

## **SUSPENSION WITHOUT PAY AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS**

Employment and dismissal of professional staff members is the responsibility of the Board and dismissal will conform to the conditions and procedures specified in state law. The policy deals with the termination of any professional staff member. There are differences between "continuing contract" employees and probationary employees with respect to "non-renewal" of a contract. This policy does not address non-renewal procedures.

A contract of any teacher may be terminated at any time for just cause included:

1. plain violation of contract
2. gross immorality
3. incompetency or neglect of duty
4. poor performance
5. unprofessional conduct
6. insubordination
7. violation of any policy or regulation of the school district
8. neglect

Upon deciding to recommend termination of a contract the Superintendent shall give written notice of an intention to recommend termination to the teacher and the school board. The notice shall contain a written statement of the reasons for the recommendation; access to the employment records of the teacher; the opportunity for a hearing before the school board to present reasons in person or in writing why the nonrenewal should not occur; and the opportunity to be represented by a representative chosen by the teacher at the teacher's expense. The notice must specify the grounds for termination, and inform the teacher of the right to request a hearing. The Board, the teacher, and the administration may have counsel present. If a court reporter is used the board will pay the appearance fee; however, the cost of preparing a written record shall be borne by the party requesting the record. If no court reporter is used, an electronic record will be kept and both parties may have a copy of the recording at no charge.

After the hearing, the Board will make its determination by majority vote in open session. Any order of termination of contract will state the grounds for termination.

### Suspension

The Board or the Superintendent may suspend a teacher with pay pending final action to terminate the contract or otherwise discipline the employee if, in its judgment, the character of the charges warrants such action.

Legal References: SDCL Ch.13-43

### Policy:

Adopted: 11/09/1998

Revised: 03/09/2009, 05/13/2024