



Book Policy Manual
 Section Vol. 19, No. 1
 Title REVISED POLICY - VOL. 19, NO. 1 - SUSPENSION OR DISMISSAL OF INSTRUCTIONAL STAFF
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REVISED POLICY - VOL. 19, NO. 1

3140 - SUSPENSION OR DISMISSAL OF INSTRUCTIONAL STAFF

It is the desire of the School Board to maintain a staff of well-trained, competent instructional employees in order to offer comprehensive services to the students of this District.

[NOTE: Please select one of the following two options.]

[OPTION #1]

No employee may be suspended from duty except by the Superintendent or the Board. The Board hereby delegates to the Superintendent authority to suspend a member of the staff, subject to the provisions of Policy 3140.01 and as provided by applicable law. The Board shall be notified of all such suspensions.

[OPTION #2XXXX]

Upon recommendation of the Superintendent, an employee may be suspended from duty by the Board () pursuant to the collective bargaining agreement. The Superintendent, however, shall have the authority to suspend members of the instructional staff and other school employees during emergencies for a period extending to and including the day of the next regular or special meeting of the Board and notify the Board immediately of such suspension.

[END OF OPTIONS]

Any instructional personnel with an annual contract may be suspended or dismissed at any time during the term of the contract for just cause as defined below. The Board must notify the employee whenever charges are made and may suspend such person without pay. As defined by State law, "just cause" includes, but is not limited to:

- A. immorality;
- B. misconduct in office;
- C. incompetency;
- D. gross insubordination;
- E. willful neglect of duty;
- F. being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

In the case of a suspension without pay by the Superintendent or the Board, an affected employee shall be entitled to a hearing on the charges as to why the employee was suspended without pay. Said hearing shall be upon reasonable notice by the Superintendent.

However, if the charges are not sustained, the employee must be immediately reinstated with back pay.

No member of the staff may be dismissed except by action of the Board. The Superintendent may recommend employees for dismissal under F.S. 1012.27.

If the employee wishes to contest the charges, s/he must, within fifteen (15) days after receipt of the written notice, submit a written request for a hearing to the Board. A direct hearing must be conducted by the Board or a subcommittee thereof within sixty (60) days after receipt of the written appeal. The hearing shall be conducted in accordance with F.S. 120.569 and 120.57 of the Administrative Procedures Act. A majority vote of the membership of the Board is required to sustain the Superintendent's recommendation. The Board's determination is final as to the sufficiency or insufficiency of the grounds for suspension without pay or dismissal. Any such decision adverse to the employee may be appealed by the employee pursuant to F.S. 120.68 relating to judicial review.

Non-renewal of employees during their probationary period or upon expiration of an annual contract shall not be considered dismissal and shall not be subject to this policy.

Any member of the instructional staff who is employed under an annual contract may be suspended or dismissed at any time during the term of his/her contract for cause pursuant to provisions of Florida statutes.

Any member of the instructional staff who is under continuing contract may be suspended or dismissed at any time during the school year pursuant to the provisions set forth in State law.

Policy 8141 sets forth the procedures for mandatory reporting of alleged misconduct by instructional staff members to the Florida Department of Education. [Additionally, parental notification of certain misconduct is required in accordance with Policy 8141.](#)

The Superintendent shall determine the nature and effective date of the suspension or dismissal.

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Legal

- [F.S. 120.569](#)
- [F.S. 120.57](#)
- [F.S. 120.68](#)
- [F.S. 1012.22](#)
- [F.S. 1012.27](#)
- [F.S. 1012.32](#)
- [F.S. 1012.33](#)
- [F.S. 1012.335](#)
- [F.S. 1012.34](#)

Cross References

- [po3140.01 - DISCIPLINARY SUSPENSION WITHOUT PAY](#)
- [po8141 - MANDATORY REPORTING OF MISCONDUCT BY CERTIFICATED EMPLOYEES](#)

Last Modified by Sam Stalnaker on November 29, 2018