

SUSPENSION AND DISMISSAL

An employee whose unsatisfactory conduct or inability to perform the duties of his/her position should at first sign of such conduct or inability to perform, be helped, counseled, and aided by the principal, supervisor, and, if necessary, the superintendent.

If it is evident that the employee cannot, or will not, perform satisfactorily the Board has no alternative but to dismiss the employee. If at all possible, this dismissal should take place at the end of the contract period. Such cases are covered by the policy on Separation (Hardy County File GBH and §18A-2-2 of the West Virginia Code).

In cases where the situation has deteriorated to the point that students or staff is endangered, or that students' educational programs are seriously impaired, immediate action must be taken to suspend or dismiss the employee. The county superintendent may, without Board approval, temporarily suspend personnel up to 30 days. Suspension longer than 30 days can only be made by the Board, and only after a hearing for causes such as immorality, incompetence, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, and commission of a felony or the plea of nolo contendere to a felony charge (§18A-2-8). Suspension by the county superintendent must be followed by board review.

The Board has the right under §18A-2-8 of the West Virginia Code to suspend or dismiss any person in its employment at any time for immorality, incompetence, cruelty, intemperance, insubordination, or willful neglect of duty. The charges shall be stated in writing and the employee shall be given an opportunity to be heard by the Board upon, not less than 10 days written notice, which charges and notice shall be served upon the employee within 5 days of the presentation of the charges to the Board. The hearing may be held at the next regular meeting of the Board or at a special meeting called for that purpose; and in any case when the Board is not unanimous in its decision to suspend or dismiss, the person so suspended or dismissed shall have the right of appeal to the state superintendent of schools.

The Superintendent has the authority to suspend school personnel for temporary periods of time pending a hearing upon charges filed by the Superintendent with the Board. This temporary period of suspension shall not exceed 30 days unless extended by the Board.

SOURCE: Board of Education Minutes

DATE: August 31, 1981 – June 18, 2001

LEGAL REFERENCE: School Laws of West Virginia, §18A-2-7, §18A-2-8, §18A-4-16

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