

Adopted: 4/1987

Burnsville-Eagan-Savage School District Policy 403

Reviewed: ~~10/27/2022~~ PRC 6/17/25

Revised: 11/10/2022

Rescinds: GCPAB

403 DISCIPLINE, SUSPENSION, AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES

I. PURPOSE

The purpose of this policy is to achieve effective operation of Independent School District 191's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. GENERAL STATEMENT OF POLICY

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner otherwise, is solely within the discretion of the school district.

III. DISCIPLINE

A. Violation of School Laws and Rules

The form of discipline imposed for violations of school laws and rules may vary from a written reprimand to termination of employment or discharge depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary or corrective action of the same or a different nature. School laws and rules to which this provision applies include:

1. policies of Independent School District 191;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state, and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance

An employee's substandard performance may result in the imposition of discipline ranging from a written reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance

will follow a progressive format and may be preceded by non-disciplinary corrective actions such as: Verbal Warnings, Written Warnings, and Improvement Plans to provide expectations, help, and encouragement to improve from the employee's supervisor. Reasonable time for correction of the employee's deficiency will be provided.

C. Misconduct

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe rules, regulations, policies and standards of Independent School District 191 and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of verbal warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. use of illegal drugs, alcohol or any other chemical substance on the job or any use off the job which impacts on the employee's performance;
6. deliberate and serious violation of the rights and freedoms of other employees, students, parents or other persons in the school community;
7. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
8. failure to follow the canons of professional and personal ethics;
9. falsification of credentials and experience;
10. unauthorized destruction of school district property;
11. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
12. neglect of duty;
13. violation of the rights of others as provided by federal and state laws related to human rights.

IV. FORMS OF DISCIPLINE

- A. The forms of discipline that may be imposed by Independent School District 191 include, written reprimand; letter of deficiency; disciplinary suspension, demotion or leave of absence without pay; and dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in Paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish Independent School District 191's objective of stopping or correcting the offending conduct and improving the employee's performance.

V. PROCEDURES FOR ADMINISTERING POLICY

- A. When any form of discipline is imposed, the employee's supervisor will:
 - 1. Consult with the superintendent or designee to determine the appropriate corrective action or discipline level required depending upon factors such as the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary or corrective action of the same or a different nature.
 - 2. Advise the employee if the corrective action is disciplinary and identify the form of discipline imposed.
 - 3. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline.
 - 4. Provide directives to the employee to correct the conduct or performance.
 - 5. Forward copies of all writings to the superintendent or designee for filing in the employee's personnel file.
 - 6. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or conduct.
 - 7. Specify the expected level of performance or modification of conduct to be required from the employee.
- B. Independent School District 191 retains the right to immediately discipline, terminate, or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements when applicable.

Legal References: Minn. Stat. § 122A.40 (Employment; Contracts; Termination) Minn. Stat. § 122A.41 (Teacher Tenure Act; Cities of the First Class)
Minn. Stat. § 122A.44 (Contracting with Teachers; Substitute Teachers)
Minn. Stat. § 122A.58 (Coaches; Termination of Duties)
Minn. Stat. § 123B.02, Subd. 14 (General Powers of Independent School
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Districts Employees)
Minn. Stat. § 123B.143 (Superintendent)
Minn. Stat. § 123B.147 (Principals)
Minn. Stat. § 197.46 *et seq.* (Veterans Preference Act)

Cross References: None