

## NON-DISCIPLINARY EMPLOYMENT TERMINATIONS

The provisions in this policy are applicable to the extent they do not conflict with collectively bargained provisions regarding represented employees.

### 1. Certificated Contract Release

It is a violation of State Law for a certificated staff member to enter into any employment contract with another school district, if already under contract with the Prescott School District. The staff member may be released from the contract by the Prescott School District, following a written request to the Superintendent and acceptance by the School Board. The needs of the district and continuity of the educational program offered to students shall receive primary consideration in the board's decision. The Board will consider the following to be good cause for release:

- A. The staff member wants to accept another position prior to or during the school year and a satisfactory replacement can be obtained.
- B. A case of illness or other personal matters exist, which make it a substantial hardship for the staff member to continue his/her employment in the district.

### 2. Resignation/Retirement

In order to permit proper staff planning and to minimize inconvenience to others who may be affected, staff who plan to retire or 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 retire or resign and no less than 30 days prior to their last working day.

### 3. Probation, Non-renewal or Non-Disciplinary Termination

Certified Staff: 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. The district may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement.

**Classified staff:** Classified Staff are granted provisional status during the first 90 days of employment or transfer to a new position. During provisional status, they are subject to termination without advance notice or cause. Regular status classified staff are employed on a school year or annual basis, depending upon their contracted days of service. Classified staff are not guaranteed a continuing contract from year to year and their employment will naturally expire at the end of the school year or August 31<sup>st</sup> of each year (based upon their individual employment arrangement). Only those classified employees that are rehired by the School Board will have employment for the next year. Regular classified staff are subject to non-disciplinary termination during their contracted work year for performance reasons, following notice to the employee of the performance concerns and at least a 30 day opportunity to improve.

#### 4. 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; termination or reduction of funding of categorically-funded projects, or Board determined changes in programs. The board shall 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 request that the Superintendent follow appropriate bargaining language and State Law to determine which staff members are impacted.

**Certificated Staff:** Certificated staff are only subject to layoff at the end of their current contract year. The Superintendent shall issue an appropriate Notice of Probable Cause and follow statutory provisions for nonrenewal of certificated employees.

**Classified Staff:** Classified Staff are subject to layoff at any time, unless restricted by the terms of a bargaining agreement. The Superintendent shall determine appropriate staff members impacted, considering the best interests of the District and any applicable bargaining language. The Superintendent shall make bring the impacted employees names to the School Board for approval and provide appropriate notice to any staff members in advance of the Board Meeting, so that the employees may address the Board if they so choose. The notice of The employee shall receive written notice of any final action taken by the Board impacting their employment and any required notice of appeal rights.

#### Cross References:

(cf. 5121 Unprofessional Conduct)

(cf. 5240 Evaluation of Classified, Certificated and Administrative Staff)

Legal References:

RCW 28A.400.300

Hiring and Discharging Employees--Leaves for employees--Seniority and leave benefits, retention upon transfers between schools

RCW 28A.400.320

Mandatory termination of classified employees

RCW 28A.400.340

Discharge Notices Include Appeal Rights

RCW 28A.405.140

In-service training for teacher may be required after evaluation

RCIN 28A.405.210

Conditions and contracts of employment-

Determination of probable cause for non-renewal of

contracts--Notice--Opportunity for hearing Conditions

and contracts of employment-Non-

RCW 28A.405.220

renewal of provisional employees-Procedure Adverse

change in contract status of certificated employee-

RCW 28A.405.300

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

Mandatory termination of certified employees

RCW 28A.410.090

Revocation of authority to teach

RCW 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

Terms and provisions of plan

RCW 41.33.020(6)

Membership

RCW 41.40.023

RCW 41.41	State Employees' Retirement-Federal Social Security
WAC 180-86	Policies and procedures for administration of certification proceedings
WAC 180-87	Acts of Unprofessional Conduct
WAC 180-44-060	Drugs and alcohol--Use of as cause for dismissal

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Prescott School District

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