

# Separation from Employment

## **Certificated Staff**

Under Washington law the superintendent has the authority to issue an appropriate notice of probable cause for discharge or nonrenewal to any certificated staff member. A notice of probable cause for discharge will include notice of any appeal rights the employee may have and notice of the appeal processes.

## **Classified Staff**

The board will consider the superintendent's recommendation regarding the discharge of a classified staff member, and render a decision regarding the discharge. 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 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 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.

## **Program and Staff Reductions**

The board 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 a 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.

Cross References:                   5240 - Evaluation of Staff  
  5006 - Certification Revocation  
  5281 - Disciplinary Action and Discharge

Legal References:           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 Crimes against children 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 - Four-level rating evaluation system - Procedures - Steering committee - Implementation - Reports     Comprehensive performance evaluation  
                                  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 nonrenewal of contracts     Nonrenewal due to enrollment decline or revenue loss     Notice     Opportunity for hearing  
                                  RCW 28A.405.220 Conditions and contracts of employment     Nonrenewal 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 nonrenewal of contract     Hearings     Procedure  
                                  RCW 28A.405.470 Crimes against children     Mandatory termination of certificated employees     Appeal     Recovery of salary or compensation by district  
                                  RCW 28A.410.090 Revocation or suspension of certificate or permit to teach     Reprimand     Criminal basis     Complaints     Investigation     Process  
                                  RCW 41.32.240 Membership in system  
                                  RCW 41.33.020 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

Management Resources:      2015 - December Issue  
   2014 - February Issue  
   2013 - February Issue

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Classification: **Encouraged**

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