

Separation from Employment

Under Washington law, the Superintendent has the authority to issue an appropriate notice of probable cause for discharge or nonrenewal to any certificated staff member. The Board of Directors will consider the notice of probable cause for a certificated staff member, or the Superintendent's recommendation regarding the discharge of a classified staff member, and render a decision regarding the discharge or nonrenewal. A notice of discharge will include notice of any appeal rights the employee may have and notice of the appeal processes.

Per ESD 123 policy, staff members are entitled to payment for unused or accrued annual leave upon discharge, retirement, or death. Sick leave buy-out is also authorized under limited circumstances in Board policy.

The hourly rate of compensation for this purpose will be the annual salary divided by the number of expected work hours [work days times eight (8) hours per day] during a normal work year. The number of workdays during a year for a full-time employee will normally be 260 less the employee's holiday and annual leave days. For employees working less than full time, the rate will be calculated by dividing the annual salary by the number of days, using the number of hours per day contracted, fewer holidays, and annual vacation days if included in the contracted days.

The maximum of such payment for annual leave is for thirty (30) days of accrued leave by prior arrangement with the Superintendent. Annual leave may not be paid if it would result in ESD 123 receiving a penalty from the Washington State Retirement Systems.

Certificated Staff Member Release from Contract

Upon request, a certificated staff member may be released from the contract under the following conditions:

1. A letter requesting release will be submitted to the Superintendent's office. If accepted, the staff member may be released from the contract.
2. A release from the contract may be granted by the Superintendent to allow a staff member to accept another position prior to or during the year provided a satisfactory replacement can be obtained.
3. A release from the contract may be granted by the Superintendent in case of illness or other personal matters which make it a substantial hardship for the staff member to continue their employment with ESD 123.
4. Each request will be reviewed and a decision rendered based on the totality of the circumstances. The needs of ESD 123, its member districts, and continuity of the programs offered will receive primary consideration in the Superintendent's decision.

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 year should notify Human Resources as early as possible of their intent to resign and no less than fourteen (14) days prior to their last working day.

Retirement

Staff will participate in the retirement programs under the federal Social Security Act and the Washington State Teachers' Retirement System, the Public Employees' Retirement System, or School 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 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 thirty (30) days prior to their retirement date.

Program and Staff Reductions

The Board determines the educational and operational programs for ESD 123. Program and staff reductions may be required as a result of many factors, including but not limited to cooperative program participation, programmatic needs or interests, a change in staffing needs, or other events resulting in a reduction in revenue, increase in costs, and/or termination or reduction of funding of categorically-funded projects. The Board will review appropriate information and, based on administrative recommendations, identify those educational programs and services which will be reduced, modified, or eliminated.

First Reading: 11/16/2021

Second Reading: 12/16/21

Adoption: 12/16/21

Reference:

[RCW 28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.](#)

[RCW 28A.310.200 ESD board—Powers and duties—Rules.](#)

[RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.](#)

[RCW 28A.310.250 Certificated employees of district—Contracts of employment—Nonrenewal of contracts—Notice.](#)

[RCW 28A.310.260 Certificated employees of district—Adverse change in contract status—Notice—Probable cause—Review—Appeal.](#)

[RCW 28A.400.300 Hiring and discharging of employees—Written leave policies—Seniority and leave benefits of employees transferring between school districts and other educational employers.](#)

[RCW 28A.400.320 Crimes against children—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—Four-level rating evaluation system—Procedures—Steering committee—Implementation—Reports—Comprehensive performance evaluation.](#)

[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 nonrenewal of contracts—Nonrenewal due to enrollment decline or revenue loss—Notice—Opportunity for hearing.](#)

[RCW 28A.405.220 Conditions and contracts of employment—Nonrenewal 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 nonrenewal of contract—Hearings—Procedure.](#)

[RCW 28A.405.470 Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district.](#)

[RCW 28A.410.090 Revocation or suspension of certificate or permit to teach—Reprimand—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.](#)

[RCW 41.41 State employees' retirement—Federal social security](#)

[WAC 181-86 Professional certification—Policies and procedures for administration of certification proceedings](#)

[WAC 181-87 Professional certification—Acts of unprofessional conduct](#)

[WAC 392-191 School personnel—Evaluation of the professional performance capabilities](#)

Cross Reference:

[Policy 5240 - Staff Evaluation](#)

[Policy 5281 - Disciplinary Action and Discharge](#)