

## PROFESSIONAL STAFF PROBATION AND TENURE

### Hearing Procedures

If a continuing contract teacher requests a hearing, pursuant to SDCL 13-43-6.1, after receiving notice by the Board of its determination not to renew his/her contract, the hearing will be held at a time designated by the school board.

Before the hearing, the teacher may request their personal evaluation file and the reasons for his nonrenewal in writing.

At the hearing, either party may have counsel present. The hearing should be in executive session. It is recommended but not required that the administration and Board each has separate counsel and that a court reporter record the proceedings.

The Board's designated spokesman will begin the hearing by introducing the Board, counsel, party, etc., and by stating the purpose of the hearing.

The statements of reasons for nonrenewal should be given orally by the administration. These will be the same as the written reasons previously given, but they may be more specific.

The superintendent/chief executive officer (CEO) will present the case for nonrenewal. Documentation is important. Witnesses need to be sworn in. The teacher has the right to cross-examine.

The teacher will then present his/her case. Relevant evidence may include a prepared statement, which is read, witnesses, letters, etc. The superintendent/chief executive officer (CEO) may cross-examine.

Upon the presentation of both cases, the Board continues in executive session without the superintendent/chief executive officer (CEO), teacher or administration counsel present. The Board's separate counsel may remain with the Board.

After weighing the evidence, the Board will reconvene in a public meeting. The Board's action must be by motion in the open session and should incorporate findings of fact to be proposed by the Board's separate counsel.

(Adoption Date: November 22, 1982)  
(Revision Date: March 12, 2007)

Selected sample regulation  
South Dakota Policy Reference Manual (Revised June 1998)