

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.

The district will not request, require or otherwise compel or coerce an employee to: 1) disclose login information for the employee's personal social networking account; or 2) access their personal social networking account in the presence of a supervisor or other district employee; or 3) add a district supervisor or employee to the account's list of contacts or 4) alter the settings on the employee's personal social networking account to affect a third party's ability to view it. The district may not take adverse action against an employee for refusal to comply with any of the above actions.

However, the district may request or require the employee to share content from his or her personal social networking account if: 1) the district requests the content to make a factual determination during the course of an investigation; and 2) the district undertakes an investigation regarding the employee's activity on his/her personal social networking account; and 3) the purpose of the investigation is to ensure compliance with all applicable laws or investigate an unauthorized transfer of district proprietary information, confidential information or financial data to the personal social networking account; and 4) the employer does not request or require the employee to provide his/her login information.

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 whether the staff member is 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 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 staff member for the first three months of employment for classified staff and first 12 months for certificated staff. Thereafter, if performance has been acceptable, the 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 pretermination 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 acts upon the recommendation of the superintendent.

Cross References: 5006 - Certification Revocation
5240 - Evaluation of Staff
5280 - Termination of Employment

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
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.405.300 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 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 — Criminal basis — Complaints — Investigation — Process

RCW 49.44.200 Personal social networking accounts – Restrictions on employer access - Definitions

WAC 180-44-060 Drugs and alcohol — Use of as cause for dismissal

Chapter 181-86 RCW Policies and procedures for administration of certification proceedings

WAC 181-87 Acts of Unprofessional Conduct

Management
Resources

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