Board Policy
BP 5280
Personnel

Termination of Employment

The superintendent has the statutory authority to issue probable cause for termination to a
certificated staff member. The board shall consider the termination of a classified staff member
based upon the recommendation of the superintendent. The notice of termination shall include
notice of any appeal rights the employee may have and notice of the appeal processes.

1. Release from Contract

A certificated staff member may be released from contract under the following conditions:

A. A letter requesting release shall be submitted to the superintendent's office. If accepted by
the board at its next meeting, the staff member shall be released from contract.

B. 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.

C. 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.

D. Each request shall be determined upon its own merits. The needs of the district and
continuity of the educational program offered to students shall receive primary consideration in
the board's decision.

2. 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.

3. Retirement

Staff shall 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. Because of their contribution to the children of the district, retiring staff shall be given appropriate recognition. The district office may assist them in making arrangements for their retirement benefits.

4. Probation, Non-renewal or Termination

The employment contracts of individual certificated staff may be non-renewed at the end of the staff member's contract period by action of the superintendent. Such non-renewals may be based upon unsatisfactory performance or changes in the district's financial circumstances and/or staffing needs. Except for "provisional employees," non-renewals for unsatisfactory performance shall be preceded by a probationary period.

The superintendent shall establish procedures to assist those certificated staff whose performance, through the evaluation process, does not meet minimum requirements.

Beginning with the 2015-16 school year, 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: employee assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal and superintendent and reduction in force. The district will not be limited in its 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 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 any such evaluator’s contract under RCW 28A.405.210 or the discharge of such evaluator under RCW 28A.405.300.

Classified staff are granted provisional status during the first 60 days of employment. During that period of time, they are subject to termination without advance notice. Upon satisfactory completion of 60 days of consecutive service, a staff member may be granted regular status. Regular status classified staff are employed on a month-to-month basis and shall be provided at least 10 days notice before termination. Such staff member shall be entitled to an informal pre-termination meeting with the superintendent prior to any action taken by the board of directors.

5. Program and Staff Reductions

Program and staff reductions may be required as a direct result of enrollment decline, failure of a special levy election or other events resulting in a significant reduction in revenue; or termination
or reduction of funding of categorically-funded projects. The board shall, after a review of such
dicators as test results, community surveys, informal and formal statements of support and/or
opinion, and the district’s statement of philosophy, identify those educational programs and
services which shall be reduced, modified or eliminated.

When the reduction, modification or elimination of programs and/or services necessitates a
reduction in staff, the board shall retain staff member's based upon service in the state of
Washington and qualifications and experience necessary for the retained position.

A staff member who receives notice of non-renewal of contract due to enrollment decline or loss
of revenue may, in his/her request for a hearing, stipulate that initiation of the arrangements for a
hearing officer shall occur within ten (10) days following July 15, rather than the day the staff
member submits the request for a hearing.

The superintendent shall develop procedures to implement this policy except that any staff
agreement in effect shall supersede this policy.

Cross References: Model Policy 5006 Certification Revocation
Model Policy 5240 Evaluation of Classified, Certificated
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
t hree-level evaluation systems for
classroom teachers and principals—
Models—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

41.32.240  Membership in system
41.33.020(6)  Terms and provisions of plan
41.40.023  Membership
Chapter 41.41 RCW  State Employees’ Retirement — Federal Social Security

WAC 180-44-060  Drugs and alcohol — Use of as cause for dismissal

Chapter 181-86 WAC  Policies and procedures for administration of certification proceedings

Chapter 181-87 WAC  Acts of Unprofessional Conduct

Chapter 392-191WAC  Professional Growth and Evaluation of School Personnel

Management Resources:


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Cape Flattery School District