

## SEPARATION FROM EMPLOYMENT

### Certified 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 shall 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 shall 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 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 shall 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.

#### D. **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.

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#### Cross References:

Board Policy 5006	Certification Revocation
Board Policy 5240	Evaluation of Classified, Certificated and Administrative Staff
Board Policy 5281	Disciplinary Action and Discharge

#### Legal References:

RCW 28A.400.300	Hiring and Discharging Employees--Written leave policies- Seniority and leave benefits, 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	In-service training 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 certificated  
employees – Appeal – Recovery of salary 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
- RCW 41.41 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:**

- 2023 – November Issue
- 2015 – December Issue
- 2014 – February Issue
- 2013 – February Issue

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