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CALIFORNIA SUPREME COURT HOLDS THAT EQUITABLE ESTOPPEL MAY APPLY TO FOUR-YEAR TIME LIMITATION

On June 4, 2007, the California Supreme Court held that, **by establishing equitable grounds, a school district may introduce evidence relating to matters that occurred more than four years** before the school district filed a notice of intention to dismiss a teacher. *Atwater Elem. Sch. Dist. v. Cal. Dep't of Gen. Svcs*, S124188 (Cal. Sup. Ct. 2007). The court concluded that the four-year period in Section 44944 of the Education Code is not an absolute bar.

FACTS:

A public school filed and served an Accusation and Notice of Dismissal and Charges against a credentialed teacher. The district alleged sexual misconduct against the teacher. The teacher denied the allegations and asserted affirmative defenses; the district filed an amended notice alleging that the teacher was dishonest and unfit for service. The teacher denied all charges, raised defenses, and moved to dismiss all allegations based on the District's reliance on incidents that occurred more than four years before the district filed its notice of intent. The teacher's motion for dismissal was based on Section 44944(a) of the Education Code, which provides:

No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. [N]o decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

COURT'S ANALYSIS:

Reasoning that the legislature did not show an intent to discard long-established principles of law, the court held that "equitable estoppel *may* apply to section 44944(a)'s four-year time limitation." The court explained that equity

does not create an exception to the four-year-time limit. Rather, equity applies independently of the general rule of law.

The court argued that, unlike a provision in Section 444242.7, the legislature did not intend to “foreclose the application of equitable principles to the time limits set out” in Section 444944(a).

RECOMMENDED ACTION:

If the District is aware of allegations against a certificated employee that are based on incidents occurring more than four years ago, work with legal counsel to determine whether equitable principles apply before issuing an Accusation and Notice of Dismissal..

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