

OLDHAM COUNTY BOARD OF EDUCATION POLICY

DISCIPLINE AND TERMINATION

5025

References: KRS Chapter 13B; KRS 161.011; KRS 161.720; KRS 161.750; KRS 161.790

The Board believes in providing the resources and framework reasonably necessary to enable its employees to reach the high expectations it has for them. However, in the event an employee is subject to discipline and/or termination, the following shall apply.

5025.01 CERTIFIED STAFF

Suspension and/or termination of certified staff shall be in strict accordance with the provisions of KRS 161.790, and applicable case law.

A teacher may be suspended, privately or publicly reprimanded, or terminated for any of the following:

- a. Insubordination, including but not limited to violation of school laws, the state or administrative regulations adopted by the Kentucky Board of Education, or lawful rules or regulations established by the Board, or refusal to recognize or obey the authority of the Superintendent, Principal or other supervisory personnel of the Board in the performance of their duties;
- b. Immoral character or conduct unbecoming a teacher;
- c. Physical or mental disability; or
- d. Inefficiency, incompetency or neglect of duty, when a written statement identifying the problems have been furnished the teacher or teachers involved.

Due process procedures set forth in KRS 161.790 and KRS Chapter 13B shall be afforded the certified staff member.

The Superintendent may suspend the teacher pending final action to terminate the contract, if in his/her judgment, the character of the charge warrants it. If a tribunal decides against termination, the suspended teacher shall be paid his/her salary for the period of suspension.

5025.02 CLASSIFIED STAFF

Classified personnel, including paraprofessional employees, may be disciplined and/or terminated by the Superintendent, as stated in the classified employee contract, for any of the following:

- a. Insubordination, including violation of school rules or laws, violation of Board policy, violation of the laws of the Commonwealth of Kentucky, or failure or refusal to follow direction or obey authority of any supervisory personnel;
- b. Inappropriate conduct with staff or students;
- c. Immoral character;
- d. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty;
- e. Physical or mental disability rendering the employee not otherwise qualified to perform his/her regular duties;
- f. Repeated unexcused absence, tardiness, absence without proper notification, or abuse of or misrepresentation concerning sick leave;
- g. Falsification of information supplied to the District on application forms or leave/absence reports;
- h. Inefficiency, incompetency or neglect of duty; or
- i. Any other legal reason, when such action is in the best interest of the school district.

Classified employees may be terminated or suspended with or without pay only by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel actions shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The employee shall be given notification of the specific charges against him/her by his/her supervisor and an opportunity to answer the charges. Upon recommendation of disciplinary action by the Principal or supervisor, the Superintendent shall notify the classified employee. In the case of suspension without pay or termination, the employee shall have seven (7) days from the date of the letter of notification to request a hearing before an independent hearing officer. The hearing shall be held no later than five (5) business

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days after the employee's request for a hearing. The hearing officer shall render a decision within seven (7) days of the hearing. The employee may be suspended pending consideration of the recommendation for termination.

When charges result in disciplinary actions other than termination or suspension without pay and employees wish to contest the charges, they may submit a written response, which shall be placed in their file along with the written charges.

5025.03 SUBSTITUTE TEACHERS

Substitute teachers who have been inactive for a period of forty-five (45) days during an academic year shall be subject to termination of their employment status. Current substitute teachers MUST sub at least 10 days during the school year. Subs meeting this requirement are considered an ACTIVE SUB for next school year and will remain on the approved substitute teacher list AND - do not need to be re-fingerprinted. - Failure to work the minimum 10 days during the school year will result in removal from the approved substitute teacher list. If a substitute teacher terminates active status the individual will be required to reapply; train and be security cleared (fingerprinted) again if the district is hiring substitutes.

It is substitute teacher's responsibility to notify the Personnel Department if they are no longer interested in substitute teaching. All substitute teachers are considered "At Will" workers who are not guaranteed employment on a daily basis and may be terminated with or without notice for any lawful reason.

5025.04 ACTIONS UPON SUSPENSION OR TERMINATION

Upon suspension or termination of any employee, the Assistant Superintendent for Support Services may direct that the employee's computer and building access be temporarily or permanently suspended immediately. If requested by his or her supervisor or a district administrator, the employee shall surrender his or her district-provided electronic devices, keys, key fobs, and identification badge.

5025.05

Nothing herein shall limit or extinguish the Superintendent's authority with regard to non-renewal (Board Policy 5052) or Reduction in Force (Board Policy 5057).

5025.06 COOPERATION OF EMPLOYEES IN INVESTIGATIONS/RIGHT AGAINST SELF-INCRIMINATION

When an employee is questioned as part of an official investigation of the Board, the employee is entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate himself or herself. Any statements, or any information or evidence that is gained by reason of such statements, cannot be used against the employee in any subsequent criminal proceedings. However, these statements may be used against the employee in relation to discipline by the Board or Superintendent. An employee of the Oldham County Board of Education shall cooperate to the fullest extent possible in any internal investigation conducted by his or her employment unit when directed to do so by persons who have been given the investigative authority by Superintendent, or Board Chair, as the case may be. Failure to cooperate fully shall be grounds for adverse personnel action, including possible termination of employment.