



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7371

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CATEGORY: **Personnel, Certificated Staff**

EFFECTIVE: **7-23-85**

SUBJECT: **Dismissal/Suspension of Probationary
Certificated Employees**

REVISED: **7-12-2002**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing dismissal or suspension of probationary certificated employees.
2. **Related Procedures:**
 Evaluation of regular contract certificated personnel..... 7355
 Resignation, suspension and dismissal of
 certificated employee..... 7370

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: I-1210, I-1700, I-4500, I-4700, I-4750, I-8500, I-8501; Education Code Sections 44660 *et seq.*, 44932, 44948.3.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Office of General Counsel, Office of the Superintendent.
2. **Grounds for Dismissal**
 - a. First and second year probationary certificated employees may be dismissed during the school year on the following grounds:
 - (1) Unsatisfactory performance determined pursuant to Education Code Sections 44660 *et seq.*
 - (2) For cause pursuant to Education Code Section 44932.
 - b. Any dismissal based on the above shall be in accordance with provisions of this procedure.
3. **Notice of Dismissal.** A statement of the reasons for dismissal and a notice of the opportunity to appeal shall be included with the written notice of dismissal.
 - a. **Second-year probationary employees:** Not later than March 15, the superintendent, or designee, shall give 30 days prior written notice of dismissal.

- b. **First-year probationary employees:** Not later than June 30, the superintendent or designee shall give 30 days prior written notice of dismissal.
4. **Hearing Responsibilities**
- a. Employee shall have 15 days from receipt of a notice of dismissal to submit a written request for a hearing to the Office of General Counsel. Failure of an employee to request a hearing within said 15 days shall constitute a waiver of the right to a hearing.
 - b. **Human Resource Services Division.** If a timely request for a hearing is submitted within 15 days:
 - (1) Shall retain the services of a hearing officer (not otherwise employed by the district) to conduct a hearing on the causes and charges for dismissal or suspension.
 - (2) Shall schedule the hearing that shall commence within 30 calendar days after submission of a request for hearing.
 - (3) At least 15 calendar days in advance of the hearing, shall deliver written notice of the hearing date and location to the employee either by personal service or by deposit in U.S. certified or registered mail, postage prepaid, and addressed to the employee at his/her most recent address of record.
 - c. **Hearing Officer**
 - (1) Shall conduct the hearing. Formal rules of evidence do not apply. Evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious matters.
 - (2) Upon the conclusion of the hearing, shall prepare a proposed decision containing findings of fact and a recommendation as to disposition.
 - (3) Shall transmit copies of the proposed decision to the Board of Education and the employee within 30 days after close of the hearing.

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d. Board of Education

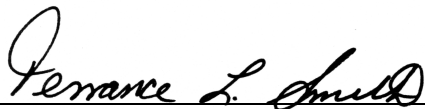
- (1) Shall make final determination regarding findings of fact and disposition. None of the findings, recommendations or determinations contained in the proposed decision shall be binding on the board; however, any final Board of Education determination that is at variance with the proposed decision shall be based upon a review of the administrative hearing record.
 - (2) Shall deliver written notice of the board's final action, including effective date of any dismissal or suspension, to the employee, either by personal service or by deposit in U.S. certified or registered mail, postage prepaid, and addressed to the employee at his/her most recent address of record.
5. **Suspensions.** The Board of Education may suspend a probationary employee for a specific period of time without pay as an alternative to dismissal under Education Code Section 44948.3. The notice and hearing procedure governing dismissals shall apply to suspensions.

D. IMPLEMENTATION (Section C.)

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS

G. APPROVED BY:



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education