

DISCIPLINE, SUSPENSION, AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

Employment and dismissal of professional staff members is the responsibility of the board and dismissal will conform with the conditions and procedures specified in state law.

TEMPORARY DISENGAGEMENT

In the event of a “crisis” situation, and at the direction of the superintendent, the employee will be temporarily disengaged from his/her responsibilities with pay and await further notice from the superintendent or his designee. This action only simplifies the situation so as to maintain a proper environment for learning and in no way imputes contributory involvement to the employee. To the extent reasonable under the circumstances, the superintendent’s decision should be rendered as to reinstatement, recommendation for suspension without pay or recommendation to discharge, within thirty (30) days of the temporary disengagement. The thirty (30) days may be extended if in the opinion of the superintendent additional time is necessary and appropriate under the circumstances. Within twenty (20) days of the disengagement the employee may submit, in writing, the employee’s version of the facts related to the incident resulting in the temporary disengagement.

Should an employee be charged with a drug related offense, the employee shall be suspended without pay pending the outcome of 100% of the pay the employee would have received had the employee not been suspended without pay. Should the employee be convicted for a drug related offense, the employee’s employment contract shall be terminated pursuant to SDCL 13-43. A conviction for purposes of this policy includes a suspended imposition of sentence.

SUSPENSION

Where there is a reasonable suspicion of employee misconduct, the employee may be suspended with pay by the superintendent pending an executive session hearing before the board and a decision regarding further employment.

Before terminating any contract, the board will furnish the teacher a written notice of its intention to consider termination of his/her contract, specification of the grounds for such consideration, and inform him/her of his right to request a hearing. The employee shall have full opportunity to defend against charges and to face any person who has made allegations, as allowed by the laws of the state of South Dakota. If any counsel is to be present, both the professional staff person and the board should be represented for advice concerning legal rights and possible legal outcomes.

After the hearing, the board will make its determination by majority vote. Any order of termination of contract will state the grounds for termination. If the final decision is not against the employee, the individual shall sustain no loss of pay for the period of suspension.

DISMISSAL

SDCL 13-43 shall govern the termination of a teacher’s contract.

LEGAL REF.: SDCL 13-43-15, 13-43-16

ADOPTED: April 18, 1983
REVISED: March 14, 1994
REVIEWED: August 24, 2015