

## DISMISSAL OF EMPLOYEES

The Livingston Parish School Board shall strive to assist personnel in adjusting to their positions and performing their duties satisfactorily.

With the exception of lay-offs caused by programmatic changes, budget cuts, staff reorganizations, and/or other personnel actions reducing numbers of employees, no School Board employee shall be dismissed except as provided below. Any school employee shall be dismissed by the Superintendent or the School Board, in accordance with statutory provisions, upon final conviction or pleading *nolo contendere* of certain crimes enumerated in La. Rev. Stat. Ann. §15:587.1 and/or any other felony offense. In addition, employees may be dismissed for failure to properly report arrests for certain offenses enumerated in La. Rev. Stat. Ann. §17:16.

If an employee is absent for ten (10) or more days without explanation or approved leave, the School Board may consider the job as abandoned and the employee may be terminated, unless the employee can provide acceptable and verifiable evidence of extenuating circumstances. The Superintendent or his/her designee shall be responsible for determining acceptability of evidence of extenuating circumstances.

### CERTIFICATED EMPLOYEES

#### Non-tenured Teachers

The Superintendent may terminate the employment of any non-tenured teacher after providing such teacher with the written reasons therefor and providing the teacher the opportunity to respond. The teacher shall have seven (7) days to respond, and such response shall be included in the teacher's personnel file. The Superintendent shall notify the teacher in writing of his/her final decision. The teacher shall not be entitled to a hearing before the School Board.

Within sixty (60) days of such notice, the teacher may seek summary review in district court of whether or not the Superintendent's action was arbitrary or capricious.

#### Tenured Teachers

A teacher with tenure shall not be removed from office except upon written and signed charges by the Superintendent or his/her designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond. Dismissal of a teacher with tenure shall be governed by the provisions for discipline of teachers with tenure as included in policy *GBK, Discipline*.

### Contract Appointees

Personnel who have entered into promotional employment contracts with the School Board, pursuant to La. Rev. Stat. Ann. §17:444, may be removed from their positions by *non-renewal* of their contracts or by *termination* of their contracts. Contracts may be non-renewed by the School Board for any of the following reasons:

1. The Superintendent has recommended against renewal of the contract based on an evaluation of the employee's performance;
2. The failure to offer a new contract is based on a cause sufficient to support a mid-contract termination;
3. The position in question has been discontinued; or
4. The position in question has been eliminated as a result of district reorganization.

In a non-renewal situation, the employee shall not be entitled to a hearing before the School Board.

For *mid-contract termination* of promotional employment contracts, the employee shall receive written charges and a hearing before a disciplinary hearing officer, conducted in accordance with hearing procedures adopted by the School Board. A contract may be terminated if the employee is found guilty of being incompetent or inefficient or is found to have failed to fulfill the terms and performance objectives of his/her contract, or other reasons provided for by state law.

### NON-CERTIFICATED EMPLOYEES

#### Non-Tenured Bus Operators

No bus operator hired after July 1, 2012 shall earn tenure.

A non-tenured bus operator shall be immediately dismissed if he/she is convicted of or has pled nolo contendere to violations of local or existing state law prohibiting operating a vehicle while intoxicated regardless of whether the violation occurred while performing in his/her official capacity as a school bus operator at the time of the offense.

Each school bus operator shall serve a probationary term of three (3) years reckoned from the date of his/her first employment in the District. During such probationary term, any bus operator may be dismissed by the School Board upon the written recommendation of the Superintendent. Any bus operator employed on or after July 1, 2012, who has successfully completed his/her probationary term, may be dismissed by the Superintendent after providing such bus operator with written reasons therefor and

providing the bus operator with the opportunity to respond. The bus operator shall have seven (7) days to respond, and such response shall be included in the bus operator's personnel file. Regardless of the date of his/her employment, a non-tenured bus operator shall not be entitled to a hearing before the School Board prior to termination.

### Tenured Bus Operators

The School Board may dismiss any tenured bus operator only after written and signed charges against the bus operator have been prepared by the Superintendent and submitted to the School Board. The School Board, if it decides to proceed upon the charges, shall notify the bus operator in writing at least twenty (20) days prior to the hearing, stating the charges brought against him/her, 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 bus operator. A tenured bus operator may be dismissed for willful neglect of duty, or incompetence, or immorality, or drunkenness while on duty, or failure to comply with requirements of La. Rev. Stat. Ann. §17:491.3 relative to being arrested for one or more of the specified offenses, 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 by a *majority of the School Board's membership*.

Additional grounds for the removal from office of any school bus operator shall be:

1. 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. If abolition, discontinuance, or consolidation of bus routes is approved, 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.
2. conviction of or plea of nolo contendere to a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated or any of the existing state offenses relative to operating a vehicle while intoxicated, as enumerated in La. Rev. Stat. Ann. §17:493, regardless of whether the violation occurred while performing in his/her official capacity as a school bus operator at the time of the offense.

### School Employees

All employees of the system whose dismissal is not governed by the provision of La. Rev. Stat. Ann. ' '17:441-446, or by the provisions of La. Rev. Stat. Ann. ' '17:491-494, shall be subject to dismissal upon the written recommendation by the

Superintendent to the School Board. Such employees shall not be entitled to a hearing before the School Board.

Revised: November, 2003  
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Ref: La. Rev. Stat. Ann. ' ' 13:3204, 15:587.1, 17:15, 17:16, 17:81.5, 17:442, 17:443, 17:444, 17:492, 17:493, 17:493.1; La. Code of Civil Procedure, Art. 2592; Rouselle v. Plaquemines Parish School Board, 633 So2d 1235 (La. 2/28/94); Board minutes, 1-5-12, 8-2-12, 9-4-14.