# Disciplinary Action and Discharge

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators 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, intemperance, 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, 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.

Discipline shall be reasonably appropriate to the circumstances but may include suspension or discharge.

In the event that allegations or charges are made against a staff member for misconduct with minors, the superintendent may contact the child protective services central registry for evidence regarding the staff member as an adjudicated or admitted perpetrator of child abuse or neglect. Discharge or other adverse action affecting the contract status of certificated staff shall be instituted by the superintendent in the manner prescribed by law.

When allegations are made against an employee of sexual abuse, verbal abuse or physical abuse the district shall make a determination whether the abuse or misconduct occurred.

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 sexual misconduct to prospective school district employers.

The district shall not enter into any contract to suppress 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 file.

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, the superintendent shall notify the office of professional practice of such termination of employment.

The superintendent is authorized to suspend a probationary status classified staff member immediately. Probationary status as used herein is granted to a classified staff member for the first 90 days of employment. Thereafter, if performance has been acceptable, the classified staff member shall be granted regular status.

The superintendent is authorized to suspend a regular status classified staff member immediately. The staff member shall be advised of the right to request an informal pre-termination meeting within five (5) working days following notice. At such time the staff member may receive notice of the charges against him/her, an explanation of the evidence, and an opportunity to refute any of the charges made.

Upon the request of the suspended staff member, the board shall meet with the suspended staff member to determine if discharge action shall be taken. If a request is not received, the board shall act upon the recommendation of the superintendent.

Cross References:

| | | |
|---|---|---|
| Legal References: | RCW 28A.400.300 | Hiring and discharge of employees — Leaves for employees — Seniority and leave benefits, retention upon transfers between schools |
| | 28A.400.340 | 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.410.090 | Revocation of authority to teach |
| | 28A.400.320 | Mandatory termination of classified employees |
| | 28A.405.470 | Mandatory termination of certified employees |
| | 28A.400.340 | Notice of discharge to contain notice of right to appeal if available |
| | WAC 180-86 | Policies and procedures for administration of certification proceedings |
| | 180-87 | Acts of Unprofessional Conduct |
| | 180-44-060 | Drugs and alcohol — Use of as cause for dismissal |

Management Resources:

| | |
|---|---|
| *Policy News*, October 2004 | Sexual Misconduct Definitions |

**Adoption Date:** **June 11, 2007**
**Revision Date:**
**Review Date:** **June 27, 2011**