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## **SEPARATION FROM EMPLOYMENT**

### **Discharge from Employment**

Under Washington law, the superintendent has the statutory authority to issue an appropriate notice of probable cause for discharge or non-renewal to any certificated employee. In the event the superintendent recommends discharge of a classified employee, the board of directors will consider the recommendation and render a decision. A notice of discharge to a certificated or classified employee who has a right to appeal the discharge will include notice of the right to appeal and how a description of the appeal process may be obtained.

### **Certificated Employee Release from Contract**

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

1. A letter requesting release will be submitted to the superintendent or designee. If accepted by the board, the employee will be released from his or her contract.
2. A release from contract may be granted by the board: (a) to allow a staff member to accept another position prior to or during the school year, provided a satisfactory replacement can be obtained; or (b) in the case of illness or other personal matter making it a substantial hardship for the employee to continue his or her employment.
3. The board will evaluate and determine each request upon its own merits. The needs of the District and continuity of the educational program offered to students will 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 as early as possible of their intent to resign, and in no event less than 30 days prior to their last planned work day.

### **Retirement**

Staff will participate in the retirement programs under the federal Social Security Act and the Washington 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 and pursuant to any applicable collective bargaining agreements.

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 1 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 in no event 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.

### **Certificated Employees: Non-Renewal**

The employment contract of a certificated employee may be non-renewed at the end of the employee's contract period by notice of probable cause issued by the superintendent. Such non-renewals may be based upon unsatisfactory performance, misconduct, changes in the District's financial circumstances and/or staffing needs, or other reasons authorized by law. Except for "provisional" employees under RCW 28A.405.220, non-renewals of classroom teachers and certificated support personnel for unsatisfactory performance will be preceded by a probationary period in accordance with RCW 28A.405.100 and any applicable collective bargaining agreement.

The superintendent will establish procedures to assist those certificated employees whose performance, as evaluated through the annual evaluation process, does not meet minimum requirements. 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: staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this policy limits the District's 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 to 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 such evaluator's contract under RCW 28A.405.210 or the discharge of such evaluator under RCW 28A.405.300.

### **Classified Employees: Probation**

Classified employees are granted probationary status during the first 120 working days of employment. During that period, they are subject to termination without advance notice. Upon satisfactory completion of 120 working days of consecutive service, an employee may be granted regular status. A probationary classified employee will be entitled to an informal pre-termination meeting with the superintendent prior to action taken by the board to terminate his or her employment.

### **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 and, based on administrative recommendations, identify those educational programs and services that will be reduced, modified, or eliminated.

When the reduction, modification, or elimination of programs and/or services necessitates a reduction in staff, the District will retain employees in accordance with the terms of any applicable collective bargaining agreement.

The superintendent may develop procedures to implement this policy, except that any collective bargaining agreement in effect will supersede this policy.

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References:	Board Policy 5240	Evaluation of Staff
	Board Policy 5006	Certification Revocation
	Board Policy 5281	Disciplinary Action and Discharge
Legal References:	RCW 28A.400.300	Hiring and Discharging Employees —Written leave policies — Seniority and leave benefits, retention upon 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 — Nonrenewal 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
Chapter 41.41 RCW	State Employees' Retirement — Federal Social Security
Chapter 181-86 WAC	Policies and procedures for administration of certification proceedings
Chapter 181-87 WAC	Acts of Unprofessional Conduct
Chapter 392-191 WAC	School Personnel—Evaluation of the Professional Performance Capabilities

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