

Policy GBK: Professional Personnel Suspension / Dismissal

Status: DRAFT

Original Adopted Date: 05/22/2000 | Last Revised Date: 03/10/2025 | Last Reviewed Date: 03/10/2025

BREACH OF CONTRACT

If licensed employee in this school district shall arbitrarily or willfully breach his or her contract and abandon his or her employment without being released therefrom as provided by law, the contract of such principal or licensed employee shall be null and void. In addition, upon the written recommendation of the majority of the members of the school board, the license or certificate of the licensed employee may be suspended by the State Board of Education for a period of one (1) school year as provided by law.

REASONS FOR DISMISSAL OR SUSPENSION

For incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil or other good cause, the superintendent of this school district may dismiss or suspend any licensed employee. Before being removed or suspended, any licensed employee shall be notified of the charges against him/her and he/she shall be advised that he/she is entitled to a public hearing upon said charges.

IMMEDIATE RELEASE

In the event the continued presence of said employee on school premises poses a potential threat or danger to the health, safety or general welfare of the students, or at the discretion of the superintendent, may interfere with or cause a disruption of normal school operations, the superintendent may immediately release said employee of all duties pending a hearing if one is requested by the employee. In the event a licensed employee is arrested, indicted or otherwise charged with a felony by a recognized law enforcement official, the continued presence of the licensed employee on school premises shall be deemed to constitute a disruption of normal school operations.

HEARING

This school board, upon a request for a hearing by the person so suspended or removed, shall set a date, time and place for such hearing which shall be not sooner than five (5) days nor later than thirty (30) days from the date of the request. The procedure for such a hearing shall be as prescribed for hearings before this board or hearing officer in Section 37-9-111. From the decision made at said hearing, any licensed employee shall be allowed an appeal to the chancery court in the same manner as appeals are authorized in Section 37-9-113.

APPEAL

Any party aggrieved by the action of the chancery court may appeal to the Mississippi Supreme Court as provided by law. In the event that a licensed employee is immediately relieved of duties pending a hearing, as provided in this section, said employee shall be entitled to compensation for a period up to and including the date that the initial hearing is set by this school board, in the event that there is a request for such a hearing by the employee.

In the event that an employee does not request a hearing within five (5) calendar days of the date of the notice of discharge or suspension, it shall constitute a waiver of all rights by said employee and such discharge or suspension shall be effective on the date set out in the notice to the employee. ' 37-9-59 (1997)

Insubordination is one of the "other good causes" for which one may be dismissed.

At a suspension or dismissal hearing before the school board, the burden rests upon the superintendent to prove by a preponderance of evidence that adequate grounds for dismissal exist.