



TO: BOARD OF DIRECTORS

FROM: Maurene Stanton, Executive Director of Human Resources

SUBJECT: Second Reading Policy 5280 Separation from Employment

DATE: March 15, 2022

TYPE: Action Required

This is the second reading of updated Personnel Policy 5280 Separation from Employment. Previously, Policy 5280 referred to Termination of Non-Represented Classified Staff. This policy no longer exists in WSSDA model policy. It has been replaced with Separation from Employment. This policy is identified as an encouraged policy by WSSDA and is referenced in updated Policy 5050 Contracts, which is currently under review by the board.

Recommendation: That the board approves the second reading of policy 5280 Separation from Employment.

TERMINATION OF SEPARATION FROM EMPLOYMENT OF NON-REPRESENTED CLASSIFIED 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 non-renewal. A notice of discharge will include notice of any appeal rights the employee may have and notice of the appeal process.

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/their employment with 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 will be the 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 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.

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 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 1st of that year.

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 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.

~~This policy shall apply to the employment of those classified, non-represented employees who are not issued an annual employment contract. The board shall consider the termination of a non-represented classified staff member based upon the recommendation of the superintendent. The notice of termination shall include notice of any appeal rights the employee may have.~~

~~1.—Probation and Termination of Non-Represented Classified Employees~~

~~Non-represented staff shall be placed on probationary status during the first six months of employment. During that period of time, they are subject to termination without advance notice. Upon satisfactory completion of six months' of consecutive service a non-represented classified staff member may be granted regular status. Thereafter, non-represented classified staff will be employed on a month-to-month basis, but shall be provided 10 days' notice before termination of their employment. Such staff members shall be entitled to an informal pre-termination meeting prior to any action being taken by the board of directors.~~

~~2.—Staff Reductions~~

~~When a reduction, modification, or elimination of programs and/or services necessitates a reduction in force of employees, the board shall retain staff members based upon qualifications and experience necessary for the retained positions.~~

Legal References

- RCW 28A.400.300 Hiring and Discharging Employees – Written Leave Policies ~~Leaves for employees~~ – Seniority and leave benefits, retention ~~upon of~~ transfers between schools districts and other educational employers
- RCW 28A.400.320 Mandatory termination of classified employees—Appeal Recovery of Salary or compensation by district
- RCW 28A.400.340 ~~Discharge notices include appeal rights~~ Notice of discharge to contain notice of right to appeal if available
- RCW 28A.405.140 Assistance for teacher may be required after evaluation

<u>RCW 28A.405.210</u>	<u>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</u>
<u>RCW 28A.405.220</u>	<u>Conditions and contracts of employment—Non-renewal of provisional employees—Notice--Procedure</u>
<u>RCW 28A.405.300</u>	<u>Adverse change in contract status of certificated employee, including non-renewal of contract—Hearings—Procedure</u>
<u>RCW 28A.405.310</u>	<u>Adverse change in contract status of certificated employee, Including non-renewal of contract—hearings—procedure</u>
<u>RCW 28A.405.470</u>	<u>Crimes against children—Mandatory termination of certified Employees—Appeal—Recovery of salary or compensation by District</u>
<u>RCW 28A.410.090</u> <u>Complaints—</u>	<u>Revocation of authority to teach—Criminal basis—</u> <u>Investigation—Process</u>
<u>RCW 41.32.240</u>	<u>Membership in system</u>
<u>RCW 41.33.020(6)</u>	<u>Terms and provision of plan</u>
<u>RCW 41.40.023</u>	<u>Membership</u>
<u>Chapter 41.41. RCW</u>	<u>State Employee’s Retirement—Federal Social Security</u>
<u>Chapter 181-86 WAC</u>	<u>Policies and procedures for administration of certification proceedings</u>
<u>Chapter 181-87 WAC</u>	<u>Acts of Unprofessional Conduct</u>
<u>Chapter 392-191 WAC</u>	<u>School Personnel—Evaluation of the Professional Performance Capabilities</u>
<u>Management Resources</u>	<u>2015 December Issue</u> <u>2014 February Issue</u> <u>2013 February Issue</u>

Adoption Date: 4.90
Stanwood-Camano School District
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