

## **Separation from Employment**

Under Washington law the superintendent has the statutory 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, 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.

### **1. Certificated Staff Member Release from Contract**

Upon request a certificated staff member may be released from contract under the following conditions:

- A. 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.
- 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 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.

### **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 (or the district may insert alternate date).

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 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.

### **4. 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



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

### **Cross References:**

[5006](#) - Certification Revocation

[5240](#) - Evaluation of Staff

[5281](#) - Disciplinary Action and Discharge

### **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

[RCW 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-renewal of provisional employees--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](#) 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

[RCW 41.33.020\(6\)](#) Terms and provisions of plan

[RCW 41.40.023](#) Membership

[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

[RCW 28A.405.220](#) Conditions and contracts of employment — Non-renewal of provisional employees — Notice — Procedure

[RCW 28A.405.100](#) Minimum criteria for the evaluation of certificated employees - Revised four-level evaluation systems for classroom teachers and principals - Procedures - Steering committee - Models - Implementation - Reports

[Chapter 392-191 WAC School Personnel—Evaluation of the Professional Performance Capabilities](#)

### **Management Resources:**

[2015 - December Issue](#)

[2014 - February Issue](#)

[2013 - February Issue](#)

**Classification:** Encouraged