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EXPLANATION: SUSPENSION OF PROFESSIONAL STAFF MEMBERS

MSBA has revised this policy for clarity. Under "Employees with Contracts," MSBA has clarified that a hearing is not required when an employee has consented to an unpaid suspension in writing.

MSBA has also changed language under "Special Circumstances Requiring Suspension" for consistency with other policies.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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SUSPENSION OF PROFESSIONAL STAFF MEMBERS

The Board delegates to the superintendent the authority to suspend any staff member for any legal reason in accordance with district policy and law. ~~Action shall be taken when, in the judgment of the superintendent, the best interests of the school will be served by immediate suspension.~~ An employee will be immediately suspended in situations where the superintendent or designee determines that suspension is necessary to prevent disruption to the education environment, protect the safety of the students, appropriately investigate alleged misconduct, or in other circumstances where suspension serves the district's interests.

Employees without Contracts

The superintendent may suspend, with or without pay, professional staff members who are not under contract. The superintendent shall report any such suspension to the Board of Education. The superintendent's decision will stand approved unless reversed by the Board.

Employees with Contracts

Employees with contracts may be suspended with pay in accordance with law.

Employees with contracts may be suspended without pay only after appropriate due process unless the employee consents in writing to a suspension without pay. Prior to suspending a professional staff member without pay during the term of a contract, the district will notify the employee of the charges, give the employee an opportunity to discuss the charges and inform the employee of the opportunity to appeal the suspension to the Board of Education. The employee must request an appeal within ten days of notice of suspension without pay. If the employee appeals, the employee may also be suspended with pay pending the appeal. –

In general, pay will not be withheld until the Board renders its decision, unless an appeal has been waived or the employee consents in writing to a suspension without pay.

Special Circumstances Requiring Suspension

Pursuant to state law, any employee who strip searches a student in violation of law will be immediately suspended without pay and may be terminated. Prior to suspending a professional staff member with an employment contract, the district will notify the employee of the charges, give the employee an opportunity to discuss the charges and inform the employee of the opportunity to appeal the suspension to the Board of Education. If the Board reverses the suspension, the employee will be reimbursed for any pay withheld. Depending on the length and nature of the suspension, the employee may receive additional due process as required by law.

If the district receives information that an employee has allegedly been involved in sexual misconduct with a student or any other child, the district will suspend ~~may place~~ the employee on administrative leave with pay pending an investigation. In accordance with law, the district will suspend or continue a suspension of an employee if the Children's Division (CD) of the Department of Social Services finds that an allegation of sexual misconduct with a student is substantiated, but the district may return the employee to his or her position if the finding is reversed by a court on appeal and becomes final. The district reserves the right to suspend or terminate an employee for any legal reason, including sexual misconduct, regardless of whether another agency or a court substantiates the claim. A hearing will be provided to an employee upon request when required by law.

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Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: 08/08/1994

Revised: 06/14/1999; 12/12/2005; 05/09/2011; 06/11/2012;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
ILA, Test Integrity and Security
JFCF, Hazing and Bullying
JFG, Interrogations, Interviews and Searches
JHG, Reporting and Investigating Child Abuse/Neglect

Legal Refs: §§ 162.068, 167.166, 168.071, .101 - .126³³, RSMo.

Camdenton R-III School District, Camdenton, Missouri