Suspensions and Dismissals of Licensed Employees

Adams and Reese LLP
§37-9-59

- Incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil or other good cause
- Superintendent has authority to suspend or dismiss (does not require board action at the initial stage)
- Before being dismissed or suspended, employee shall be notified of charges
§37-9-59 (cont’d)

- Employee is entitled to a public hearing (superintendent who has been terminated does not have the right to request a hearing)
- If continued presence of employee poses a potential threat or danger to the health, safety or general welfare of students, superintendent may immediately release employee of duties pending a hearing
- If in superintendent’s discretion, continued presence may interfere with or cause a disruption of normal school operations, may immediately release employee of duties
§37-9-59(cont’d)

• If employee is arrested, indicted or otherwise charged with a felony, continued presence deemed to constitute a disruption

• Employee must ask for a hearing within 5 calendar days of the notice of dismissal or suspension

• School board shall set date, time and place for hearing
§37-9-59 (cont’d)

- Procedure for hearing is same as for nonrenewals (§37-9-111)
- Appeal is to chancery court (§37-9-113)
- If employee is immediately released of duties, the employee shall receive salary up to and including the date the initial hearing is set