

## CHAPTER 6.00 – HUMAN RESOURCES

### SUSPENSION AND DISMISSAL

**6.37**

- (1) No employee may be suspended from duty except by the Superintendent or the School Board. The Superintendent may suspend a member of the staff during an emergency for a period extending to and including the next meeting of the School Board or in accordance with the provisions of Rule 6.33.
- (2) In the case of a suspension without pay by the School Board, an affected employee shall be entitled to a hearing on the charges as to why he/she should be suspended without pay. Said hearing shall be upon reasonable notice by the School Board.
- (3) If any dismissal proceeding in which the substantial interest of the employee is affected, or in which the employee has a property interest, the employee shall be entitled to a hearing on the merits of the case in accordance with the provisions of Chapter 120, Administrative Procedures Act.
- (4) In the event an employee is entitled to a hearing, the Superintendent shall notify the affected employee in writing of his/her right to a hearing at the time a petition for suspension or dismissal is filed. The petition for suspension or dismissal must set forth the charges against the employee. The petition shall further notify the employee that in the event a written request for a hearing is not received by the Superintendent within fifteen (15) days after receipt of said notice if the employee is under annual or professional service contract or thirty (30) days after receipt of said notice if the individual is under continuing contract, that the employee waives his/her right to a hearing. In the event no such notice is sent by the Superintendent, the employee shall be deemed to have requested a hearing.
- (5) In the event a hearing is required as prescribed by law, pursuant to this policy, a written notice of hearing shall be furnished to the employee in a timely manner according to law stating the date, place and time of the hearing.
- (6) No member of the staff may be dismissed except by action of the School Board.

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- (7) Dismissal during the term of a contract of a staff member shall be for cause. Such dismissal shall include:
- (a) For an employee holding a continuing contract or its equivalent:
    - (i) Immorality;
    - (ii) Misconduct in office;
    - (iii) Incompetency;
    - (iv) Gross insubordination;
    - (v) Willful neglect of duty;
    - (vi) Drunkenness;
    - (vii) Conviction of any crime involving moral turpitude; or,
    - (viii) Other actions which substantially impair the effectiveness of the employee.
  - (b) For an instructional employee holding a professional service contract or permanent status:
    - (i) Immorality;
    - (ii) Misconduct in office;
    - (iii) Incompetency;
    - (iv) Two (2) consecutive annual performance evaluation ratings of unsatisfactory under § 1012.34, F.S.;
    - (v) Two (2) annual performance evaluation ratings of unsatisfactory under § 1012.34, F.S. within a three (3) year period;
    - (vi) Three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement or unsatisfactory under § 1012.34, F.S.;
    - (vii) Gross insubordination;

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- (viii) Willful neglect of duty;
  - (ix) Conviction of a crime involving moral turpitude; or,
  - (x) Other actions which substantially impair the effectiveness of the employee.
- (c) For an administrative or supervisory employee holding an annual or multi-year contract:
- (i) Immorality;
  - (ii) Misconduct in office;
  - (iii) Incompetency;
  - (iv) Gross insubordination;
  - (v) Willful neglect of duty;
  - (vi) Drunkenness;
  - (vii) Conviction of a crime involving moral turpitude; or,
  - (viii) Other actions which substantially impair the effectiveness of the employee.
- (d) For an employee holding an annual contract or its equivalent:
- (i) Immorality;
  - (ii) Misconduct in office;
  - (iii) Incompetency;
  - (iv) Gross insubordination;
  - (v) Willful neglect of duty;
  - (vi) Conviction of a crime involving moral turpitude; or,
  - (vii) Other actions which substantially impair the effectiveness of the employee.

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- (e) Other actions which substantially impair the effectiveness of any employee include but are not limited to the following:
  - (i) Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors or sexual relations with a student;
  - (ii) Possession, sale, use or being under the influence of controlled substances;
  - (iii) Committing or conviction\* of a criminal act (felony);
  - (iv) Committing or conviction\* of a criminal act (misdemeanor);
  - (v) Possession of guns or weapons on School Board property;
  - (vi) Alcohol related offenses;
  - (vii) Driving under the influence of alcohol;
  - (viii) Misuse of corporal punishment or inappropriate method of discipline;
  - (ix) Falsification or alteration of employment paperwork, district forms or documents or certification;
  - (x) Using position for personal gain;
  - (xi) Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background;
  - (xii) Harassment or discrimination which interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive or oppressive environment;
  - (xiii) Inappropriate or disparaging remarks to or about students or exposing a student to unnecessary embarrassment or disparagement;

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- (xiv) Inappropriate relationship with a student;
- (xv) Inappropriate interactions with colleagues including, but not limited to physical or verbal altercation;
- (xvi) Misappropriation of funds or theft of personal property;
- (xvii) Excessive absenteeism or tardiness;
- (xviii) AWOL or abandonment of job;
- (xix) Failure to correct performance deficiencies;
- (xx) Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority;
- (xxi) Misconduct or misconduct in office;
- (xxii) Unauthorized use, theft or vandalism of School Board property.
- (xxiii) Failure to comply with School Board policy, state law, or appropriate contractual agreement;
- (xxiv) Safe Driver Plan (Transportation Dept only); or
- (xxv) Use of tobacco products on School Board property.

\*Conviction is defined as a finding of guilt, a plea of guilty, a plea of *Nolo Contendere* or entering a pre-trial intervention program, whether or not there is a formal adjudication of guilt.

- (f) Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one of the grounds listed in Section 1012.33, F.S., Section 1012.335, F.S. or other Florida Statutes.
- (8) The Superintendent or designee shall be authorized to investigate and take action on a complaint against a person who has an expired Florida Educator's Certificate and has committed an act during the validity period of this certificate. Pursuant to Florida Statutes, all legally sufficient

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complaints shall be filed within thirty (30) days of said complaint that is brought to the Superintendent's attention.

- (9) The Superintendent shall notify the Florida Department of Education of instructional personnel who have received two (2) consecutive unsatisfactory annual evaluations and have been given written notice and intent that his / her employment is being terminated or non-renewed.
- (10) Non-renewal of employees during their probationary period or upon expiration of a time-limited contract shall not be considered dismissal and shall not be subject to this policy.
- (11) Any provision in the Collective Bargaining Agreement which is contrary shall supersede this policy.

### **STATUTORY AUTHORITY:**

**1001.41; 1012.22; 1012.23, F.S.**

### **LAWS IMPLEMENTED:**

**CHAPTER 120.790.15; 1001.43; 1012.22;  
1012.27; 1012.33; 1012.335, 1012.795, F.S.**

### **STATE BOARD OF EDUCATION RULES:**

**6A-5.056**

### **HISTORY:**

#### **ADOPTED:**

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