

Kimberly School District
PERSONNEL 5258-P
Procedure for Probation, Suspension, and Termination
Of a Certificated Employee

The Board of Trustees recognizes that the Superintendent is the executive officer of the Board of Trustees with such powers and duties that the Board may prescribe. The Superintendent shall act as the authorized representative of the District whenever such is required, unless some other person shall be named by the Board of Trustees to act as its authorized representative. Therefore, the Board of Trustees hereby delegates all powers of the Board, which have not been specifically reserved by statute or Board policy, to the Board of Trustees.

The Board of Trustees recognizes that Idaho Code grants the power to the Board of Trustees to suspend, grant leave of absence, place on probation, or discharge certificated professional personnel for material violation of any lawful rules or regulations of the Board of Trustees or of the State Board of Education or for any conduct which could constitute grounds for revocation of a teaching certificate. The Board recognizes that there are situations which arise concerning certificated employees which may require immediate suspension or leave of absence. Thus, the Board has determined that if the Superintendent or his/her designee determines there exists reasonable articulable suspicion to believe that a certificated employee has made a material violation of any lawful rule or regulation of the Board of Trustees or of the State Board of Education, has engaged in conduct which could constitute grounds for revocation of a teaching certificate, or is the subject matter of an investigation where the presence of the certificated employee may unduly influence or undermine a personnel investigation, the Superintendent or his/her designee shall have the authority to suspend with pay the certificated employee pending the next regularly scheduled Board meeting or ten (10) business days, whichever comes first.

A notice of confirmation by the Board of the suspension shall be provided the employee, in writing, within forty-eight (48) hours and shall set forth reasons thereof. Proof of delivery must be obtained by the Superintendent.

If requested by the employee (**continuing contract or category 3 contract employee only**) within six (6) days following the receipt of confirmation of suspension, the Board shall hold a hearing within fifteen (15) days following the request thereof to consider the reinstatement or discharge of the employee; and shall, not less than six (6) days prior to date of said hearing, advise the employee of date, time and place of the hearing. The date provided for the hearing may be changed by mutual consent. The employee will be entitled to be represented by legal counsel. The hearing shall be in executive session of the Board unless the employee requests in writing that the hearing will be open to the public. The hearing will be informal and will be held in the District office or other suitable place.

The object of the hearing will be to ascertain the truth. Either party may produce, examine, and cross-examine witnesses. The Chairperson of the Board, or designee, shall conduct the hearing and an electronic record shall be made of the complete hearing. A transcription of the complete record shall be provided upon request of either party with cost to be born by the requesting party. The School District Clerk shall prepare a brief summary of the material presented and a record of those in attendance who presented testimony.

Following the hearing, or if no hearing is requested, the Board shall discharge or reinstate the employee. No discharge shall carry an effective date prior to the date of the official action of discharge by the Board. The authorized representative of the Board shall within three (3) days notify the employee in writing of the decision of the Board.

Without limiting or otherwise interfering with any judicial review available to the employee, there is no basis in law for any review of the proceedings by the State Board of Education. All requests or notices shall be reduced to writing and shall be delivered by personal service or certified mail.

Legal Reference: Idaho Code 33-512, 33-513, 33-514A
Procedure History:
Reviewed on: January 27, 2004
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