

Descriptor Term: NON-RENEWAL – Superintendent

Descriptor Code: CEJ

Rescinds: N/A

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 non-renew the Superintendent's employment where his/her performance fails to meet the standards established by the Board of Trustees or where his/her services are otherwise unsatisfactory.

In the event that the Board determines not to offer the Superintendent a renewal contract for a successive year, written notice of the decision will be given by the Board to the Superintendent on or before February 1. ' 37-9-104

Any non-renewal 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 non-renewal notice**, be entitled to:

1. an opportunity for a hearing at which to present matters relevant to the reasons given for the non-renewal decision including any reasons alleged by the employee, to be the reason for non-renewal if a request for such a hearing is received by the Board within ten (10) calendar days of the date the employee received his/her written notice of non-renewal. 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 non-renewal 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 Board 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 Board, not less than five (5) days before the scheduled date of the hearing, a response to the specific reasons for non-renewal 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 non-renewal 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 Superintendent with notice of the reasons for not offering him/her a renewal of his/her contract, to provide an opportunity for the Superintendent to present matters in extenuation and exculpation to enable the Board to determine whether the recommendation for non-renewal 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 non-renewal 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.