

Separation from Employment

The Board of Directors delegates to the Superintendent final authority in all cases of employment separation, including but not limited to: resignation, discharge, non-renewal, staff reductions and retirement. The authority shall be exercised in a manner that is consistent with applicable laws and Board Policy.

Resignation

The Superintendent is hereby authorized to accept employee resignations upon such conditions as he/she deems appropriate. Employees who have a contract that want to resign prior to the end of their contract may request that they be released from their contract. The Superintendent's recommendation to release an employee from their contract must be approved by the Board. Employees working in positions in the schools who do not intend to return to their position the following school year should notify the Superintendent of their resignation by April 15th.

Discharge

Administrative and classified employees who are not employed under a contract are employed on an at-will basis and may be discharged at any time, provided the Superintendent determines discharge is in the best interest of the ESD. Employees who have worked more than six months will be provided five (5) days written notice prior to being discharged, except when discharge is based on misconduct. No notice is required if an employee is being discharged based on misconduct.

Nonrenewal or Discharge of Employees with Contracts

Administrative and classified employees working in accordance with a contract, may have their contract terminated and be discharged in accordance with the terms of the contract.

Certificated employees may have their contract non-renewed and/or be discharged in accordance with state law.

Abandonment

Any employee who is absent from his/her position for three (3) consecutive working days without notice to his/her supervisor, may be presumed by the Superintendent to have abandoned his/her position and may be discharged.

Program and Staff Reductions

This policy shall govern reductions in staff employed by the ESD due to a reduction in funding, reduction or abolishment of a staff position, the reduction or abolishment of a program, activity, or service performed by the ESD, or the elimination of specific positions.

The Board reserves the power, duty and responsibility to make general determinations regarding the programs, activities, and services to be performed by the ESD. The Board delegates to the Superintendent the responsibility to implement reductions in staff due to reductions in funding, reductions or abolishment of a program, activity or service, and the elimination of specific positions. Reductions shall be implemented in accordance with the procedures that are approved by the Superintendent. The Superintendent shall report the abolishment of programs to the Board.

Legal References:

RCW 28A.400.300 Hiring and Discharging Employees — Written leave policies — Seniority and leave benefits, retention upon of employees transferring between school 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 Notice of discharge to contain notice of right to appeal if available
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
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 — 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 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
Chapter 41.41 RCW State Employees' 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

Adoption Date: **1-20-77**

Revised Dates: **4-13-77; 5-19-77; 3-23-78; 1-23-79; 5-14-81; 1-21-82; 2-22-83; 1-24-84; 3-29-88; 3-21-89; 3-26-91; 2-23-93; 9-26-95; 2-24-98;**

Renumbered: **303 and 305 to 5280 1-1-17**