

**Regulation 4117.7: Employment Status Reports**

Status: DRAFT

Original Adopted Date: 10/05/2010 | Last Reviewed Date: 10/05/2010

~~Within 30 days of~~**The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a credential holder**~~certificated employee who, while~~ working in a position requiring a credential made ~~and~~ as a result of an allegation of misconduct; the Superintendent shall report the change to the Commission on Teacher Credentialing (CTC). The report shall be made whenever one of the following actions ~~or while an allegation of misconduct~~ is taken as a result of alleged misconduct: ~~pending~~. (Education Code ~~44030.5, 44242.5; 5 CCR\_80303~~)

1. Dismissal
1. Nonreelection/nonreemployment
1. Suspension for more than 10 days
1. Placement ~~Is dismissed or nonreelected~~
2. Resigns
3. ~~Is suspended or placed~~ on unpaid administrative leave for more than 10 days pursuant to ~~as~~ a final adverse employment action
  1. Resignation, retirement, or other departure from employment
  4. Termination ~~Retires~~
  5. ~~Is otherwise terminated~~ by a decision not to employ or reemploy

~~The report shall contain all known information about each alleged act of misconduct by the employee. (5 CCR 80303)~~

~~The report shall be made regardless of any proposed or actual agreement, settlement, or stipulation between the district and the employee not to make such a report. The report shall also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement, or other failure to contest the truth of the allegations. (5 CCR 80303)~~

~~The Superintendent shall inform the employee in writing of the contents of 5 CCR 80303 upon a change in employment status as a result of alleged misconduct. (5 CCR 80303)~~

~~Within 10 days after receipt of a **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 regarding an employee who has been filed in court, is charged with a "mandatory leave of absence offense" (, " defined as a sex or drug offense specified in Education Code 44940), 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 the CTC. In addition, he/she ~~the Superintendent or designee~~ shall report to the CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. ~~(Education Code 44940, 44940.5)~~ **(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.**

#### **Notice of Other Violations**

2. **The 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 44245, 44420)**

**As appropriate, the Superintendent or designee may also shall** notify the CTC of any of the following: ~~(Education Code 44242.5)~~

1. ~~A complaint received by~~ **filed with** the district regarding a credential holder's **certificated employee's** alleged sexual misconduct. **(Education Code 44242.5)**

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

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the district regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

1. ~~An employee's refusal, without good cause, to fulfill a valid employment contract, or departure from district service without the consent of the Superintendent or Governing Board (Education Code 44420)~~
2. An employee's knowing and willful use of **school records of student records data** in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the credential holder **certificated employee** or in which the credential holder **certificated employee** is an employee. (Education Code ~~44245, 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)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

	<b>Description</b>
5 CCR 80303	Reports of change in employment status, alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44225	Credentials, responsibilities of Commission on Teacher Credentialing
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44420-44440	Revocation and suspension of credentials
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 44955-44958	Reduction in force

### Management Resources References

	<b>Description</b>
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==">https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

### Cross References

	<b>Description</b>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/UeCd2AJJxfBU7E37o1kmUg==">https://simbli.eboardsolutions.com/SU/UeCd2AJJxfBU7E37o1kmUg==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==">https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==</a>
1312.1-E PDF(1)	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PjTplusg==">https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PjTplusg==</a>
3513.4	Drug And Alcohol Free Schools - <a href="https://simbli.eboardsolutions.com/SU/EglaLA3lnXkKgpulshjxrQ9g==">https://simbli.eboardsolutions.com/SU/EglaLA3lnXkKgpulshjxrQ9g==</a>
4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==">https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/K13vNJ2xRPXslshg8qKWhKljw==">https://simbli.eboardsolutions.com/SU/K13vNJ2xRPXslshg8qKWhKljw==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/TgIGPP2slshE6zp6AAKq663BQ==">https://simbli.eboardsolutions.com/SU/TgIGPP2slshE6zp6AAKq663BQ==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/CRQ368mKUKXPkhabKVcNkQ==">https://simbli.eboardsolutions.com/SU/CRQ368mKUKXPkhabKVcNkQ==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/p3UeTNzU5I2xnsIshhgHxo5xw==">https://simbli.eboardsolutions.com/SU/p3UeTNzU5I2xnsIshhgHxo5xw==</a>
4117.3	Personnel Reduction - <a href="https://simbli.eboardsolutions.com/SU/CslshuQUVxpYidpdSI75cNAplusw==">https://simbli.eboardsolutions.com/SU/CslshuQUVxpYidpdSI75cNAplusw==</a>

4117.6 Decision Not To Rehire -  
<https://simbli.eboardsolutions.com/SU/o2nQQQhGstSpluscD2fVJo7Q==>

4118 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/rOKplusxHxHkrEBT6aplusTWhislshQ==>

4119.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/SlvMh9PMikAPEOLcsVldiQ==>

4119.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/BsxQhDtsvrslshROgWBslGoVg==>

4119.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==>

4119.21-E PDF(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==>

4212.9 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/0ZJcXM1TTrTf1O5E1AArg==>

4212.9-E PDF(1) Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==>

4219.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/tANQtslshaLtnplusAwRY1FCqQjA==>

4219.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/sOKhv3nplusqEuVMf7plusON7wrw==>

4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrw==>

4219.21-E PDF(1) Professional Standards - Code Of Ethics Classified Employees -  
<https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSBsWF3lvpkIQ==>

4312.9 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/a1UsQLi9B3PWiEPE2MJvAQ==>

4312.9-E PDF(1) Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/s7slshgH4vgvylStF0p9iUWHA==>

4319.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/EX3wm6YIGO1llgpyhTruVw==>

4319.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/afYPjOEJno5bLslshzEsWu4Xw==>

4319.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==>

4319.21-E PDF(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/sVVtgfkApmtRMQLIsMRyQ==>

5125 Student Records -  
<https://simbli.eboardsolutions.com/SU/tWHWUiPwslshr1YYPUplusvwMslshmq==>

5125 Student Records -  
<https://simbli.eboardsolutions.com/SU/Arf4IGHplusjQnGslsh3Sd1slshPOHw==>

5145.7 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/Etnsl0vfjVFwtsfy7FGqYA==>

5145.7 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/bVa5mPNAi4zf7b1zOFIT1Q==>

5145.71 Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/O9zo4plgytGao63PqBwRqQ==>