

Descriptor Term: SEPARATION/TERMINATION-Superintendent

Descriptor Code: CEJA

Rescinds: New

Board Approved: 7/10/2006

Previously Approved:

The practice of the Gulfport School District is to provide the highest possible quality of education for the students enrolled in the schools in the District. In order to achieve this goal, it is recognized that it may be necessary to separate/terminate from employment the Superintendent where his/her performance fails to meet the standards established by the Board of Trustees or where his/her services are no longer needed. A decision to separate/terminate may precede a plan of improvement.

In the event that the Board determines not to continue the employment for the remainder of the contract period, written notice of the decision will be sent to the Superintendent.

Any separation/termination decision of the Board will be rationally related to a legitimate educational interest and not arbitrary or capricious or based upon some constitutionally impermissible reason such as race, sex, religion, handicap, or exercise of First Amendment rights.

A superintendent who is an employee as defined in Mississippi Code 1972, Section 37-9-103, receiving written notice under the provisions of this policy will, **upon written request, within ten (10) calendar days of receipt of separation/termination notice**, be entitled to:

1. an opportunity for a hearing at which to present matters relevant to the reasons given for the separation/termination decision including any reasons alleged by the employee, to be the reason for separation/termination if a request for such a hearing is received by the District within ten (10) calendar days of the date the employee received his/her written notice of separation/termination. The hearing date will be set no sooner than five (5) days nor later than thirty (30) days from the date of the request, unless otherwise agreed;
2. written notice of the reasons for separation/termination together with a summary of the factual basis therefor and a list of witnesses and a copy of documentary evidence intended to be presented at the hearing. The District will give this notice to the employee at least fourteen (14) days prior to any hearing;
3. receive a fair and impartial hearing before the Board of Trustees or hearing officer selected by the Board;
4. be represented by legal counsel, at the employee's own expense.

An employee requesting a hearing must provide the District, not less than five (5) days before the scheduled date of the hearing, a response to the specific reasons for separation/termination, a list

of witnesses and a copy of documentary evidence in support of the response intended to be presented at the hearing. §37-9-109

If the employee does not request a hearing with regard to the separation/ termination of the employee, the decision of the Board will be final.

It is the intent of the Board of Trustees to establish procedures for providing the employee with notice of the reasons for separation/termination to provide an opportunity for the employee to present matters in extenuation and exculpation to enable the Board to determine whether the recommendation for separation/termination is a proper employment decision and not contrary to law and not a violation of some statutory or constitutional right and not to establish a system of tenure expressed or implied or require that all decisions for separation/termination be based upon cause with respect to employment with the District.

Any and all hearings will be conducted pursuant to Policy CEJ-R, the "Rules of Procedure under the Education Employment Procedures Law of 1977", as adopted by the Board. All proceedings under this policy are and will be governed by the Education Employment Procedures Law of 1977, where applicable. Mississippi Code 1972, §37-9-101 through §37-9-113.