

- CERTIFIED PERSONNEL -

Discipline/Nonrenewal/Resignation by Employee

TERMINATION AND NONRENEWAL

The Superintendent shall exercise his/her power and authority to terminate or non-renew any employment contract in accordance with the limits set by law. The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15. Non-renewal of limited contracts of certified personnel shall be made no later than May 15, in compliance with the requirements of KRS 161.750. The Superintendent shall, at the first meeting following the actions, notify the Board of terminations or non-renewals. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The termination of certified employment contracts shall be governed by the provisions of [KRS 161.790](#). A certified employee may be terminated for the following reasons:

1. Insubordination;
2. Immoral character or conduct unbecoming a teacher which may include being convicted of or entering an “Alford” plea, a guilty plea, or plea of nolo contendere to crimes including, but not limited to sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense;
3. Physical or mental disability; or
4. Inefficiency, incompetency, or neglect of duty.

Prior to notification of the Board, the Superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher.¹

The Superintendent shall develop procedures to afford employees due process as required by law.

Other Disciplinary Action

The Superintendent may suspend a certified employee without pay. Such suspension shall not be effective prior to receipt of written notice of the action by the employee from the Superintendent. At the first meeting following the action, the Superintendent shall notify the Board of the action taken.² An employee may also be issued a public or private reprimand.

RESIGNATION

In compliance with [KRS 161.780](#), the Superintendent may accept resignations submitted to the District by its employees. This action by the Superintendent shall be subject only to notification of the Board.

CODE OF ETHICS

The Professional Code of Ethics for Kentucky School Certified Personnel provides that:

Section 1. Certified personnel in the Commonwealth:

1. Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach;

Discipline/Nonrenewal/Resignation by Employee**CODE OF ETHICS (CONTINUED)**

2. Shall believe in the worth and dignity of each human being and in educational opportunities for all;
3. Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:
 - (a) To students:
 1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator;
 2. Shall respect the constitutional rights of all students;
 3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students;
 4. Shall not use professional relationships or authority with students for personal advantage;
 5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
 6. Shall not knowingly make false or malicious statements about students or colleagues;
 7. Shall refrain from subjecting students to embarrassment or disparagement; and
 8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.
 - (b) To parents:
 1. Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student;
 2. Shall endeavor to understand community cultures and diverse home environments of students;
 3. Shall not knowingly distort or misrepresent facts concerning educational issues;
 4. Shall distinguish between personal views and the views of the employing educational agency;
 5. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others;
 6. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities; and
 7. Shall not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

- CERTIFIED PERSONNEL -

(CONTINUED)

CODE OF ETHICS (CONTINUED)

(c) To the education profession:

1. Shall exemplify behaviors which maintain the dignity and integrity of the profession;
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law;
4. Shall not use coercive means or give special treatment in order to influence professional decisions;
5. Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications; and
6. Shall not knowingly falsify or misrepresent records of facts relating to the educator's own qualifications or those of other professionals.

Section 2. Violation of this administrative regulation may result in cause to initiate proceedings for revocation or suspension of Kentucky certification as provided in [KRS 161.120](#) and 704 KAR 20:585.³

Employees who violate provisions of the Professional Code of Ethics for Kentucky School Certified Personnel may be subject to disciplinary action, up to and including termination.

Employees shall act in compliance with the District Ethics Guidelines at all times.

Reports to EPSB

The Superintendent shall comply with the reporting requirements of [KRS 161.120](#).

REFERENCES:

¹[KRS 161.790](#)

²[KRS 160.390](#)

³[16 KAR 1:020](#)

[KRS 161.120](#); [KRS 161.750](#); [KRS 161.780](#)

Consolidated Omnibus Budget Reconciliation Act

[701 KAR 005:090](#)

[OAG 83-362](#); [OAG 92-135](#)

RELATED POLICY:

03.172

Adopted/Amended: 08/11/2014

Order #: 2014-125

- CLASSIFIED PERSONNEL -

Discipline, Suspension and Dismissal of Classified Employees

DISCIPLINARY OPTIONS

Classified employees may be subject to the following actions, to include, but not limited to:

1. Oral warning or reprimand by Superintendent/designee
2. Written warning or private reprimand by Superintendent/designee
3. Disciplinary probation status imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Public reprimand by Superintendent/designee
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

The Superintendent may terminate a classified employment contract pursuant to the provisions of [KRS 161.011](#).

ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES

The Superintendent may suspend without pay or terminate a classified employee. Subject to the employee's exercise of applicable hearing rights, these personnel actions shall be effective on the employee's receipt of written notice from the Superintendent. The Superintendent shall notify the Board at the first meeting following a reassignment, suspension without pay, nonrenewal or termination and such notification shall be recorded in the Board minutes. An employee may also be issued a public or private reprimand.

CAUSES FOR ACTION

Any classified employee may be subject to appropriate disciplinary action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty, or the illegal use or possession of controlled substances at any time.
3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.
5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Refusal to comply with safety directives.
7. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.

Discipline, Suspension and Dismissal of Classified Employees**CAUSES FOR ACTION (CONTINUED)**

8. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
9. Being convicted of or entering an “Alford” plea, guilty plea, or plea of nolo contendere to crimes including, but not limited to, sexual misconduct, drugs, alcohol, violent crime, illegal transaction with a minor or any felony offense.
10. Immorality, misconduct, or conduct unbecoming a school employee.
11. Loss of licensure or certification required for the position.
12. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
13. Engaging in any sexually related behavior with a student with or without consent including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
14. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.¹

DUE PROCESS PROVISIONS

Negotiated agreements with recognized employee organizations shall provide due process procedures. The Superintendent shall develop due process procedures for employees exempt from representation.

Employees shall act in compliance with District Ethics Guidelines at all times.

REFERENCES:

- ¹Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008
42 U.S.C. Section 12111 et seq.; [KRS Chapter 344](#)
[KRS 160.380](#); [KRS 160.390](#); [KRS 161.011](#)
[OAG 76-290](#); [OAG 92-135](#), [OAG 96-3](#), [OAG 05-006](#)
Consolidated Omnibus Budget Reconciliation Act

RELATED POLICIES:

03.23251
03.26
03.271
03.2711
07.162

Adopted/Amended: 08/11/2014
Order #: 2014-125