

- 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.

For purposes of this Board Policy, “Insubordination” by an employee shall include engaging in a dating relationship, as defined in Board Policy 01.0, with an employee they supervise or who supervises them, after having failed to disclose the intention to enter into a dating relationship, or to give notice of the existence of a dating relationship, as applicable, as provided in this paragraph. An employee may avoid discipline under the provisions of this Board Policy if they disclose to their supervisor the intention to enter into a dating relationship with an employee they supervise or who supervises them, and request a reassignment prior to entering into the dating relationship. This grounds for termination shall apply even if the supervision authority results from a promotion, reorganization or other administrative action after an initial assignment. It is the responsibility of the employees having a dating relationship to notify the Human Resources Department as soon as an assignment or employment status covered by this policy exists or may exist. An employee may avoid discipline if they give such notice as soon as such an assignment or employment status exists or may exist. Any failure to give such notice shall result in disciplinary action.

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.

Discipline/Nonrenewal/Resignation by Employee**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;
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.

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

(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 020:585](#).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, **required under Board policy 01.XX and set forth in District Administrative Procedure 01.XX**, at all times.

REPORTS TO EPSB

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

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REFERENCES:

¹[KRS 161.790](#)

²[KRS 160.390](#)

³[016 KAR 001:020](#)

[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: 12/11/2018

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