

Disciplinary Action and Discharge

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 otherwise act in such a way that the law determines to be sufficient cause will be subject to discipline. Behavior, conduct or action which may institute disciplinary action or discharge may include, but is not limited to:

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 will be reasonably appropriate to the circumstances but may include 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 will 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 will 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 will not enter into any contract to suppress information about verbal or physical abuse or sexual misconduct by a present or former employee. Neither will the district expunge such information from the employee's file.

In cases where the allegations involve violations of the state professional code of conduct for certificated staff, the superintendent will file a report with the Office of Professional

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Practice in the State Superintendent's office. When the district or superintendent discharges, fails to renew the contract or permits a certificated staff member to resign, the superintendent will notify the office of professional practice of such termination of employment.

The superintendent is authorized to suspend a provisional status 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 will be granted regular status.

The superintendent is authorized to suspend a regular status staff member immediately. The staff member will be advised of the right to request an informal pre-termination meeting within five (5) working 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 refute any of the charges made.

Upon the request of the suspended staff member, the board will meet with the suspended staff member to determine if discharge action will be taken. If a request is not received, the board shall act upon the recommendation of the superintendent.

Cross References:	5280	Termination of Employment
	5240	Evaluation of Staff
	5006	Certification Revocation
Legal References:	RCW 28A.400.300	Hiring and discharge of employees — Written leave policies— Seniority and leave benefits of employees transferring between school districts and other educational employers
	28A.400.320	Crimes against children – Mandatory termination of classified employees – Appeal – Recovery of salary or compensation by district
	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

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- 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.405.470 Mandatory termination of certified employees
- 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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