

# SHALER AREA SCHOOL DISTRICT

POLICY 415

SECTION: PROFESSIONAL EMPLOYEES  
 TITLE: DISQUALIFICATION BY REASON OF HEALTH  
 ADOPTED: September 16, 1998  
 REVISED:

## 415. DISQUALIFICATION BY REASON OF HEALTH

1. Purpose      Consistent with law with respect to equal opportunity and nondiscrimination, it is the policy of the Board to ensure that the professional employees of the district shall be physically and mentally fit to perform their assigned duties.
2. Authority      A professional employee may be placed on sick leave or retired for physical or mental disability to perform assigned duties.
3. Guidelines      In the case of a teacher or other professional employee who, in the opinion of the Superintendent, is unfit to perform assigned duties by reason of physical or mental condition, the following procedure shall be followed:
  1. The Superintendent shall present to the Board reasons for questioning the condition of the employee.
  2. Should the Board determine that the reasons given constitute sufficient cause to order the employee to be examined, said employee shall be given written notice of the need for such examination and an opportunity to appear before the Board, or a committee of the Board, or a hearing officer designated by the Board, within ten (10) days to explain why such an order will not be followed.
  3. Should a hearing ensue, the hearing shall be conducted in accordance with Sections 1127 and 1128 of the School Code if dismissal is indicated or the following rules if a dismissal is not indicated:

- a. The hearing will be privately held.
- b. Staff members may present witnesses on their behalf.
- c. Witnesses will be called individually and excused after making their statement.
- d. Witnesses need not present testimony under oath and will not be subject to cross-examination, but may be questioned by the person conducting the hearing.
- e. Staff members may be represented by counsel or an individual of the employee's own choice.

SC 1418

4. Should the Board, following a hearing, order an examination, said examination may be conducted by a physician(s) selected by the employee from a list provided by the Board.
5. The examination shall be conducted within ten (10) days following the hearing.
6. If as a result of such examination, the employee is found to be unfit to perform assigned duties, the employee shall be placed on mandatory sick leave for such period as may be indicated and with such compensation to which s/he is entitled until proof of recovery, satisfactory to the Board is furnished.
7. Should an employee refuse to submit to examination following the exhaustion of proper appeals, the Board shall consider such refusal as cause for dismissal.

School Code  
1127, 1128,  
1153, 1154, 1418

Title 28  
Sec. 23.44

Board Policy  
No. 409

