

## Montesano School District

### Termination of Employment

The superintendent has the statutory authority to issue probable cause for termination to a certificated staff member. The board will consider the termination of a classified staff member based upon the recommendation of the superintendent. The notice of termination will include notice of any appeal rights the employee may have and notice of the appeal processes.

#### A. Release from Contract

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 at its next meeting, the staff member will 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 determined upon its own merits. 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. Because of their contribution to the children of the district, retiring staff will be given appropriate recognition. The district office may assist them in making arrangements for their retirement benefits.

#### D. Probation, Non-renewal or Termination

The employment contracts of individual certificated staff may be non-renewed at the end of the staff member's contract period by action of the superintendent. Such non-renewals

may be based upon unsatisfactory performance or changes in the district's financial circumstances and/or staffing needs. Except for "provisional employees," non-renewals for unsatisfactory performance will be preceded by a probationary period.

The superintendent will establish procedures to assist those certificated staff whose performance, through the evaluation process, does not meet minimum requirements. The district may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement.

Classified staff are granted provisional status during the first 60 work days of employment. During that period of time, they are subject to termination without advance notice. Upon satisfactory completion of 60 work days of consecutive service, a staff member may be granted regular status. Regular status classified staff are employed on a month-to-month basis and be provided at least 10 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**

Program and staff reductions may be required as a direct result of enrollment decline, failure of a special levy election or other events resulting in a significant reduction in revenue, or termination or reduction of funding of categorically-funded projects. The board will, after a review of such indicators as test results, community surveys, informal and formal statements of support and/or opinion and the district's statement of philosophy, identify those educational programs and services which will be reduced, modified or eliminated.

When the reduction, modification or elimination of programs and/or services necessitates a reduction in staff, the board will retain staff members based upon service in the state of Washington and qualifications and experience necessary for the retained position.

A staff member who receives notice of non-renewal of contract due to enrollment decline or loss of revenue may, in his/her request for a hearing, stipulate that initiation of the arrangements for a hearing officer will occur within ten (10) days following July 15, rather than the day the staff member submits the request for a hearing.

The superintendent will develop procedures to implement this policy except that any collective bargaining agreement in effect will supersede this policy.

Cross References: Board Policy 5006  
Board Policy 5240

Certification Revocation  
Evaluation of Classified, Certificated  
and Administrative Staff

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

[28A.400.320](#)

Mandatory termination of classified  
employees — Appeal — Recovery  
of salary or compensation by district

<a href="#">28A.400.340</a>	Notice of discharge to contain notice of right to appeal if available
<a href="#">28A.405.140</a>	Assistance for teacher may be required after evaluation
<a href="#">28A.405.210</a>	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
<a href="#">28A.405.220</a>	Conditions and contracts of employment — Non-renewal of provisional employees — Notice — Procedure
<a href="#">28A.405.300</a>	Adverse change in contract status of certificated employee — Determination of probable cause — Notice — Opportunity for hearing
<a href="#">28A.405.310</a>	Adverse change in contract status of certificated employee, including non-renewal of contract — Hearings — Procedure
<a href="#">28A.405.470</a>	Crimes against children — Mandatory termination of certified — employees — Appeal— Recovery of salary or compensation by district
<a href="#">28A.410.090</a>	Revocation of authority to teach — Criminal basis — Complaints — Investigation — Process
<a href="#">41.32.240</a>	Membership in system
<a href="#">41.33.020(6)</a>	Terms and provisions of plan
<a href="#">41.40.023</a>	Membership
<a href="#">Chapter 41.41 RCW</a>	State Employees' Retirement — Federal Social Security
<a href="#">WAC 180-44-060</a>	Drugs and alcohol — Use of as cause for dismissal
<a href="#">Chapter 181-86 WAC</a>	Policies and procedures for administration of certification proceedings
<a href="#">181-87</a>	Acts of Unprofessional Conduct

**Classification: Priority**