

Professional Personnel

5:240 Suspension

Suspension Without Pay by the Board of Education

The Board of Education may suspend a certified or classified non-probationary employee without pay for conduct that disrupts or may disrupt the educational process or programs, unprofessional conduct, the neglect of any professional duty, conduct that violates any Illinois or federal law or regulation, insubordination, immorality, incompetency or other just cause provided that prior to any such suspension the employee shall be given written notice by personal service or registered or certified mail stating a) the reason for the suspension; b) the date, time and place of a hearing before the board of education; and c) that such employee has a right to be represented by counsel. The employee shall thereafter be given a hearing by the board of education to a) determine whether the evidence supports suspension; and, if so b) suspend such employee for a period not to exceed thirty school or working days.

At the hearing the employee shall have the right to cross examine witnesses and examine evidence, present witnesses and offer evidence in support of his/her position and be represented by counsel at the employee's own expense. The board of education or the employee shall be permitted to record the hearing at their own expense. The hearing shall be conducted in closed session.

Nothing in this policy shall be interpreted to impair the board of education's right to suspend an employee pending a hearing, to dismiss an employee or prevent the board of education or the superintendent from immediately suspending, with pay, an employee in accordance with the suspension with pay policy contained in this manual.

"Suspension" as used in this policy, means the act of temporarily debarring an employee from his/her position in the district without pay. No suspension shall exceed thirty working days in length.

Suspension With Pay by the Superintendent

The superintendent may suspend a certified or classified non-probationary employee with pay for conduct that disrupts or may disrupt the education process or programs, unprofessional conduct, the neglect of any professional duty, conduct that violates any Illinois or federal law or regulation, insubordination, immorality, incompetency or other

just cause provided that prior to any suspension the employee is given written notice stating a) the reason(s) for the suspension and b) the dates and duration of the suspension but in no event is the suspension to exceed ten working days. The employee shall have a right to a meeting with the superintendent or his/her designee a) to review the evidence supporting the suspension, b) to consider the employee's arguments and evidence against suspension, and c) based upon the evidence presented, to affirm or rescind the preliminary decision to suspend. At the meeting the employee shall have the right to have a representative present.

Nothing in this policy shall be interpreted to prevent the superintendent from immediately suspending with pay any employee whose conduct can reasonably be construed to create a condition of emergency that threatens or may threaten the health, safety or welfare of any pupil or school personnel. In the event such an emergency suspension is imposed on an employee, such employee shall be afforded the aforementioned procedural protections as soon thereafter as practicable.

"Suspension", as used in this policy, means the act of temporarily debarring an employee from his/her position in the district with pay. No suspension shall exceed ten school or working days.

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation ~~that relates to his or her employment with the District,~~^{c1} the Board or Superintendent or designee, in consultation with the Board Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

Repayment of Compensation and Benefits

If a professional employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of his or her criminal conviction, ~~then~~ the employee must repay to the District all compensation and the value of all benefits received by him or

her during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

LEGAL REF.:

105 ILCS 5/24-12.

5 ILCS 430/5-60(b), State Officials and Employee Ethics Act.

325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

Barszcz v. Cmty College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).

Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Employment Termination and Suspensions)

ADOPTED: April 10, 2007

REVISED: November 10, 2008; December 12, 2011; February 12, 2018

REVIEWED: June 13, 2022

United Township HSD 30

PRESSPlus Comments

C1 Updated in response to a five-year review. **Issue 122, June 2026**