



**Contact:**

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TO: Stanwood-Camano Board of Directors

FROM: Christine Del Pozo, Executive Director of Human Resources

SUBJECT: First Reading, Board Policy 5280 Separation From Employment

DATE: January 2, 2024

TYPE: Action Required

This is the first reading of Personnel Policy 5280 Separation From Employment. Updates reflect changes recommended by Washington State School Directors Association. It is identified as an essential policy by the Washington State School Directors Association.

The policy will come before the Board for second reading on January 16, 2024. If you have any questions regarding this policy, please contact me.

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and is prepared for the future of their choice

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## SEPARATION FROM EMPLOYMENT

### Certificated Staff

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 employee, and render a decision regarding the discharge or nonrenewal.~~ A notice of **probable cause for discharge** will include notice of any appeal rights the employee may have and notice of the appeal process.

### Classified Staff

**The board will consider the superintendent's recommendation regarding the discharge of a classified staff member, and render a decision regarding the discharge. A notice of discharge will include notice of any appeal rights the employee may have and notice of the appeal process.**

#### 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/~~their~~ employment with 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 be the 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 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 are asked to notify the superintendent prior to April 1<sup>st</sup> 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.**

## 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 on administrative recommendations identify those educational programs and services which will be reduced, modified or eliminated.

<b>Legal References</b>	RCW 28A.400.300	Hiring and Discharging Employees – Written Leave Policies – Seniority and leave benefits of employees transferring <del>retention of transfers</del> between school districts and other educational employers
	RCW 28A.400.320	<b>Crimes against children</b> - 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
	<b>RCW 28A.405.100</b>	<b>Minimum criteria for the evaluation of certificated employees – Four-level rating evaluation system – Procedures – Steering committee – Implementation – Reports Comprehensive performance evaluation</b>
	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, <del>including non-renewal of contract—</del> <del>Hearings</del> —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 or suspension of certificate or permit - Reprimand <b>Revocation of authority to teach—</b> Criminal basis—Complaints— Investigation—Process
RCW 41.32.240	Membership in system
RCW 41.33.020 <del>(6)</del>	Terms and provisions of plan
RCW 41.40.023	Membership
Chapter 41.41. RCW	State Employee's - Retirement—Federal Social Security
Chapter 181-86 WAC	Policies and procedures for administration of certification proceedings
Chapter 181-87 WAC	Acts of Unprofessional Conduct
Chapter 392-191 WAC	School Personnel—Evaluation of the Professional Performance Capabilities

**Cross References**      **5240 Evaluation of Staff**  
**5006 Certification Revocation**  
**5281 Disciplinary Action and Discharge**

**Management Resources**      2015 December Issue  
2014 February Issue  
2013 February Issue

**Adoption Date: 4.90**  
**Stanwood-Camano School District**  
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