

Discipline and Discharge

Employees who fail to fulfill their job responsibilities, fail to follow the reasonable directions of their supervisor or a Cabinet member, who conduct themselves in ways that negatively impact their effectiveness on the job, or who engage in misconduct, shall be subject to discipline or discharge.

Discipline

Discipline shall be appropriate to the circumstances and may include reprimand, oral or written warnings, suspension without pay or discharge.

When appropriate, an employee may be suspended with pay pending investigation and such a suspension shall not be considered a form of discipline.

Discharge – Classified Employees

Classified employees, who are not employed on a contract, are employed at will and may be discharged when the Superintendent, or the Superintendent's designee, determines continued employment will not serve the best interests of the ESD. Classified employees employed on a contract will be discharged in accordance with their contract. Employees will receive written notice of discharge. Decisions to discharge classified employees shall not be based on race, gender, ethnicity, religion, sexual orientation or other legally protected characteristics.

Discharge – Certificated Employees

Certificated employees may be discharged when the Superintendent determines there is cause, as defined in state law. The Superintendent or his/her designee will issue written notice in accordance with the requirements in state law.

The Superintendent is directed to adopt procedures that implement this policy.

Legal References:

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

WAC 181-87 Acts of Unprofessional Conduct.

Adoption Date: **1-20-77**

Revised Dates: **2-21-80; 2-22-83; 1-24-84; 2-26-85; 3-29-88; 8-28-90; 3-26-91; 2-23-93; 2-22-05; 9-23-24**

Renumbered: **318 to 317 3-29-88; 317 to 5281 1-1-17**