

**DISMISSAL OF CERTIFICATED NON-MANAGEMENT EMPLOYEES**

Certificated non-management employees may be dismissed from the service of the district for just cause or because of lay-off of personnel as authorized by the Education Code. Employees so affected will be afforded all due process rights as specified by the Education Code and Government Code

Permanent certificated employees may be dismissed for violation of any of the causes for dismissal as specified in the Education Code, using the procedures prescribed therein.

Probationary certificated employees may be dismissed (not rehired for the ensuing year) at the end of a school year for cause only, using the procedures specified in the Education Code.

Both probationary and permanent certificated employees may be laid off due to a reduction in average daily attendance or reduction or discontinuance of a particular service, using procedures specified in the Education Code. Under these circumstances, care shall be taken that personnel records of such employees show the lay-off was made without prejudice against the employees.

*Legal References:*

EDUCATION CODE

44660-44665 *Evaluation and assessment of performance*

44842 *Automatic declining of employment*

44918 *Substitute or temporary employee; reemployment rights*

44929.21 *Districts with 250 ADA or more; notice of reelection decision.*

44929.23 *Districts with daily attendance less than 250*

44932-44947 *Suspension and/or dismissal of permanent employees*

44948 *Dismissal or suspension of probationary employees during school year*

44948.2 *Election to use provisions of Education Code 44948.3*

44948.3 *Dismissal of probationary employees (over 250 ADA)*

44948.5 *Dismissal of probationary employees (under 250 ADA)*

44949 *Cause, notice and right to hearing for dismissal of probationary employee*

44953 *Dismissal of substitute employees*

44955 *Reduction in number of permanent employees*

GOVERNMENT CODE

3543.2 *Scope of representation (re duty of district to meet and negotiate regarding causes and procedures for discipline less than dismissal)*