SEPARATION OF EMPLOYMENT AND DISCIPLINARY ACTIONS

SEPARATION OF EMPLOYMENT

Non-renewal/Probation

Certificated
The employment contracts of individual certificated staff may be non-renewed at the end of the staff member's contract period by action of the Superintendent. Such non-renewals may be based upon unsatisfactory performance or changes in the District's financial circumstances and/or staffing needs. Except for "provisional employees," non-renewals for unsatisfactory performance shall be preceded by a probationary period.

Classified
Classified represented staff is granted probationary status according to the terms of the applicable collective bargaining agreement. During that period of time, such staff are subject to termination consistent with the terms of such agreements.

Program and Staff Reductions

Program and staff reductions may be required due to budgetary constraints, as a direct result of enrollment declines, failure of a special levy election or other events resulting in a significant reduction in revenue, or termination or reduction of funding of categorically funded projects.

When the reduction, modification, or elimination of programs and/or services necessitates a reduction in staff, the staff shall be retained in accordance with applicable collective bargaining agreements and for non-represented staff, based on position, organizational requirements, and qualifications and experience for the retained position.

Release from Contract

A certificated staff member may be released from contract under the following conditions:

A. A letter requesting release shall be submitted to the Assistant Superintendent of Human Resources. If accepted by the Board at its next meeting, the staff member shall be released from contract.

B. A release from contract may be granted by the Board to allow a staff member to accept another position prior to or during the school year provided a satisfactory replacement can be obtained.

C. A release from contract may be granted by the Board in case of illness or other personal matters that make it a substantial hardship for the staff member to continue his/her employment in the District.
Each request shall be determined upon its own merits. The needs of the District and continuity of the educational program offered to students shall receive primary consideration in the Board's decision.

**Resignation**

In order to permit proper staff planning and to minimize inconvenience to others who may be affected, certificated staff who plan to resign at the end of their contract period are requested to notify the superintendent of their resignation or retirement by April 1.

Those staff who are not contractually obligated to complete the current school year should notify the Superintendent or designee as early as possible of their intent to resign and no less than 10 working days prior to their last working day.

**Retirement**

Staff shall participate in the retirement programs under the Federal Social Security Act and the Washington State Teachers' Retirement System or the Public Employees' Retirement System as required by law. Payroll deductions shall be made and paid into the respective retirement programs in the manner prescribed by law.

Staff who become eligible to retire under the controlling retirement system and who intend to retire at the end of the current school year should notify the superintendent prior to April 1st of that year.

Those staff intending to retire who are not contractually obligated to complete the current school year should notify the Superintendent or his or her designee as early as possible and no less than 10 working days prior to their retirement date.

Because of their contribution to the children of the District, retiring staff shall be given appropriate recognition. The District office may assist them in making arrangements for their retirement benefits.

**Termination**

The Superintendent has the statutory authority to issue probable cause for termination to a certificated staff member. The Board shall consider the termination of a classified staff member based upon the recommendation of the Superintendent. Any notice of termination shall include notice of any appeal rights the employee may have and notice of the appeal processes.
DISCIPLINARY ACTIONS

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their supervisor; who conduct themselves on or off the job in ways that significantly impact their effectiveness on the job; engage in unprofessional conduct; or violate District policies or written rules, will be subject to discipline.

Behavior, conduct, or action that may generate disciplinary action or discharge may include, but is not limited to violations of the District’s Employee Conduct Rules, Policy 5010, and/or for the following reasons:

A. Incompetence;
B. Inefficiency;
C. Neglect of duty;
D. Malfeasance;
E. Gross misconduct;
F. Inability to perform job functions;
G. Mistreatment or abuse of fellow workers, students, or members of the public;
H. Conflict of interest; or
I. Misuse of leave.

Discipline shall be reasonably appropriate to the circumstances and may include suspension or discharge. The District will follow any applicable due process and just cause or proper cause standards contained in collective bargaining agreements.

Certificated Staff

When the Superintendent determines that there are sufficient grounds to suspend and/or discharge a certificated staff member for misconduct, the staff member shall receive written notification which specifies the probable cause for such action. The notice shall contain notice of the staff member’s appeal rights, if any, and notice of the appeal processes. The staff member may submit within 10 days of such notification a written request for a hearing to determine whether or not there is sufficient cause for discharge pursuant to RCW 28A.405.310. If no hearing request is timely received, the staff member shall be adversely affected as specified in the written notice.
Classified Staff and Exempt Staff

Classified represented staff members shall be subject to disciplinary action, including suspension and discharge for misconduct, in the manner identified under the applicable collective bargaining agreement. A notice of suspension or discharge for misconduct shall identify if an employee has a right to appeal the discharge, the notice of discharge shall contain notice of that appeal right, a general description of the appeal process available, and how further information about the appeal process may be obtained.

REPORTING OBLIGATIONS

In the event that allegations or charges are made against an employee for misconduct with minors, the Superintendent or his or her designee may contact the child protective services central registry for evidence regarding the employee as an adjudicated or admitted perpetrator of child abuse or neglect. When allegations of sexual, verbal, or physical abuse are made against an employee, the District shall make a determination whether the abuse or misconduct occurred. When there is reasonable cause to believe that a child has suffered abuse or neglect, the required school person(s) shall report the incident to the proper law enforcement agency or state agency as required under RCW 26.44. If the District determines that sufficient information exists to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee’s leaving his or her position at the District, the District must forward known information about the employee’s sexual misconduct to prospective school District employers when contacted. Pursuant to state law, the District is prohibited from entering into any contract, resignation agreement, or severance agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee. Neither shall the District expunge such information from the employee’s personnel or investigative file. “Verbal abuse,” “physical abuse,” and “sexual misconduct” are defined in WAC 181-88.

In cases where the allegations involve violations of the state Professional Code of Conduct for certificated staff, the Superintendent or his or her designee shall file a report with the Office of Professional Practice in the state Superintendent’s Office. When the District or Superintendent discharges, fails to renew the contract or permits a certificated staff member to resign for violating the Professional Code of Conduct, the Superintendent shall notify the Office of Professional Practice of such termination of employment.

Cross References: Board Policy 5010 Employee Conduct Rules 5020 Collective Bargaining

Legal References: RCW 28A.400.300 Hiring and Discharging Employees--Leaves for employees--Seniority and leave benefits, retention upon transfers between schools 28A.400.320 Mandatory termination of classified
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