

Teacher Discharge for Cause

Definitions

For the purposes of this policy, *teacher* includes the following positions in the District: teacher, principal, and assistant or associate superintendent.

Substantiating the Need for Discharge

If a principal or individual responsible for teacher supervision has reasonable cause that a teacher has exhibited or engaged in actions that the supervisor believes are consistent with a criterion or criteria for discharge contained in NDCC 15.1-15-07, they shall contact and consult with the Superintendent. The Superintendent is authorized to consult with the District's legal counsel on how to proceed and shall advise the principal/supervisor on how to respond to the teacher's actions.

When the Superintendent, in consultation with the District's attorney, believes that the District has the basis necessary to pursue contemplated discharge for cause, the Superintendent shall schedule and properly notice a board meeting.

Meeting to Contemplate Discharge

At the board meeting, the Board will vote on a motion to contemplate discharge. This motion must be made in an open meeting, and in order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion to the single issue of whether or not the causes for discharge given by the Superintendent conform to NDCC 15.1-15-07. Questions or discussion of the substance or substantiation of the stated causes for discharge must be reserved for the actual discharge hearing.

If properly noticed, the Board may also vote on whether to suspend the teacher during the period in which the discharge for cause is pursued. The Board shall not agree to hold discussion of teacher suspension in an open meeting. In order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion of teacher suspension to the single issue of whether or not to suspend the teacher with or without pay. The motion to suspend must be passed unanimously by the Board.

Prehearing and Hearing Procedure

If voting to contemplate discharge, the Board shall then comply with the Office of Administrative Hearings Guidelines for Prehearings and Hearing Procedures (DKDB-E). During the pre-hearing process, the District's legal counsel and, if deemed appropriate by District legal counsel, the Superintendent shall represent the District. In order to guard against a final determination prior to the hearing with the teacher, board members shall not be involved in the prehearing procedure. The Board should instruct its legal counsel that it shall not agree to hold the discharge hearing in an open meeting.

At the hearing, board members shall only ask questions based on the evidence presented at the hearing. Board members shall not ask questions about outside evidence that is not part of the official hearing record. While board members may ask questions during the hearing, they shall reserve all comments for the deliberations portion of the hearing and shall base such comments on only evidence presented during the hearing – not outside information.

Complementary Documents

- BCAA, Board Meeting Agenda and Pre-Meeting Preparation
- BCAB, Board Meeting Procedures
- BCAD, Executive Sessions
- BDBB, Retaining an Attorney
- DKBD-E, OAH Guidelines for Prehearing and Hearing Procedure Discharge for Cause Hearings NDCC 15.1-15-08

End of Bismarck Public School District Policy DKBD

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