

DISMISSAL OF EMPLOYEES

CERTIFICATED EMPLOYEES

It shall be the policy of the East Baton Rouge Parish School Board to strive to assist personnel in every way possible to adjust to their positions and to perform their duties satisfactorily. Every reasonable effort shall be made to avoid the necessity of dismissing personnel at any level.

The Board may dismiss any tenured teacher in accordance with state laws and regulations. Such dismissal shall be made only after written and signed charges have been filed with the Board and a hearing held. Any professional who has acquired tenure may be dismissed for incompetence, willful neglect of duty, dishonesty, immorality or other valid reasons provided for by state law.

The Board, if it decides to proceed upon the charges, shall notify the teacher in writing at least twenty (20) days prior to the hearing, stating the charges brought against him, and shall arrange for a hearing to be held in accordance with due process provisions of the law, such hearing to be public or private at the option of the teacher.

During the probationary term of a certificated employee of the school district, the Board may dismiss an employee upon the written recommendation of the Superintendent accompanied by valid reasons for the recommendation.

Any permanent teacher or other school employee having supervisory or disciplinary authority over school children shall be dismissed by the Board, in accordance with statutory provisions, upon final conviction or pleading *nolo contendere* to the crimes enumerated in L.R.S.15:587.1(C) and/or any other felony.

PERFORMANCE CONTRACTS

Professional personnel who have entered into employment contracts with the Board may be removed from employment upon being found incompetent, inefficient, or failing to fulfill the terms and performance objectives of his/her contract during the term of his contract. Notification of nonrenewal of an employment contract shall be provided at least one hundred twenty (120) days prior to termination. The 120 days shall not apply to the expiration and/or renewal of the initial contract. Any person so removed shall be entitled to written charges, notice of hearings, and a fair hearing before the Board. If the person so removed had previously acquired tenure, then upon removal or non-renewal of contract, he/she shall be returned to his/her former position or one of equal salary as his/her former position, unless the employee chooses to terminate his/her employment.

SUPPORT PERSONNEL

Support personnel, other than school bus operators, are subject to dismissal upon written recommendation by the Superintendent to the School Board. Support personnel include, without limitation, janitors/custodians, teacher aides, clerical employees, maintenance workers and food service employees. For dismissal of Support Personnel, the following are applicable:

- A. The employee's immediate supervisor or other person recommending his/her dismissal shall discuss his/her reason for such recommendation with the principal of the school where the employee works, or if the employee is not housed at a particular school, with the department head under whom the employee works (i.e. Director of Maintenance, Director of Transportation, Director of Finance, etc.).
- B. The principal or department head may uphold the recommendation for dismissal or may direct such lesser action as he/she deems appropriate. If the lesser action directed by the principal or department head is acceptable to the employee, the matter is concluded. However, if the principal or department head upholds the recommendation of dismissal, then the principal or department head shall make a written report to the Superintendent or designee explaining the reason for the recommendation. The employee shall be provided a copy thereof.
- C. The Superintendent or designee shall thereafter conduct a conference with the principal or department head, the employee, and the employee's immediate supervisor (if other than a principal or department head) to consider such recommendation and give the employee an opportunity to respond thereto and explain his/her position. The employee may be represented at such conference by a person of his/her choice.
- D. After considering the information presented in the conference and any other information considered important, the Superintendent or designee may affirm such recommendation or direct such lesser action as deemed appropriate. If the employee accepts the decision of the Superintendent or designee, then the matter shall be deemed concluded.
- E. If, however, the decision of recommendation for dismissal is upheld, the Superintendent or designee shall submit a written recommendation to the Board. The report shall contain the reasons for the recommendation and a copy shall be provided to the employee.

- F. Such recommendation shall be considered by the Board at the first Board meeting following receipt thereof. Such employee shall not be entitled to a hearing before the Board unless a majority of the entire Board votes to afford one.

BUS OPERATORS

During his/her probationary term, a bus operator may be dismissed by the Board upon the Superintendent's written recommendation, accompanied by valid reasons therefore.

Any school bus operator found unsatisfactory by the Board at the expiration of his/her probationary term shall be notified in writing by the Board that he/she has been discharged or dismissed.

A permanent school bus operator shall not be removed from his/her position except upon written and signed charges of willful neglect of duty, or incompetence, or immorality, or drunkenness while on duty, or physical disability to perform his/her duties, or failure to keep his/her transfer equipment in a safe, comfortable, and practical operating condition, or of being a member of or contributing to any group, organization, movement, or corporation that is prohibited by law or injunction from operating in the state, and then only if found guilty after a hearing by the School Board. An additional ground for the removal from office of any permanent school bus operator shall be the abolition, discontinuance, or consolidation of routes, but then only if it is found as a fact, after a hearing by the School Board, that it is in the best interests of the school system to abolish, discontinue, or consolidate said route or routes.

All hearings shall be private or public, at the option of the operator affected thereby. At least twenty (20) days in advance of the date of the hearing the Superintendent, with approval of the School Board, shall furnish the affected operator a copy of the written grounds on which said abolition, discontinuance, or consolidation of routes is sought. The operator affected shall have the right to appear before the Board with witnesses in his/her behalf and with counsel of his/her selection, all of whom shall be heard by the Board at said hearing.

If a permanent school bus operator is found guilty, the Superintendent shall furnish to the school bus operator a written statement of recommendation of removal or discipline, which shall include but not be limited to the exact reason, offense, or instance upon which the recommendation is based.

In the event that one or more school bus operators must be removed due to the abolition, discontinuance, or consolidation of routes, the principle of seniority shall apply, so that the last school bus operator hired to serve within the school system to be affected shall be the first to be removed.

NEGLECT OF DUTY

If an employee leaves without resigning, giving notice to his/her immediate supervisor, or does not report to duty after three (3) consecutive days, it will be considered neglect of duty and a recommendation will be made by the Superintendent to the School Board for the immediate dismissal and termination of the employee.

Ref: La. Rev. Stat. Ann. ' ' 15:587.1, 17:15, 17:81.5, 17:443, 17:444, 17:493; Wright v. Caldwell Parish School Board, 30,448 (La. App. 2 Cir. 6/16/99), 741 136; Rouselle v. Plaquemines Parish School Board, 93-1916 9la.2/28/94), 633 So.2d 1235, 1241.