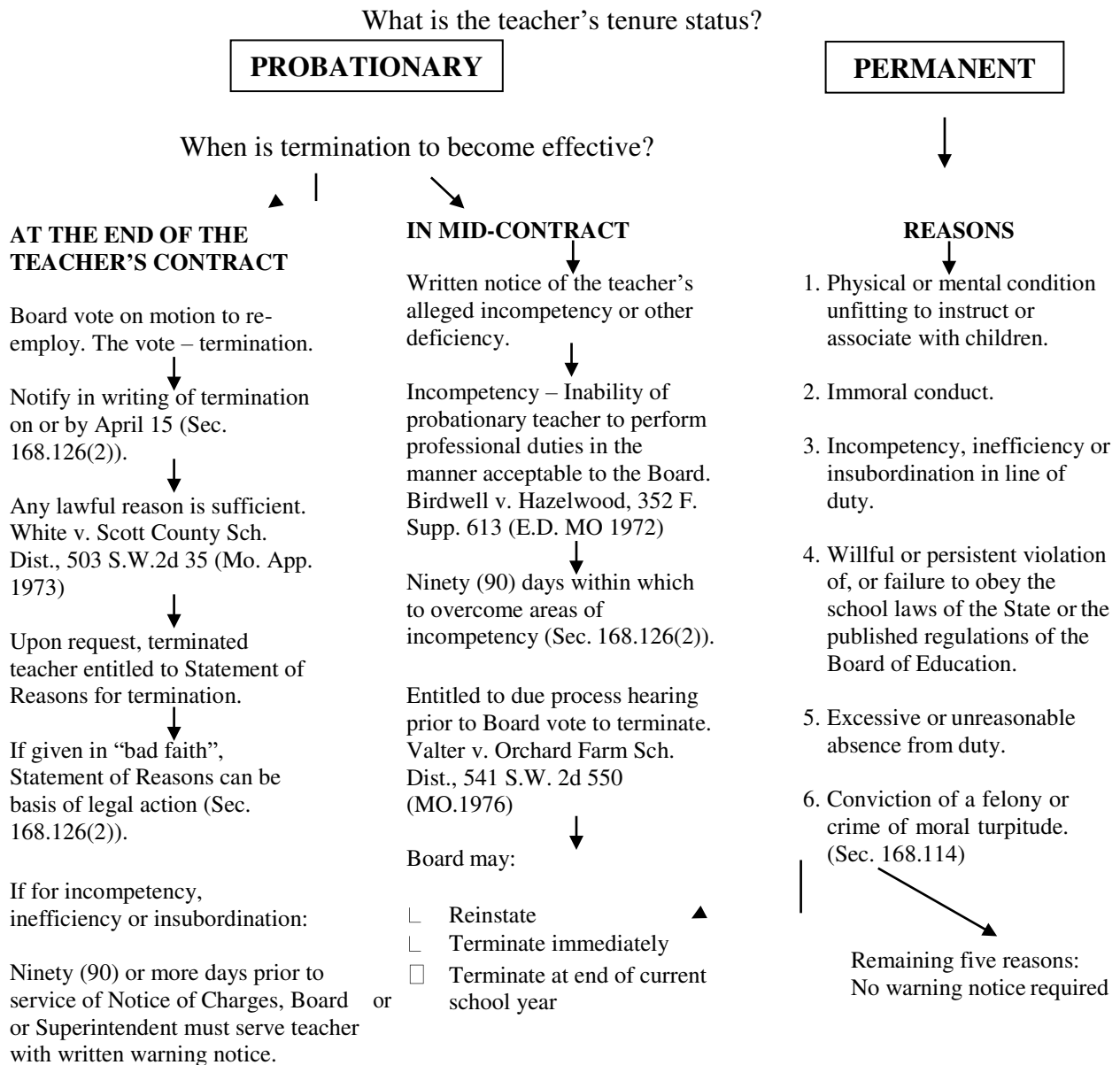


Separation

Due Process Flow Chart

DUE PROCESS IN TEACHER TERMINATION CASES



↓
Warning notice must specifically state reasons which, if not remedied, may result in issuance of charges. (Sec. 168.116(2))

Teacher must be served with . . .

1. Statement of Charges
 - * States specifically the grounds for termination.
2. Notice of Hearing
 - * States date, time and place of hearing which will be held upon request of teacher or Board.
 - * States if hearing is not requested within ten (10) days, teacher may be terminated without hearing. (Sec.168.116(3)).

↓
Both documents must be served at least twenty (20) days prior to hearing. (Sec.168.116(3)).

↓
Teacher has ten (10) days, excluding date of service, to request a hearing. (Sec.168.116(3)).

◀
HEARING NOT REQUESTED
OR
REQUESTED AFTER EXPIRATION
OF TEN (10) DAY PERIOD.

- Board may terminate by majority vote without a hearing.
- OR**
- Board may vote to conduct a hearing to consider the charges. (Sec. 168.116(3))

↓
HEARING REQUESTED

Hearing must be held not less than twenty(20) days nor more than thirty (30) days from service of charges and Notice of Hearing. (Sec.168.116(3))

Upon service of charges, Board may suspend teacher with pay until Board renders its decision. (Sec. 168.116(4))

↓
HEARING DUE PROCESS RIGHTS

1. Hearing is public at option of teacher.
2. Teacher has right to counsel.
3. Teacher may call witnesses, cross-examine witnesses called against him/her and enter exhibits.
4. Teacher entitled to have Board subpoena documentary evidence.

5. Witnesses testify under oath, with all testimony recorded stenographically.
6. Hearing costs, except for the teacher's attorney, are borne by the Board.
7. Teacher entitled to copy of transcript.
(Sec. 168.118(7))



Based upon hearing, evidence, Board may vote to:

- Exonerate teacher
 - Demote teacher
- OR
- Terminate teacher
 - Decision of Board by majority vote within seven (7) days after transcript of hearing made available to the Board. (Sec. 168.118(7))
Teacher entitled to written Findings of Fact, Conclusions of Law and Decision within three (3) days of Board's Decision. (Sec. 168.118(7)).



APPEAL

- Teacher may appeal Board's decision to Circuit Court located within the County where District is located.
- Appeal must be filed within fifteen (15) days after service of the Board's written decision.



◀

NO APPEAL
OR

APPEAL AFTER FIFTEEN
(15) DAY APPEAL PERIOD.

Board's decision is final.
(Sec.168.120(1)).

▶

APPEAL

Court reviews transcript and decision.

- * No new hearing.
ALTHOUGH
- * Court may request additional evidence or testimony.

Teacher may appeal Circuit Court's Decision through Appellate Courts. (Sec.168.120(3)).