

## 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 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 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. Probation or Termination**

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.

Unless otherwise directed by collective bargaining agreements, classified staff are granted probationary status during the first ninety days of employment. During that period of time, they are subject to termination without advance notice. Regular status classified staff are employed on a month-to-month basis and are provided at least 30 days’ notice before termination. Such staff member will be entitled to an informal pretermination meeting with the superintendent prior to any action taken by the Board of Directors.

**E. 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 and, based upon administrative recommendations, identify those educational programs and services which will be reduced, modified or eliminated.

Cross References:	Policy 5006 Policy 5240 Policy 5281	Certification Revocation Evaluation of Staff Disciplinary Action and Discharge
Legal References:	RCW 28A.400.300  RCW 28A.400.320  RCW 28A.400.340  RCW 28A.405.100  RCW 28A.405.140  RCW 28A.405.210	Hiring and Discharging Employees -- Written leave policies -- Seniority and leave benefits, retention of employees transferring between school districts and other educational employers Mandatory termination of classified employees -- Appeal -- Recovery of salary or compensation by district Notice of discharge to contain notice of right to appeal if available 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

Legal References (cont.):

	non-renewal of contracts -- Non-renewal 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 nonrenewal 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
RCW 41.32.240	Membership in system
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 181-86	Policies and procedures for administration of certification proceedings
WAC 181-87	Acts of Unprofessional Conduct
WAC 392-191	WAC School Personnel - -Evaluation of the Professional Performance Capabilities

Management Resources:

*Policy & Legal News*, December 2015  
*Policy & Legal News*, February 2014  
*Policy & Legal News*, February 2013

Policy Revisions  
Other Updates/Corrections  
Policy Revisions

Revised: February 9, 2017  
Revised: September 25, 2014  
Revised: March 27, 2008  
5000 Series Adoption Date: June 10, 1999  
North Kitsap School District