

## **GRANITE FALLS SCHOOL DISTRICT**

### **PERSONNEL**

#### **POLICY 4071: 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 in such other ways that the law determines to be sufficient cause shall 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, 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, illegal furnishing, use or distribution of a controlled substance including marijuana (cannabis) or anabolic steroids, misrepresentation or falsification in the course of professional practice, violation of a written contract, acts of immorality or intemperance, disregard or abandonment of generally recognized professional practices, and use of district supplies and equipment for personal betterment or financial gain.

Discipline shall be reasonably appropriate to the circumstances but may include suspension or discharge. In the event that allegations of charges are made against a staff member for immorality, 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 shall 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 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. In cases where the allegations involve violations of the state professional code of conduct for certificated staff, the superintendent shall 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 shall notify the state board of education of such termination of employment.

Unprofessional conduct will not include matters such as violation of the collective bargaining agreement or other employment related acts correctable by the district or other civil remedies.

When the superintendent possesses sufficient reliable information to believe that a certificated employee is not of good moral character or personally fit or has committed an act of unprofessional conduct, within a reasonable period of time of making such determination, he/she will file a written complaint with the Superintendent of Public Instruction.

If the district is considering action to discharge a staff member, the superintendent need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge. Such written complaint will state the grounds for revocation and summarize the factual basis upon which a determination has been made that an investigation by the Superintendent of Public Instruction is warranted. The Superintendent of Public Instruction will provide the affected certificate holder with a copy of such written complaint.

Intentional failure to file a complaint is an act of unprofessional conduct and may be sufficient cause for revocation of the superintendent's professional education certificate. A staff member may voluntarily surrender his or her certificate.

The superintendent will maintain a confidential file containing allegations and the findings related to his/her investigation.

The superintendent is authorized to suspend a provisional status classified staff member immediately. Provisional status as used herein is granted to a classified staff member for the first 60 days of employment. Thereafter, if performance has been acceptable, the classified staff member shall be granted regular status.

The superintendent is authorized to suspend a regular status classified staff member immediately. The staff member shall be advised of the right to request an informal predetermination 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 shall meet with the suspended staff member to determine if discharge action shall be taken. If a request is not received, the board shall act upon the recommendation of the superintendent.

Cross Reference: Policy 4072

Legal References: RCW 28A.400.300 Hiring and discharge of employees--Leaves for employees--Seniority and leave benefits, retention upon transfers between schools; RCW 28A.405.300 Adverse change in contract status of certificated employee--Determination of probable cause--Notice--Opportunity for hearings; 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.400.320 Mandatory termination of classified employees; 28A.405.470 Mandatory termination of certificated employees; 1991 Wash. Laws Ch. 102 Discharge Notices Include Appeal Rights; WAC 181-86 Policies and procedures for administration of certification proceeding; 181-87 Acts of Unprofessional Conduct; 180-44-060 Drugs and alcohol--Use of as cause for dismissal; 180-75-043 Unprofessional conduct for failure to file a complaint

**ADOPTED: JUNE 18, 1992**

**AMENDED: APRIL 27, 2000**

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