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DeYoung v. Commission on Professional Competence of the Hueneme Elementary School District

Court of Appeal, Second District, Division 6, California - July 30, 2014 - Cal.Rptr.3d - 2014 WL 3735721

School District's governing board voted to dismiss tenured teacher based on charges he had physically and abusively disciplined his students. The vote occurred after a District representative orally presented the charges to the board in a confidential proceeding. Although written charges subsequently were prepared and provided to teacher, the Education Code required that the board, prior to initiating dismissal, consider either verified written charges prepared by the District or written charges formulated by the board itself. (Ed.Code, § 44934.)

Teacher contended that the board's failure to consider or formulate written charges before initiating his dismissal nullified all further proceedings.

The Court of Appeal held that this procedural error was neither substantive nor prejudicial, concluding that teacher's dismissal was proper.

"In sum, DeYoung's informal notification of charges, eventual receipt of written charges, representation by counsel, involvement in the discovery process and participation in a four-day evidentiary hearing confirm he was provided notice and a full opportunity to oppose the charges. He has not shown the governing board's reliance on an oral presentation of charges in initiating his dismissal undermined his preparation or otherwise prejudiced his defense."