

## **SEPARATION FROM EMPLOYMENT**

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. The board of directors will consider the notice of probable cause for a certificated staff member, or the superintendent's recommendation regarding the discharge of a classified staff member, and render a decision regarding the discharge or nonrenewal. 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 will 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.

#### D. Program and Staff Reductions

The board of directors 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 reduction in revenue, increase in costs, and/or termination or reduction of funding of categorically-funded projects. The board will review appropriate information based on administrative recommendations, identify those educational programs and services which will be reduced, modified or eliminated.

Cross References:	Board Policy 5006 Board Policy 5240 Board Policy 5281	Certification Revocation Evaluation of Staff Disciplinary Action and Discharge
Legal References:	RCW 28A.400.300  28A.400.320  28A.400.340  RCW 28A.405.100  28A.405.140  28A.405.210  28A.405.220  28A.405.300  28A.405.310	Hiring and Discharging Employees — Leaves for employees — Seniority and leave benefits, retention upon transfers between schools Mandatory termination of classified employees Discharge Notices Include Appeal Rights Minimum criteria for the evaluation of certificated employees – Revised four-level evaluation systems for classroom teachers and principals- Procedures-Steering committee— Models—Implementation—Reports Assistance for teacher may be required after evaluation Conditions and contracts of employment — Determination of probable cause for non-renewal of contracts — Notice — Opportunity for hearing Conditions and contracts of employment — Non-renewal of provisional employees — Procedure Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearing 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 – Criminal basis – Complaints – Investigation - Process
41.32.240	Membership in system — Procedure when exempted person desires membership — Continuation of exemption — Persons formerly exempt, minimum period to qualify for retirement allowance
41.33.020(6)	Terms and provisions of plan
41.40.023	Membership
41.41	State Employees' Retirement — Federal Social Security
Chapter 181-86 WAC	Policies and procedures for administration of certification proceedings
181-87	Acts of Unprofessional Conduct
Chapter 392-191 WAC	Professional Growth and Evaluation of School Personnel

**Management Resources:**

*Policy & Legal News*, December 2015

*Policy & Legal News*, February 2014

*Policy & Legal News*, February 2013

Policy Revisions

**Concrete School District**

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