

Separation from Employment

Under Washington law the Superintendent has the authority to issue an appropriate notice of probable cause for discharge or non-renewal to any certificated staff member. The Board of Directors will consider the notice of probable cause for a certificated staff member, or the Superintendent's recommendation regarding the discharge of a classified staff member, and render a decision regarding the discharge or non-renewal. A notice of discharge will include notice of any appeal rights the employee may have and notice of the appeal processes.

A. Certificated Staff Member Release from Contract

Upon request, a certificated staff member may be released from contract under the following conditions:

1. A letter requesting release will be submitted to the Superintendent's office. If accepted by the Board, the staff member may be released from contract.
2. 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.
3. A release from contract may be granted by the Board in case of illness or other personal matters which make it a substantial hardship for the staff member to continue his/her employment in the district.
4. Each request will be reviewed, and a decision rendered, based on the totality of the circumstances. The needs of the district and continuity of the educational program offered to students will receive primary consideration in the Board's decision.

B. 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 prior to April 1st of that year.

Those staff who are not contractually obligated to complete the current school year should notify the Superintendent as early as possible of their intent to resign, and no less than 30 days prior to their last working day.

C. Retirement

Staff will participate in the retirement programs under the Federal Social Security Act and the Washington State Teachers' Retirement System or the Public Employees' Retirement System. Payroll deductions will 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 as early as possible, and no less than 30 days prior to their retirement date. Because of their contribution to the children of the district, retiring staff will be given appropriate recognition. The district office may assist them in making arrangements for their retirement benefits.

D. Probation, Non-Renewal or Termination

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 will be preceded by a probationary period.

The Superintendent will establish procedures to assist those certificated staff whose performance, through the evaluation process, does not meet minimum requirements.

Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers, certificated principals and assistant principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include but are not limited to: employee assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal and Superintendent; and reduction in force. The district will not be limited in its ability to collectively bargain how the multiple factors will be used in making human resource and personnel decisions, but the evaluation results must be a factor.

The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers, certificated support personnel or administrators in accordance with the revised evaluation system, when it is his or her specific duty to do so, will be sufficient cause for the non-renewal of any such evaluator's contract under RCW 28A.405.210 or the discharge of such evaluator under RCW 28A.405.300.

Classified staff are granted provisional status during the first **12 months** of employment. During that period of time, they are subject to termination without advance notice. Upon satisfactory completion of **12 months** of consecutive service, a staff member may be granted regular status. Regular status classified staff are employed on a month-to-month basis and must be provided with at least **30 days** notice before termination. Such staff member will be entitled to an informal pre-termination meeting with the Superintendent prior to any action taken by the Board of Directors.

E. Program and Staff Reductions

The Board of Directors determines the educational and operational programs for the district. Program and staff reductions may be required as a result of many factors, including but not limited to enrollment decline, programmatic needs or interests, a change in staffing needs, failure of a special levy election or other events, resulting in reduction in revenue, increase in costs, and/or

termination or reduction of funding of categorically-funded projects. The Board will review appropriate information, based on administrative recommendations, identify those educational programs and services which will be reduced, modified or eliminated.

Cross Reference(s)

Policy 5240 – Evaluation of Staff

Policy 5006 – Certification Revocation

Policy 5281 – Disciplinary Action and Discharge

Legal Reference(s)

RCW 28A.400.300 – Hiring and Discharging Employees – Written Leave Policies – Seniority and Leave Benefits of Employees Transferring Between School Districts and Other Educational Employers

RCW 28A.400.320 – Mandatory Termination of Classified Employees – Appeal – Recovery of Salary or Compensation by District

RCW 28A.400.340 – Notice of Discharge to Contain Notice of Right to Appeal if Available

RCW 28A.405.100 – Minimum Criteria for the Evaluation of Certificated Employees – Revised Four-Level Evaluation Systems for Classroom Teachers and Principals – Procedures – Steering Committee – Models – Implementation – Reports

RCW 28A.405.140 – Assistance for Teacher May Be Required After Evaluation

RCW 28A.405.210 – Conditions and Contracts of Employment – Determination of Probable Cause for Non-Renewal of Contracts – Non-Renewal Due to Enrollment Decline or Revenue Loss – Notice – Opportunity for Hearing

RCW 28A.405.220 – Conditions and Contracts of Employment – Non-Renewal of Provisional Employees – Notice – Procedure

RCW 28A.405.300 – Adverse Change in Contract Status of Certificated Employee – Determination of Probable Cause – Notice- Opportunity for Hearing

RCW 28A.405.310 – Adverse Change in Contract Status of Certificated Employee, Including Non-Renewal of Contract – Hearings – Procedure

RCW 28A.405.470 – Crimes Against Children – Mandatory Termination of Certified – Employees – Appeal – Recovery of Salary or Compensation By District

RCW 28A.410.090 – Revocation of Authority to Teach – Criminal Basis – Complaints – Investigation – Process

RCW 41.32.240 – Membership in System

RCW 41.33.020(6) – Terms and Provisions of Plan

RCW 41.40.023 – Membership

RCW 41.41 – State Employees’ Retirement – Federal Social Security

WAC 181-86 – Policies and Procedures for Administration of Certification Proceedings

WAC 181-87 – Acts of Unprofessional Conduct

WAC 392-191 – School Personnel – Evaluation of the Professional Performance Capabilities

Management Resource(s)

Policy News, December 2015

Policy News, February 2014

Policy News, February 2013

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