

Descriptor Term: NON-RENEWAL - Certified Non-Administrative Personnel

Descriptor Code: GBN

Rescinds: N/A

Board Approved: 6/26/2006

Previously Approved: 2/14/2005

It will be the practice of the Gulfport School District to provide the highest possible quality of education for the students enrolled in the schools of the District. In order to achieve this goal, it is recognized that it may be necessary to non-renew certified non-administrative personnel where their performance fails to meet the standards established by the Superintendent, or the Board of Trustees, or is otherwise unsatisfactory.

In the event that a determination is made by the Superintendent not to offer a **certified non-administrative** employee a renewal contract for a successive year, written notice of non-renewal will be given by the Superintendent to the employee on or before April 15.

Any non-renewal decision of the Superintendent will not be based upon some unconstitutional or legally impermissible reason such as race, gender, religion, or handicap.

A certified non-administrative employee, 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 District 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 therefore 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 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, the decision of the Superintendent, with regard to the re-employment of the employee, will be final.

It is the intent of the Board of Trustees District to establish procedures for providing the employee with notice of the reasons for not offering him/her a renewal of his/her contract, to provide an opportunity for the employee to present matters in extenuation and exculpation to enable the Board 2 - GBN - Non-Renewal - Certified Non-Administrative Personnel

to determine whether the recommendation of 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 of non-renewal be based upon cause with respect to employment with the District.

Any and all hearings will be conducted pursuant to Policy GBN-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.

The Board is hereby prohibited from denying employment or re-employment to any certified employee, as defined in Section 37-19-1, for the single reason that any eligible child of such person does not attend the school system in which such principal or certified employee is employed. §37-9-59

Legal Reference: Mississippi Code 1972, as cited above

Failure of the Superintendent to notify a certified non-administrative employee of non-renewal on or before April 15 constitutes an automatic renewal of his/her outstanding contract for the ensuing year.

Legal Reference: Jackson vs Board of Education, 349 So 2d 550 (MISS.)

The Board is not required to justify its decision not to renew a certified non-administrative employee where the employee fails to show any impermissible reason for the Board's decision.

Legal Reference: Tanner vs Hazelhurst MSSD, 427 So 2d 977 (1983, MISS.)