

CERTIFIED PERSONNEL SUSPENSION/TERMINATION

Certified employees can be suspended under state law. The responsible officer shall follow administrative channels in making a recommendation for the suspension of an employee. An employee's service record and contracted salary shall be uninterrupted while he is placed on administrative leave with pay unless otherwise directed. A certificated employee may be placed on administrative leave with pay when an investigation is needed to determine the future status of the employee.

The contract provides for termination of services of certified personnel for cause as outlined in Miss. Code Ann. §37-9-59 defines cause as neglect of duty, incompetence, intemperance, brutal treatment of a pupil, immoral conduct, or other good reason such as poor professional judgment.

BREACH OF CONTRACT

If a licensed employee in this school district shall arbitrarily or willfully breach his or her contract and abandon his or her employment without being released therefrom as provided by law, the contract of such principal or licensed employee shall be null and void. In addition, upon the written recommendation of the majority of the members of the school board, the license or certificate of the licensed employee may be suspended by the State Board of Education for a period of one (1) school year as provided by law.

REASONS FOR DISMISSAL OR SUSPENSION

For incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil, or other good cause the superintendent of this school district may dismiss or suspend any licensed employee. Before being so removed or suspended any licensed employee shall be notified of the charges against him/her and he/she shall be advised that he/she is entitled to a public hearing upon said charges.

IMMEDIATE RELEASE

In the event the continued presence of said employee on school premises poses a potential threat or danger to the health, safety, or general welfare of the students, or in the discretion of the superintendent, may interfere with or cause a disruption of normal school operations, the superintendent may immediately release said employee of all duties pending a hearing if one is requested by the employee. In the event, a licensed employee is arrested, indicted, or otherwise charged with a felony by a recognized law enforcement official, the continued presence of the licensed employee on school premises shall be deemed to constitute a disruption of normal school operations.

HEARING

This school board, upon a request for a hearing by the person so suspended or removed, shall set a date, time, and place for such hearing which shall be not sooner than five (5) days nor later than thirty (30) days from the date of the request. The procedure for such hearing shall be as prescribed

for hearings before this board or hearing officer in Section 37-9-111. From the decision made at said hearing, any licensed employee shall be allowed an appeal to the chancery court in the same manner as appeals are authorized in Section 37-9-113.

APPEAL

Any party aggrieved by an action of the chancery court may appeal to the Mississippi Supreme Court as provided by law. If a licensed employee is immediately relieved of duties pending a hearing, as provided in this section, said employee shall be entitled to compensation for a period up to and including the date that the initial hearing is set by this school board, if there is a request for such a hearing by the employee.

If an employee does not request a hearing within five (5) calendar days of the date of the notice of discharge or suspension, it shall constitute a waiver of all rights by the said employee and such discharge or suspension shall be effective on the date set out in the notice to the employee.

Insubordination is one of the "other good causes" for which one may be dismissed.

At a suspension or dismissal hearing before the school board, the burden rests upon the superintendent to prove by a preponderance of the evidence that adequate grounds for dismissal exist.

EXCEPTIONS

This policy does not apply to noncertified employees who have "at-will" status.

The policy also does not apply to certified employees serving in roles outside of the scope of their employment contracts, i.e., summer enrichment teachers, athletic event clock operators, etc. For purposes of this policy, certified employees in roles outside of the scope of their employment contracts have an "at-will" status. Accordingly, the provisions of the Education Employment Procedures Law do not apply to those roles.

SOURCE: Jackson Public School District, Jackson, Mississippi; Mississippi School Boards Association

LEGAL REF: Miss. Code Ann. §§37-9-59; 37-9-111;37-9-113;37-9-59

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