

## **PERSONNEL**

### **DISCIPLINARY ACTION AND DISCHARGE**

The Board delegates to the superintendent, administrators and applicable supervisors, the power and authority to discipline district employees consistent with district policies, district procedures and applicable collective bargaining agreements.

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators or who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job or in such other ways that the law determines to be sufficient cause shall be subject to discipline. Behavior, conduct or action which may institute disciplinary action or discharge may include, but is not limited to:

Malfeasance, violation of district policy, violations of a lawful directive of a supervisor or administrator, insubordination, gross incompetence, immorality, sexual misconduct, conviction of a felony, nonprofessional conduct, mental or physical inability to perform the duties for which employed, intemperance, intentional discrimination, vulgar speech or actions, use of habit-forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington, use of alcoholic beverages on school premises or at a school-sponsored activity off the school premises, and use of district supplies and equipment for personal betterment or financial gain.

Discipline shall be reasonably appropriate to the circumstances and may include reprimand, suspension or discharge.

In the event that allegations or charges are made against a staff member for misconduct with minors, the superintendent may contact the child protective services central registry for evidence regarding the staff member as an adjudicated or admitted perpetrator of child abuse or neglect. Discharge or other adverse action affecting the contract status of certificated staff shall be instituted by the superintendent in the manner prescribed by law.

When allegations are made against an employee of sexual abuse, verbal abuse or physical abuse the district shall make an initial determination whether the abuse or misconduct occurred.

If the district determines that sufficient information exists to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving his or her position at the district, the district must forward known information about the employee sexual misconduct to prospective school district employers.

The district shall not enter into any contract to suppress information about verbal or physical abuse or sexual misconduct by a present or former employee. Neither shall the district expunge such information from the employee's file.

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### **DISCIPLINARY ACTION AND DISCHARGE (continued)**

In cases where the allegations involve violations of the state professional code of conduct for certificated staff, the superintendent shall file a report with the office of professional practice in the state superintendent's office. When the district discharges, fails to renew the contract or permits a certificated staff member to resign, the superintendent shall notify the office of professional practice of such termination of employment.

The superintendent is authorized to suspend a provisional status classified staff member immediately. Provisional status, as used herein, is granted to a classified staff member for the first 90 days of employment. Thereafter, if performance has been acceptable, the classified staff member shall be granted regular status.

The superintendent is authorized to suspend a regular status classified staff member immediately. The staff member shall be advised of the right to request an informal pre-termination meeting with the superintendent within five (5) calendar days following notice. At such time, the staff member may receive notice of the charges against him/her, an explanation of the evidence, and an opportunity to respond to and comment upon any of the charges made.

If the superintendent thereafter recommends employment termination action to the Board, upon the request of the suspended staff member, made in writing and delivered to the Board within five (5) calendar days after receipt of the superintendent's recommendation, the Board shall meet with the staff member to determine if discharge action shall be taken. If a request is not received, the board shall act upon the recommendation of the superintendent.

The following non-represented positions shall be classified as exempt in nature and function. Classified staff filling these identified positions are employed on a month-to-month basis and shall be provided at least ten (10) calendar days notice before termination: Administrative Assistant to the Superintendent and Board, District Administrative Secretary, Director of Business and Operations, District Accountant, Human Resources Officer, Director of Payroll, Supervisor of Instructional Technologies, Mental Health/At-Risk Specialist, District Office Receptionist/Clerical Support Specialist, Accounts Payable Clerk, and Supervisor of Maintenance, Custodial and Grounds. Such staff member(s) shall be entitled to an informal pre-termination meeting with the superintendent prior to any action taken by the Board of Directors.

Cross References: Board Policy 5006 Certification Revocation

Legal References: RCW 28A.400.300 Hiring and discharge of employees — Leaves for employees — Seniority and leave benefits, retention upon transfers between schools

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**DISCIPLINARY ACTION AND DISCHARGE (continued)**

Legal References: 28A.400.340 Notice of discharge to contain notice or right to appeal if available  
28A.405.300 Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearings  
28A.405.310 Adverse change in contract status of certificated employee, including non-renewal of contract — Hearings — Procedure  
28A.410.090 Revocation of authority to teach  
28A.400.320 Mandatory termination of classified employees  
28A.405.470 Mandatory termination of certified employees  
28A.400.340 Notice of discharge to contain notice of right to appeal if available  
WAC 180-86 Policies and procedures for administration of certification proceedings  
180-87 Acts of Unprofessional Conduct  
180-44-060 Drugs and alcohol — Use of as cause for dismissal

Management Resources:

Policy News, October 2004 Sexual Misconduct Definitions

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