

**DISCIPLINARY ACTION AND DISCHARGE: 5281**

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Discipline shall be reasonably appropriate to the circumstances and may include suspension or discharge. Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their supervisors or who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job or in such other ways that the law determines to be sufficient cause shall be subject to discipline. Behavior, conduct or action which may institute disciplinary action or discharge may include, but is not limited to: insubordination, gross incompetence, immorality, sexual misconduct, conviction of a felony, nonprofessional conduct, mental or physical inability to perform the duties for which employed, intentional discrimination, vulgar speech or actions, use of habit-forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington or abuse of such prescriptions, use of alcoholic beverages on school premises or at a school-sponsored activity off the school premises, and use of District supplies and equipment for personal betterment or financial gain.

In the event that allegations or charges are made against a staff member for physical or sexual misconduct with minors, the Superintendent/designee will contact the Child Protective Services central registry or law enforcement for evidence regarding the staff member as an adjudicated or admitted perpetrator of child abuse or neglect.

When allegations are made against an employee for sexual misconduct, verbal abuse or physical abuse the District shall make a determination whether the abuse or misconduct occurred. In cases where the allegations involve violations of the State professional code of conduct for certificated staff, the Superintendent 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, when the employee has engaged in physical or sexual misconduct with a minor, or has violated the State Professional Code of Conduct for certificated staff, the Superintendent shall notify the State Office of Professional Practices of such termination of employment. If the District determines that sufficient information exists to conclude that sexual misconduct occurred and that the 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.

The District shall not enter into any contract to suppress information about physical abuse or sexual misconduct by a present or former employee. Neither shall the District expunge such information from the employee's file.

Discharge or other adverse action affecting the contract status of certificated staff shall be instituted by the Superintendent in a manner prescribed by law.

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The Superintendent is authorized to suspend or terminate a provisional classified staff member immediately. Provisional status as used herein refers to the period of time from the first day of employment until the employee has passed a probationary period and becomes a regular employee according to the terms of the applicable collective bargaining agreement.

If termination of a provisional certificated employee is being recommended, the staff member shall be advised of the right to request an informal meeting within ten (10) working days following notice of intent to terminate. The notice shall explain the probable cause(s) for termination. At the informal meeting, employees shall have the opportunity to present evidence in their own behalf. Within ten (10) working days of this meeting, the Superintendent will notify the employee of his/her decision to either reinstate the employee or recommend termination to the Board.

Cross References: Administrative Policy – 5006 Unprofessional Conduct and Certification Revocation

Legal References: RCW 28A.400.300 Hiring and discharge of employees – Leaves for employees–Seniority and leave benefits, retention upon transfers between schools  
28A.400.320 Mandatory termination of classified employees  
28A.400.340 Notice of discharge to contain notice or right to appeal if available  
28A.405.300 Adverse change in contract status of certificated employee–Determination of probable cause–Notice–Opportunity for hearings  
28A.405.310 Adverse change in contract status of certificated employee, including non-renewal of contract–Hearings–Procedure  
28A.405.470 Mandatory termination of certified employees  
28A.410.090 Revocation of authority to teach  
  
WAC 180-44-060 Drugs and alcohol–Use of as cause for dismissal  
181-86 Policies and procedures for administration of certification proceedings  
181-87 Acts of Unprofessional Conduct

Management Resources: *Policy News*, October 2004 Sexual Misconduct Definitions