

Disciplinary Action and Termination of Employment

The superintendent has the statutory authority to issue probable cause for termination to a certificated staff member. The board shall consider the termination of a 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 and notice of the appeal processes.

Release from Contract

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

- A. A letter requesting release shall be submitted to the superintendent's office. If accepted by the board at its next meeting, the staff member shall 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/he employment in the district.
- D. 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.

Resignation/Retirement

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 or retire and no less than 30 days prior to their last working day.

Classified Staff

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

Classified staff whose performance does not satisfy the needs of the district shall receive written notification from the administrator. Such written notice shall contain the following information:

- A. Subject to the action of the board of directors, the final date of employment with the district.
- B. The right to request a pretermination meeting with the superintendent within five (5) working days following notice.
- C. Notice of any appeal rights that the employee may have and notice of the appeal processes.

At the pretermination meeting, the staff member shall be entitled to be advised as to the reason(s) why the month-to-month employee agreement is being terminated and an opportunity to respond to any of the reasons presented. Upon the request of the staff member who is being recommended for termination, the board shall meet with the staff member to determine if termination action shall be taken.

Disciplinary Action

Disciplinary action may be taken for the following reasons:

- A. Incompetence;
- B. Inefficiency;
- C. Misappropriation or misuse of district property;
- D. Neglect of duty;
- E. Insubordination;
- F. Conviction of any crime which adversely affects employee's ability to perform a job including the submission of a guilty plea or conviction of any felony crime involving:
 - 1. The physical neglect of a child;
 - 2. The physical injury or death of a child;
 - 3. Sexual exploitation of a child;
 - 4. Sexual offenses;
 - 5. Promotion of a minor for prostitution purposes; or
 - 6. The sale or purchase of a minor child.

- G. Malfeasance;
- H. Gross misconduct;
- I. Inability to perform job functions;
- J. Willful violation of district policies and procedures;
- K. Mistreatment or abuse of fellow workers, students, or members of the public;
- L. Conflict of interest;
- M. Abuse of illness, injury, or emergency leave;
- N. Sexual harassment, verbal abuse, physical abuse or sexual misconduct; or
- O. Manufacture, possession, distribution, sale or being under the influence of alcohol or controlled, illegal, addictive or harmful substances including anabolic steroids.

A classified staff member, who has contact with children, or a certificated staff member whose certificate is subject to revocation shall be terminated immediately for a guilty plea or conviction of any felony crime against children as stated in (F) above. Such employee shall have the right of appeal.

Types of Disciplinary Action

Depending upon the nature of the work performance problem or conduct, any one or more of the following actions may be taken by the appropriate supervisor:

A. Oral Reprimand

An oral reprimand may be given to a staff member whenever such action is deemed appropriate. A record of this action should be kept in the staff member's personnel file.

B. Written Reprimand

A staff member may be given a written reprimand when previous oral warning has not resulted in the expected improvement or when more severe initial action is deemed warranted. A copy of such reprimand shall be placed in the staff member's personnel file.

C. Suspension/Discharge

A staff member may be suspended from duty without pay by his/her supervisor for any of the reasons set forth in these procedures. A staff member shall receive written notice of such suspension along with notification (oral or written) that he/she may schedule a pretermination meeting with the superintendent. Discharge action may be taken by the board based upon the recommendation of the superintendent. The staff member shall have an opportunity to meet with the board prior to such action.

A staff member may be temporarily suspended from duty with pay, if circumstances warrant, with the prior approval of the superintendent.

D. Demotion

A staff member may be demoted for any of the reasons set forth in these procedures. The staff member shall be given written notice, including specific reasons for such demotion, at least two (2) calendar weeks prior to the effective date of the proposed action. This action requires the prior approval of the superintendent.

Sexual Misconduct

When allegations are made against an employee of sexual abuse, verbal abuse, or physical abuse, the district shall make a 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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