

Regulation 4117.5: Termination Agreements

Status: ADOPTED

Original Adopted Date: 06/01/1993 | **Last Revised Date:**
10/01/1997 | **Last Reviewed Date:** 10/01/1997

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected
 2. Resigns
 3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action
 4. Retires
 5. Is otherwise terminated by a decision not to employ or reemploy
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This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to CTC, using a form provided by CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to CTC. In addition, the Superintendent or designee shall report to CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Governing Board. (Education Code 44242.5, 44420)
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As appropriate, the Superintendent or designee also shall notify CTC of any of the following:

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

The notice to CTC shall contain all of the following information: (5 CCR 80304)

1. Name of the employee alleged to have engaged in the sexual misconduct
 2. Name, age, and address of each victim of the alleged sexual misconduct
 3. A summary of all information known to the district regarding the alleged sexual misconduct
 4. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct
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2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)
 3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
 4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)
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5 CCR 80332

Civ. Code 47

Gov. Code 53260-53264

Lab. Code 1198.5

Management Resources

Court Decision

Court Decision

Website

Professional candor and honesty in letters or memoranda of employment recommendation

Privileged communication

Employment contracts

Personnel records related to performance and grievance

Description

Board of Trustees of Leland Stanford Junior University v.

Superior Court (1981) 119 Cal. App. 3d 516

Randi W. v. Muroc Joint Unified School District et al. (1997) 14

Cal. 4th 1066

CSBA District and County Office of Education Legal Services

Code

1340

1340

2121

4112.6

4112.61

4212.6

4212.61

4312.1

4312.6

4312.61

Description

Access To District Records

Access To District Records

Superintendent's Contract

Personnel Files

Employment References

Personnel Files

Employment References

Contracts

Personnel Files

Employment References