

Policy

DISCIPLINE, SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF

Code GBN Issued 12/15/21

It is the responsibility of the school administration to operate the public schools of the district in a manner that will maintain a broad community confidence in and support of the public schools of the district. In the absence of such support, the district cannot maintain a strong, effective public educational program.

Induction and Annual Contract Teachers

The dismissal or non-renewal of certified employees who hold induction or annual contracts will be carried out in accordance with S.C. Code of Laws, 1976, as amended, Section 59-26-40.

Continuing Contract Teachers

The dismissal or non-renewal of district certified employees who hold continuing contracts will be carried out in accordance with the Teacher Employment and Dismissal Act, S.C. Code of Laws, 1976, as amended, Section 59-25-410, *et seq.*

It is the policy of the Board to remove from employment any professional staff member who fails or who may be incompetent, to give instruction in accordance with the directions of the superintendent, or who otherwise manifests an evident unfitness for teaching. Evident unfitness for teaching is manifested by conduct such as, but not limited to, the following:

- persistent neglect of duty
- willful violation of rules and regulations of the Board
- drunkenness
- conviction of a violation of this state or the United States
- gross immorality
- dishonesty
- illegal use, sale, or possession of drugs or narcotics

Whenever a principal or other school administrator charged with the supervision of a teacher finds it necessary to reprimand a teacher for a reason that he/she believes may lead to dismissal or cause the teacher not to be re-employed, he/she will generally take the following steps in consultation with the superintendent or his/her designee.

Performance Concerns

If the issue involves a performance problem, the principal or designated school administrator will discuss the concern(s) with the teacher and provide the teacher with an opportunity to respond to the concerns. The administrator should, where appropriate, follow up such a conference in

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writing.

If an informal discussion does not resolve the matter, the principal or designated school administrator will bring the concern(s), in writing, to the attention of the teacher involved and make a reasonable effort to assist the teacher to correct whatever appears to be the cause of potential dismissal or failure to be re-employed. Such efforts may include formally evaluating the teacher, placing the teacher on an improvement plan, and/or some other acceptable means of notice and assistance. Except in those cases warranting immediate suspension and recommendation for termination, the administration should allow reasonable time for improvement.

Misconduct Concerns

If the issue involves misconduct, the principal or designated school administrator will immediately confer with the superintendent or his/her designee. The superintendent or his/her designee will advise the principal regarding appropriate actions to take. The superintendent or his/her designee is authorized to place an employee on administrative leave, with pay, while an investigation is conducted.

Disciplinary action, up to and including a recommendation of termination, may be taken against any certified employee who is determined to have engaged in unprofessional or inappropriate conduct. Such conduct may include, but is not limited to, violating district policies or procedures, engaging in inappropriate conduct of a sexual nature, acting in an inappropriate manner towards students, or making inappropriate comments to students. This includes any action or conduct communicated or performed in person, in writing, or electronically through such means as a telephone, cell phone, computer, or other telecommunications device, and includes text messaging and instant messaging. Disciplinary action, including a recommendation of termination, may also be taken against any employee whose conduct the administration has determined has impaired the employee's ability to be an effective teacher.

Reporting Expectations

The Board directs the superintendent to report to the State Board of Education (SBE) the name and certificate number of any certified educator who is dismissed, resigns, or is otherwise separated from employment with this district based on allegations of misconduct set forth in SBE regulation 43-58, including, but not limited to, the following:

- misconduct involving drugs
- sexual misconduct
- the commission of a crime
- immorality
- dishonesty
- failure to comply with the provisions of a contract without the written consent of the Board
- other conduct that the superintendent reasonably believes would constitute grounds for revocation or suspension of the employee's professional certificate

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Adopted 01/30/90; Revised 12/14/21

Legal references:

- A. South Carolina Code, 1976, as amended
 - 1. Section 59-25-410- et seq. – Teacher Employment and Dismissal Act
 - 2. Section 59-18-1300 – District accountability system.
 - 3. Section 59-25-150 – State Board of Education may revoke/suspend certificate for just cause.
 - 4. Section 59-25-160 – Revocation or suspension of certificate; “just cause” defined.
 - 5. Section 59-26-40 – Induction, annual and continuing contracts; termination of employment for annual contract teachers; hearing.

- B. S.C. State Board of Education Regulations:
 - 1. R43-58 – Disciplinary action on educator certificates.
 - 2. R43-58.1 – Reporting of terminations of certain district employees.