

Separation and Suspension

Employees who for any reason intend to resign or who intend to retire are encouraged to indicate their plans to the Superintendent as early in the school year as possible. Resignations become effective at the end of the school year in which they are submitted. Separation from employment earlier than at the end of the school year requires a release by the Board and must be considered on an individual basis. Resignations and requests for release must to be submitted to the Superintendent.

Employees who separate voluntarily from service in the district will be appropriately recognized by Board resolution for their service.

The Board or the Superintendent may suspend an employee pending investigation of charges and final action to terminate or continue employment if, in its judgment, the character of the charges against the employee warrant such action. Procedures for dismissal of certificated employees are governed by South Dakota Law and the Master Agreement and all actions of the Board as well as the rights and privileges of employees are clearly identified in the statutes. Certified employees are dismissed only after all procedures prescribed by Law and policy have been carried out.

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.

A contract may be terminated at any time or non-renewed in the case of continuing contract status for just cause including:

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

The Superintendent will give notice to the teacher of the intent to recommend termination. The notice must specify the grounds for the recommendation, and inform the teacher of the right to request a hearing. The Board, the teacher, and the administration may have counsel present. It is recommended that a court reporter be used. After the hearing, or if a hearing is not requested, the Board will make its determination by majority vote in open session. Any order of termination of contract will state the grounds for termination.

The Board will strive to assist personnel to adjust to their positions and to perform their duties satisfactorily. Reasonable effort will be made to avoid dismissing personnel at any level.

When an employee is charged with misconduct, insubordination or unsatisfactory performance, they may be temporarily suspended by the Superintendent until the charges are investigated. If the charges are unfounded, the employee will be reinstated, if not, the employee will be disciplined.

If the employee is dissatisfied with the Superintendent's action, the employee may appeal to the School Board for a review of their case.

Legal References: SDCL 13-10-15; 13-8-39; 13-10-2; 13-43-6.1 through 13-43-6.9

Revised: July 1996; July 12, 2010; July 9, 2012