - Concepts and Roles)  
(cf. 4112.5/4312.5 - Criminal Record Check)  
(cf. 4117.4 - Dismissal)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved and based on the severity of the misconduct. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

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

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4032 - Complaints Concerning Discrimination in Employment)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4119.1/4219.4319.1 - Civil and Legal Rights)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

In accordance with law, the Superintendent or designee shall notify the Commission on Teacher Credentialing when the status of a credentialed employee has been changed as a result of alleged misconduct.

(cf. 4117.7/4317.7 - Employment Status Reports)

#### Legal Reference:

##### EDUCATION CODE

44008 Effect of termination of probation

44009 Conviction of specified crimes  
44010 Sex offense - definitions  
44011 Controlled substance offense - definitions  
44242.5 Reports and review of alleged misconduct  
44425 Conviction of a sex or narcotic offense  
44660-44665 Evaluation and assessment of performance of certificated employees  
44830.1 Criminal record summary certificated employees  
44930-44988 Resignations, dismissal, and leave of absence, especially:  
44940 Sex offenses and narcotic offenses; compulsory leave of absence  
44940.5 Compulsory leave of absence  
45055 Drawing of warrants for teachers  
48907 Exercise of free speech, expression  
48950 Speech and other communication  
51530 Advocacy or teaching of communism

#### GOVERNMENT CODE

3543.2 Scope of representation

#### HEALTH AND SAFETY CODE

11054 Schedule I; substances included  
11055 Schedule II, substances included  
11056 Schedule III, substances included  
11357-11361 Marijuana  
11363 Peyote  
11364 Opium  
11370.1 Possession of controlled substances with a firearm

#### PENAL CODE

187 Murder  
291 School employees arrest for sex offense  
667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation

#### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status  
80304 Notice of sexual misconduct

#### COURT DECISIONS

Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334

Management Resources:

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007

#### WEB SITES

CSBA: <http://www.csba.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

(10/93 7/00) 11/08

MUSD Board Policy Adopted: 4/8/04 Reviewed/Revised: 7/23/15

# Maricopa Unified School District Administrative Regulation

## Personnel

### Suspension/Disciplinary Action

AR 4118

#### Suspension Without Pay

When a permanent certificated employee's unprofessional conduct is not considered serious enough to warrant dismissal, he/she may be suspended without pay on grounds of unprofessional conduct, following procedures designated in Education Code 44932-44938.

A probationary certificated employee may be suspended without pay for a specified period during the school year as an alternative to dismissal following procedures designated in Education Code 44948.3.

Prior to any disciplinary action on charges leading to suspension without pay on the grounds of unprofessional conduct, the Superintendent or designee shall give the employee written notice. This written notice shall: (Education Code 44938)

1. Indicate the nature of the employee's unprofessional conduct
2. Cite specific instances of unprofessional behavior
3. Give the employee a 45-day opportunity to correct the misconduct and overcome the ground(s) for the charge(s)
4. Include the evaluation made pursuant to Education Code 44660-44665, if applicable

(cf. 4115 - Evaluation/Supervision)

#### Mandatory Leave of Absence

Upon being informed that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056, with the

exception of marijuana, mescaline, peyote, or tetrahydrocannabinols

(cf. 4117.7/4317.7 - Employment Status Reports)

Upon receipt of notification from the Department of Justice by telephone that a current temporary, substitute, or probationary employee serving before March 15 of the his/her second probationary year has been convicted of a violent or serious felony, that employee shall be immediately placed on leave without pay. Upon receipt of written electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

(cf. 4112.5/4312.5 - Criminal Record Check)

An employee's compulsory leave may extend for not more than 10 days after the entry of judgment in the proceedings. However, the Governing Board may extend a certificated employee's compulsory leave by giving notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless he/she demands a hearing. (Education Code 44940, 44940.5)

(cf. 4117.4 - Dismissal)

Employee compensation during the period of compulsory leave shall be made in accordance with Education Code 44940.5.

#### Optional Leave of Absence

The Board may require an immediate compulsory leave of absence when a certificated employee is charged with an "optional leave of absence offense" as specified in law. Such employees shall be subject to the same requirements specified in Education Code 44940.5 regarding extension of the leave, furnishing of a bond, and payment of salaries for employees charged with mandatory leave of absence offenses. (Education Code 44940, 44940.5)

#### Protection of a Student's Free Speech or Press Rights

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising his/her free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 5145.2 - Freedom of Speech/Expression)

(10/93 7/00) 11/08

MUSD Board Policy Adopted: 4/8/04

Reviewed/Revised: 7/23/15