

REFERENCE COPY

FILE: GDPD
Critical

EXPLANATION: NONRENEWAL, SUSPENSION AND TERMINATION OF SUPPORT STAFF MEMBERS

MSBA has amended this policy for clarity and consistency with other policies revised in this update. In 2013 the legislature amended the Amy Hestir Student Protection Act to require districts to share information not only with other public schools, but also charter schools, regarding employees who have resigned from the district due to allegations of sexual misconduct.

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.

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

FILE: GDPD
Critical

REFERENCE COPY

DRAFT

REFERENCE COPY

FILE: GDPD
Critical

NONRENEWAL, SUSPENSION AND TERMINATION OF SUPPORT STAFF MEMBERS

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

Although support staff employees have no contractual right to continued employment from one academic term or year to the next, such employees may reasonably expect continued employment until notified otherwise.

Special Circumstances

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. Appropriate due process in accordance with law and this policy will be provided prior to suspending a staff member with an employment contract.

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** 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. Regardless, 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.

If a former district employee whose job involved contact with children was terminated, nonrenewed or allowed to resign in lieu of termination as a result of an allegation of sexual misconduct with a student, or as a result of such allegations being substantiated by the CD's child abuse and neglect review board, the district is required by law to release information regarding the sexual misconduct to a potential public school **or charter school** employer who contacts the district regarding the former employee. In addition, if the CD substantiates a complaint of sexual misconduct with a student against a former employee of the district, the law requires the district to release the results of the CD investigation to any potential public school **or charter school** employer who contacts the district.

When employment ends as a result of an allegation of sexual misconduct with a student, the district will provide appropriate due process prior to the release of information regarding the sexual misconduct to a potential public school **or charter school** employer, if feasible. The superintendent

or designee is authorized to consult with the district's attorney to determine the appropriate level of due process to provide.

For the purposes of this policy, employees are considered "former employees" if they have resigned, been terminated, had their contracts nonrenewed, or been notified that their contracts with the district will not be renewed or that the district is pursuing termination, even if the process has not been completed.

* * * * *

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: 01/09/1995; 06/13/2005; 10/13/2008; 06/28/2012;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
FC, School Closings, Consolidations and Reorganizations
HPA, Employee Walkouts, Strikes and Other Disruptions
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, RSMo.
U.S. Const. amend. XIV

Camdenton R-III School District, Camdenton, Missouri