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Critical

EXPLANATION: NONRENEWAL AND TERMINATION OF SUPPORT STAFF MEMBERS

This policy was amended to incorporate changes based on Senate Bill 62 (2017), which requires public employers such as school districts to notify the relevant retirement systems when an employee or former employee is charged with or convicted of certain offenses when committed in relation to the employee's or former employee's position with the district. Under state law, these persons will forfeit retirement benefits if they used their positions for criminal purposes.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>				
	Board Secretary	X	Business Office	Coaches/Sponsors
	Facility Maintenance		Food Service	Gifted
X	Human Resources	X	Principals	Library/Media Center
	Health Services		Counselor	Special Education
	Transportation		Public Info/Communication	Technology

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NONRENEWAL AND TERMINATION OF SUPPORT STAFF MEMBERS

Employees without Contracts

Employees without contracts are hired for a 60-day probationary period. The probationary period begins with the first day of employment. Employees without contracts are evaluated on or around the 30th calendar day by a direct supervisor with a standardized evaluation form that may be supplemented with other department-specific forms. (If the 30th day falls on a non-work day, the evaluation will take place on or around the first work day immediately after the 30th day.) At the 30-day evaluation, the supervisor will identify areas of improvement if applicable. At or around the 60th day, the direct supervisor will conduct another evaluation with a standardized evaluation form. At the 60-day evaluation, the supervisor will note if improvement is sufficient to continue employment. If improvement is insufficient, the supervisor will recommend the employee be terminated. (If the 60th day falls on a non-work day, the evaluation will take place on the first work day immediately after the 60th day.)

The superintendent may terminate support staff members who are not under contract. The superintendent shall report any such termination to the Board of Education. The superintendent's decision will stand approved unless reversed by the Board.

Although support staff employees not employed under contract have no contractual right to continued employment from one academic term or year to the next, such employees may reasonably expect continued employment until notified otherwise by the superintendent or designee.

Employees with Contracts

Nonrenewal

Unless otherwise required by law, the district may nonrenew the contracts of support staff by notifying the employee prior to entering into a new contract with the employee that his or her contract will not be renewed.

Termination

Support staff members employed under contract may be terminated during the term of such contract for violation of Board policies, violation of state law or for any other legal reason. Prior to the termination, the district will notify the employee of the charges and shall give the employee an opportunity to discuss or rebut the charges.

Unless an employee's contract allows for termination for any reason at the end of a notice period, the employee may appeal the termination to the Board by filing a written notice of appeal with the

superintendent after receiving the notice of charges and within the time frame specified by the superintendent or designee.

If an appeal is taken, the employee will continue to be paid until the Board renders its decision. If the Board terminates the employee after a hearing, the district may dock any pay it owes the employee back to the date the employee was initially notified of the termination.

Termination Pursuant to Contract Terms

If an employee's contract allows for termination for any reason at the end of a notice period and such notice is given, the employee's contract rights shall expire in accordance with the contract. Notice of termination from the superintendent shall be deemed to be notice from the Board of Education and shall be effective for such purpose when given unless later reversed by the Board.

Notification to Retirement Systems

In accordance with law, the district will notify the Public School Retirement System (PSRS), the Public Education Employee Retirement System (PEERS) or any other relevant state retirement system when an employee or former employee is charged with or convicted of any of the following crimes committed in direct connection with or directly related to the employee's or former employee's duties as an employee with the district, when the charge or conviction is a felony:

1. Stealing under § 570.030, RSMo., when the offense involved money, property or services valued at \$5,000 or more;
2. Receiving stolen property under § 570.080, RSMo., as it existed before January 1, 2017, when such offense involved money, property or services valued at \$5,000 or more;
3. Forgery under § 570.090, RSMo.;
4. Counterfeiting under § 570.103, RSMo.;
5. Bribery of a public servant under § 576.010, RSMo.;
6. Acceding to corruption under § 576.020, RSMo.; or
7. Any substantially similar offense under federal law.

Special Circumstances

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If a former district employee whose job involved contact with children was terminated, nonrenewed or allowed to resign in lieu of termination as a result of an allegation of sexual misconduct with a student, or as a result of such allegations being substantiated by the State of Missouri's child abuse and neglect review board, the district is required by law to release information regarding the sexual misconduct to a potential public school or charter school employer who contacts the district regarding the former employee. In addition, if the **Children's Division (CD) of the Missouri Department of Social Services** substantiates a complaint of sexual misconduct with a student against a former employee of the district, the law requires the district to release the results of the CD investigation to any potential public school or charter school employer who contacts the district.

When employment ends as a result of an allegation of sexual misconduct with a student, the district will provide appropriate due process prior to the release of information regarding the sexual misconduct to a potential public school or charter school employer, if feasible. The superintendent or designee is authorized to consult with the district's attorney to determine the appropriate level of due process to provide.

For the purposes of this policy, employees are considered "former employees" if they have resigned, been terminated, had their contracts nonrenewed, or been notified that their contracts with the district will not be renewed or that the district is pursuing termination, even if the process has not been completed.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/09/2017

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
FC, School Closings, Consolidations and Reorganizations
HPA, Employee Walkouts, Strikes and Other Disruptions
ILA, Test Integrity and Security
JFCF, Bullying
JFCG, Hazing
JFG, Interrogations, Interviews and Searches
JHG, Reporting and Investigating Child Abuse/Neglect

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Legal Refs: §§ 105.669, 162.068, 167.166, 168.071, RSMo.
U.S. Const. amend. XIV

Raytown C-2 School District, Raytown, Missouri