

REEMPLOYMENT, NON-REEMPLOYMENT, SUSPENSION, AND DISMISSAL OF REGULAR FULL-TIME CERTIFIED ADMINISTRATORS

POLICY

I. DEFINITIONS

Certain terms used in this policy shall have the following meanings:

"Certified Administrator" shall mean a regular, full-time, non-bargaining, duly certified person who devotes a majority of time to service as a Superintendent, Associate Superintendent, Campus Director, Assistant Campus Director, or in another administrative or supervisory capacity in which certification through the Department of Education is required.

"Reemployment" shall mean the District's offer and the Certified Administrator's acceptance of a new contract for the next fiscal year after the expiration of the term of the employee's present contract.

"Non-reemployment" shall mean the non-renewal of a Certified Administrator's contract upon the expiration of the contract.

"Suspension" shall mean the temporary discontinuance of a Certified Administrator's services pending the final action of the Board of Education on a recommendation to dismiss the employee.

"Dismissal" shall mean the discontinuance of the services of a Certified Administrator during the term of a written contract. "Dismissal" does not include the District's action to not extend or renew the term of the Certified Administrator's contract following the expiration of the contract term.

II. REEMPLOYMENT AND NON-REEMPLOYMENT

It is the policy of the Board of Education ("District") to authorize the reemployment and non-reemployment of Certified Administrators as provided in this statement.

A Certified Administrator's employment contract commences and ends on the dates specified in the contract and is subject to the renewal provisions contained therein. Employment may extend beyond the contract period unless non-renewal procedures are initiated.

The Superintendent or his/her designee shall submit a letter to the Certified Administrator if a recommendation for non-renewal of his/her employment contract for

the next fiscal year will be presented to the Board. The letter will include the proposed action, the reasons for effecting the action and notification to the employee of his/her right to a hearing before the Board of Education prior to the action.

The Certified Administrator must submit a written request for a hearing to the Clerk of the Board of Education within ten (10) days after receiving the notification statement. Failure to submit the request within the ten (10) day period shall constitute a waiver of the right to a hearing.

The decision of the Board of Education concerning the non-reemployment, following the hearing, shall be final.

III. SUSPENSION AND DISMISSAL

It is the policy of the Board of Education to authorize the suspension and dismissal of Certified Administrators for cause.

Whenever the Superintendent or his/her designee has reason to believe that cause exists for the dismissal of a Certified Administrator, and when he/she is of the opinion that the immediate suspension of the employee would be in the best interest of the District, he/she may suspend the employee without notice or hearing. If it is reasonably possible to do so, the Superintendent or his/her designee shall meet with the Certified Administrator prior to suspension and advise the employee of the impending suspension. The suspension shall not deprive the employee of any compensation or other benefits to which he/she is otherwise entitled.

The term of any suspension not related to a criminal charge shall not exceed ten (10) days without either: a) returning the Certified Administrator to work, or b) initiating proceedings for dismissal of the employee.

The Superintendent or his/her designee shall submit a letter to the Certified Administrator prior to any recommendation for dismissal. The letter will describe the proposed action, the reasons for effecting the action and a notification to the employee of his/her right to a Due Process Hearing before the Board of Education prior to the action.

The Certified Administrator must submit a written request for a hearing to the Clerk of the Board of Education within ten (10) days after receiving the notification statement. Failure to submit the request within the ten (10) day period shall constitute a waiver of the right to a hearing.

If the Certified Administrator selects a hearing before the Board of Education, the hearing shall be conducted in Open Session at a Regular or Special Board Meeting.

The decision of the Board of Education at the Due Process Hearing shall be final.

IV. REASONS FOR NON-REEMPLOYMENT, SUSPENSION, AND DISMISSAL

A. A Certified Administrator shall be dismissed or non-reemployed for the following causes:

1. Any sex offense subject to the Sex Offender's Registration Act in the State of Oklahoma or subject to another state's or the federal sex offender registration provisions; or
2. Any felony offense unless a presidential or gubernatorial pardon has been issued;

B. A Certified Administrator may be suspended and dismissed or not reemployed after determining that the employee was responsible for

1. Engaging in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of duties for the District. As used in this policy: a) "Criminal sexual activity" means the commission of an act as defined in Section 886 of Title 21 of the Oklahoma Statutes, which is the act of sodomy; and b) "Sexual misconduct" means the soliciting or imposing of criminal sexual activity;
2. Excessive unexcused absenteeism including being absent from work area without permission;
3. Excessive tardiness or leaving early without permission;
4. Falsification of personnel, student or other official District records;
5. Bringing on District property any item intended to be used as a weapon;
6. Willful abuse, misuse, defacing, or destruction of District property, including tools, equipment, or other property of other employees;
7. Theft or misappropriation of property of employees, students, clients or District;
8. Unauthorized use of District supplies, tools, equipment and facilities;
9. Threatening, intimidating or coercing any employee, student or client;

10. Making or publishing false, vicious, or malicious statements concerning any employee or the District which are disruptive of or destructive to the operation of the District;
11. On-duty or on-site possession or consumption of, or reporting to work under the influence of alcohol, non-prescribed drugs or controlled substances;
12. Disregard of known safety rules or common safety practices;
13. Gambling, lottery or any other game of chance on District property;
14. Failure to satisfactorily perform assigned duties after warning or evaluation;
15. Engaging in immoral conduct or indecency on or off District property or using abusive and/or foul language on District property;
16. Engaging in sexual or racial harassment of any employee, student or client;
17. Refusal of job transfer within the District, if the transfer does not result in a demotion;
18. Insubordination;
19. Violation of written District policies and procedures; or
20. An act, behavior or event initiated by or due to the fault of the employee that is clearly not in the best interest of the District.

This policy shall not be construed to prevent layoffs according to the District's Reduction-In-Force Policy.

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PROCEDURES

I. NOTIFICATION CONCERNING REEMPLOYMENT OF CERTIFIED ADMINISTRATORS

The Superintendent shall include on an appropriate Board of Education meeting agenda an item for the Board to vote to approve reemploying those Certified Administrators that are recommended for employment for the subsequent fiscal year.

II. SUSPENSION OF CERTIFIED ADMINISTRATORS

- A. When it is reasonably possible to do so, prior to suspending a Certified Administrator, the Superintendent or his/her designee shall meet with the employee and shall advise him/her of the cause or causes for the proposed suspension and the underlying facts supporting the proposed suspension.
- B. The suspension shall be confirmed and the Certified Administrator shall be notified of the suspension by letter, stating the cause(s) for the suspension, the underlying facts supporting the suspension, and that the suspension shall be with pay. The letter shall be sent by Certified Mail-Restricted Delivery-Return Receipt Requested.
- C. The suspension shall not exceed ten (10) days in length except in the case of a criminal charge. In this case, School Law shall be followed (Oklahoma Statutes 70-6-101.14).
- D. The Superintendent or his/her designee may initiate proceedings for dismissal after the suspension, or return the Certified Administrator to work.

III. INITIATING PROCEEDINGS FOR NON-REEMPLOYMENT OR DISMISSAL OF CERTIFIED ADMINISTRATORS

- A. The Superintendent or his/her designee shall determine which Certified Administrators will not be recommended for re-employment based on a valid reason(s) consistent with the best interest of the District.
- B. The Certified Administrator shall be notified in writing of the reasons for recommending non-reemployment or dismissal. This letter shall also include the reasons for making the

recommendation and notice of the Certified Administrator's right to a hearing, on the non-reemployment or dismissal, before the Board of Education.

- C. If the Certified Administrator desires a hearing before the Board of Education, he/she must mail or deliver a written request for a hearing to the Clerk of the Board of Education within ten (10) days from the receipt of the letter to make a request for a hearing.
- D. If the Certified Administrator mails or delivers the written request to the Clerk of the Board of Education within the time stated in "C" above, the hearing will be conducted in Open Session at a Regular or Special Board of Education Meeting.
- E. If the Certified Administrator does not submit the written request for a hearing to the Clerk of the Board of Education within the time specified in "C" above, he/she will be deemed to have waived all of his/her hearing rights. The Board will take such action at a Board of Education meeting as it deems appropriate on the Superintendent's recommendation without a hearing.

IV. CONDUCTING THE HEARING

- A. The Certified Administrator shall be notified by Certified Mail-Return Receipt Requested-Restricted Delivery of the date, time and place of the Hearing as determined in Section III "D" above.

The notice shall inform the Certified Administrator that at the hearing, he/she will have the right to exercise all of the due process hearing rights guaranteed by the United States and Oklahoma constitutions, including the right to be present in person at the hearing, the right to be represented at the hearing by a lawyer or other person of the employee's choice, the right to present any evidence on behalf of the employee, the right to question witnesses presenting evidence on behalf of the administration and the right to a fair and impartial hearing. The notice of the hearing shall inform the employee of the names of persons who will present evidence on behalf of the administration, the substance of their anticipated testimony, the cause(s) for the employment dismissal and a statement of the facts supporting the cause(s).

- B. The hearing shall be conducted by the Board of Education in Open Session during an official meeting.
- C. In a hearing concerning the non-reemployment of a Certified Administrator the following procedure will apply:
 - 1. The Superintendent or his/her designee will present a statement of the reason(s) for not recommending the Certified Administrator's reemployment.

2. At the conclusion of the statement by the Superintendent or his/her designee, the Certified Administrator or his/her designee will be given the opportunity to make any statement to the Board of Education of any reasons why he/she should be reemployed.
 3. Following the statements in "1" and "2" above, the Board of Education may convene in Executive Session to deliberate on the statements.
 4. The Board will vote in Open Session by individual voice vote on the non-reemployment action.
- D. In a hearing concerning the suspension or dismissal of a certified Administrator the following procedure will apply:
1. The parties to the hearing shall be the Certified Administrator and the Superintendent or his/her designee and they shall be afforded the following rights at the hearing.
 - a. The right to be present in person and to testify.
 - b. The right to be represented by representative of choice.
 - c. The right to present witnesses and evidence in their behalf.
 - d. The right to question any witnesses so presented.
 - e. The right to have an impartial decision based upon the evidence presented.
 2. The following shall be the order of procedures at the hearing.
 - a. Opening statement by the Superintendent or his/her designee.
 - b. Opening statement by the Certified Administrator or his/her representative.
 - c. Presentation of the Superintendent's (designee's) evidence, followed by cross-examination of witnesses by the Certified Administrator or his/her representative.
 - d. Questions by Board members.
 - e. Presentation of the Certified Administrator's evidence followed by cross-examination of witnesses by the Superintendent or his/her designee.
 - f. Questions by Board members.
 - g. Presentation of Rebuttal Evidence as necessary.
 - h. Closing argument by the Superintendent or his/her designee.
 - i. Closing argument by the Certified Administrator or his/her representative.
 - j. Deliberation by Board of Education in Open or Executive Session.
 - k. Individual voice vote in Open Session by Board of Education to accept or reject the Superintendent's (designee's) recommendation to dismiss the Certified Administrator, and approve the findings of fact and conclusions upon which the decision is based.
- E. The decision of the Board of Education at the Hearing shall be final.

- F. The Certified Administrator shall be notified by Certified Mail-Return Receipt Requested-Restricted Delivery of the Board of Education's decision. If the Board disapproves a recommendation to dismiss or non-reemploy the Certified Administrator, he/she shall be advised as to the date, time and place to report to work. If the Board approves a recommendation to terminate employment of the Certified Administrator, he/she shall be so advised and the date of the termination shall be the date of the hearing.

V. MISCELLANEOUS

All notices required herein shall be sent to the Certified Administrator at his/her address shown in the District's personnel office. It shall be the responsibility of an employee to notify the District's personnel office in writing of any change of address.