

SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

* SUGGESTED FORM OF NOTICE FOR TEACHER DISMISSAL

You are hereby notified, pursuant to SDCL 13-43-6.1, of my intention to recommend to the Board that your current contract be terminated/non-renewed. The reason(s) for my recommendation is/are as follows: [set out reasons for termination within the language of the statute]. You are entitled to access your employment records at any time during business hours. You are entitled to a hearing before the school board where you may present reasons, in person or in writing, why the termination should not occur. You are entitled to be represented by an attorney of your own choosing at your own cost at this hearing. I enclose a formal notice of hearing.

Sincerely,
Superintendent

IN RE TEACHING CONTRACT)
OF [NAME OF TEACHER])

NOTICE OF
HEARING

You are hereby notified, pursuant to SDCL 13-43-6.2, of a hearing before the Beresford School Board regarding possible termination of your employment. This hearing will be held on [insert date], beginning at [insert time].

Reason for Termination: [set out superintendent's reasons for termination].

Date/Time/Place for Hearing: [date]
[time]
[location]

Hearing Procedure: The Superintendent will set out the reasons for his or her recommendation. He or she may present testimony or written evidence. You or your attorney/representative may cross-examine any witness

and object to evidence. Following the administration's presentation, you will be given the opportunity to present reasons why you should not be terminated and any testimony or documents you wish to submit.

You and your witnesses will be subject to cross-examination by the administration or its attorney. All testimony will be under oath or affirmation. Both parties will have an opportunity to make opening and closing statements. A verbatim record will be kept of the proceeding.

Teacher's Rights:

You have the right to examine your employment records and have a copy made of any document within these records. You have the right to be accompanied by an attorney or other representative at your own expense. You have the right to present evidence. You have the right to waive this hearing if you so choose. Failure to exercise these rights at the time of hearing will result in their waiver.

PROCEDURE

Following submission of the case by both sides, the Board will continue to meet in executive session and may have its legal advisor present unless the Board's advisor participated in presenting the Administrations' case or evidence.] The Board's action shall be taken by motion in open session, and must be approved by a majority of the members. If there is not a quorum

of the Board present at the hearing, the remaining Board members may act on the motion, following their review of the verbatim record.

The Board's action may be appealed to court, as provided by law.

Date _____

Board President

[June 2004] {Reviewed November 2011} [January 2012] {September 2022}