

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>TERMINATION OF EMPLOYMENT</p>	<p>Policy No. 5280 August 13, 2013 Page 1 of 3</p>
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The Superintendent has the statutory authority to issue probable cause for termination to a certificated staff member. The Board shall approve the termination of a classified staff member based upon the recommendation of the Superintendent through the personnel report. The notice of termination shall include notice of any appeal rights the employee may have and notice of the appeal process.

A. Release from Contract

A certificated staff member may be released from contract under the following conditions:

1. A letter requesting release shall be submitted to the Superintendent's office. If accepted by the Board, the staff member shall 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 that make it a substantial hardship for the staff member to continue his/her employment in the district.

Each request shall be determined upon its own merits. The needs of the district and continuity of the educational program offered to students shall 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 or his or her designee 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 or his or her designee as early as possible

of their intent to resign and no less than 10 working days prior to their last working day.

### C. Retirement

Staff shall 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 shall 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 or his or her designee 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 or his or her designee as early as possible and no less than 10 working days prior to their retirement date. The district office may assist them in making arrangements for their retirement benefits.

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

#### *Certificated*

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 shall be preceded by a probationary period.

Certificated staff may be terminated for sufficient cause as discussed in Policy 5281, as allowed under law, or allowed under the collective bargaining agreement. Certificated staff whose performance, through the evaluation process, does not meet minimum requirements, shall be eligible for performance assistance as provided for in the collective bargaining agreement.

#### *Classified*

Classified represented staff are granted probationary status according to the terms of their collective bargaining agreement. During that period of time, they are subject to termination.

Classified non-represented staff are granted a 90 calendar day probationary period when they start employment or a new position. At the end of the 90-day period, a classified non-represented employee may be terminated by the supervisor with approval of the Executive Director of Human Resources.

## E. Program and Staff Reductions

Program and staff reductions may be required due to budgetary constraints, as a direct result of enrollment declines, 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.

When the reduction, modification, or elimination of programs and/or services necessitates a reduction in staff, the staff shall be retained in accordance with applicable collective bargaining agreements and for non-represented staff, based on position, organizational requirements, and qualifications and experience for the retained position.

The Superintendent is granted the authority to develop procedures to implement this policy except that any collective bargaining agreement in effect shall supersede this policy.

Adopted: October 2011

Revised: August 2013

Cross Reference: Policy Nos. 5006; 5240

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.400.300 Hiring and Discharging Employees — Leaves for employees — Seniority and leave benefits, retention upon transfers between schools; RCW 28A.400.320 Mandatory termination of classified employees; RCW 28A.400.340 Discharge Notices Include Appeal Rights; 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 — Notice — Opportunity for hearing; RCW 28A.405.220 Conditions and contracts of employment — Non-renewal of provisional employees — 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 Mandatory termination of certified employees; RCW 28A.410.090 Revocation of authority to teach; RCW 41.32.240 Membership in system — Procedure when exempted person desires membership — Continuation of exemption — Persons formerly exempt, minimum period to qualify for retirement allowance; RCW 41.33.020(6) Terms and provisions of plan; RCW 41.40.023 Membership; RCW 41.41 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; WAC 180-44-060 Drugs and alcohol — Use of as cause for dismissal; WAC 392-191 Professional Growth and Evaluation of School Personnel  
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