

SUPPORT STAFF TERMINATION OF EMPLOYMENT

RULES OF PROCEDURE FOR CONDUCTING TERMINATION HEARINGS FOR NON-CERTIFIED PERSONNEL

The Board of Education of the Indian River School District adopts and promulgates the following Rules of Procedures, which shall govern all termination hearings involving non-certified personnel.

I. APPLICATION OF THE RULES

The following rules apply only to cases involving all personnel, other than teachers, who have a right to continued employment and whose employment is terminated for cause. The rules and procedures are inapplicable to personnel who are employed at will or whose employment is being terminated upon the expiration of their individual contract terms.

II. NOTICE OF TERMINATION

Notice of intention to terminate an employee's service shall be in writing and shall:

- A. State the reason or reasons for the termination of services.
- B. Be sent to the employee by certified mail, return receipt requested, addressed to the individual at his or her last known residence address as shown on the District payroll/personnel file. Delivery shall be presumed at the earlier of (i) the date of receipt or (ii) three calendar days after the certified mail was deposited at the Post Office.
- C. Specify the address to which any written request for a hearing shall be sent by certified mail, return receipt requested.
- D. Be accompanied by a copy of these Rules of Procedure.

III. REQUEST FOR A HEARING

- A. Within ten (10) days after receipt of the written notice of intention to terminate services, the notified employee may request in writing an opportunity to be heard. Such a request for a hearing must be received by the District within ten (10) days after receipt of the written notice of intention to terminate services.
- B. Following receipt of a written request for a hearing, a date shall be set by the Superintendent or his/her designee for such a hearing. The hearing shall be held as soon as practicable after the date of receipt of a written

request for a hearing. The employee shall have at least ten (10) days notice in writing of the time and place of such a hearing.

- C. In the event that an employee waives his or her right to a hearing by failing to submit a timely request, the notice of intention to terminate services of said employee shall constitute a final notice of termination effective ten (10) days after it was received by the employee.

IV. ORDER OF PROCEDURE

- A. The Superintendent or his/her designee will announce that the hearing is being conducted under the provisions of the Board Rules Governing Termination Hearings for Non-Certified Personnel.
- B. Charges of evidence against the employee will be summarized and presented by the hearing officer or IRSD Board of Education.
- C. The employee and a designated representative of Indian River School District may question any witness to the extent and under such conditions as allowed by the hearing officer.
- D. The employee will be given an opportunity to respond to the evidence offered against him/her. In that regard, the employee may testify on his/her own behalf, may arrange for the calling of witnesses to testify on his/her behalf and may arrange for documentary or other evidence to be submitted on his/her behalf.

V. GENERAL HEARING PROCEDURES

- A. The hearing shall be conducted by a hearing officer designated by the Superintendent or his or her designee. The hearing may also be conducted by the IRSD Board of Education.
- B. The hearing officer or IRSD Board of Education shall permit the introduction of evidence which is relevant, material, reliable and probative, but which is not unduly repetitious or cumulative.
- B. Strict judicial rules of evidence shall not be applicable to hearings conducted under these rules and, in each case, the question of admissibility shall be within the sole discretion of the hearing officer or IRSD Board of Education.
- D. The hearing may be continued, adjourned or postponed for good cause, upon application of the employee or upon his or her own application.
- E. The hearing will be recorded.

- F. It shall not be necessary for testimony to be given under oath.
 - G. Any documents introduced into evidence shall be accepted by the hearing officer or IRSD Board of Education and shall be made a part of the record of the hearing. Such documents shall be consecutively numbered as exhibits. The hearing officer or IRSD Board of Education shall determine what weight is to be given to any such documents.
 - H. The hearing officer or IRSD Board of Education may take administrative notice of the official acts and records of the school district.
- VI. POST HEARING PROCEDURES (administered by a Hearing Officer)
- A. The hearing officer shall prepare a written report (the “Report”) for the Board within ten (10) days from the conclusion of the hearing. The Report shall include the transcript of the termination hearing and exhibits offered at the hearing. The Report shall summarize the evidence and shall state conclusions of fact and conclusions of law.
 - B. Based upon the review of the Report submitted by the hearing officer, the Board shall make a decision as to whether to terminate the employee. Every decision shall be based solely upon the testimony and exhibits in the record. A copy shall be forwarded to the Office of Personnel.
 - C. The Board shall notify the employee of the decision in writing (via certified mail with a return mail receipt), within (30) days of the conclusion of the hearing. The return receipt shall constitute presumptive evidence that the notice mailed was received by the employee or his/her agent, and any notation of refusal shall constitute presumptive evidence that the refusal was by the employee or his/her agent.
- VII. POST HEARING PROCEDURES (administered directly by the Board of Education)
- A. The Board shall make every decision based solely upon the testimony and exhibits presented during the hearing.
 - B. The Board Secretary shall prepare a written report summarizing the evidence and shall state conclusions of fact and conclusions of law including the decision made by the Board. A copy shall be forwarded to the Office of Personnel.
 - C. The Board shall notify the employee of the decision in writing (via certified mail with a return mail receipt) within (30) days of conclusion of the hearing. The return receipt shall constitute presumptive evidence that the notice mailed was received by the employee or his/her agent, and any notation of refusal shall constitute presumptive evidence that the refusal was by the employee or his/her agent.

VIII. CALCULATIONS OF TIME

In calculating periods of time provided for in the Rules of Procedure, intervening Saturdays, Sundays and legal holidays shall be included, unless the final day of the period falls on either a Saturday, Sunday or legal holiday and in that case, the final day shall be the next day which is not a Saturday, Sunday or legal holiday.

Adopted 1/23/07

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