

Discipline and Dismissal of Staff *

Discipline and Dismissal of Licensed Staff

The Board will comply with Oregon law and relevant portions of the collective bargaining agreement when disciplining and/or dismissing licensed employees.

1. Discipline

Licensed staff members will be disciplined according to the severity and frequency of the conduct at issue. Discipline may be in the form of a verbal reprimand, a written reprimand, a program of assistance for improvement or suspension depending on the circumstances of each case.

- a. **Verbal Reprimand:** The administrator will hold a conference with the licensed employee. He/She will outline the nature of the problem and listen to any comments from the licensed employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored.
- b. **Written Reprimand:** The administrator will hold a conference with the licensed employee. The licensed employee may have a representative present of his/her choice. The administrator will outline the nature of the problem and listen to any comments from the licensed employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored. A “letter of reprimand” shall be written and placed in the licensed employee’s personnel file.
- c. **Program of Assistance for Improvement:** Performance deficiencies may require a written plan for a contract teacher that, with reasonable specificity:
 - (1) Helps a teacher adapt and improve to meet changing demands of the Oregon Educational Act for the 21st Century, if applicable.
 - (2) Identifies specific deficiencies in the teacher’s conduct or performance.
 - (3) Sets forth corrective steps the contract teacher may pursue to overcome or correct the deficiencies.
 - (4) Establishes the assessment techniques by which the NWRESD will measure and determine whether the teacher has sufficiently corrected the deficiencies to meet NWRESD standards.

The administrator will hold a conference with the licensed employee to discuss the program. The licensed employee may have a representative present. The administrator will explain the program of assistance and listen to relevant comments from the licensed employee or his/her representative. The program of assistance will be implemented as written or modified and implemented as modified.

- d. Suspension: Licensed employees may be suspended in order to maintain the health and/or safety of other employees and/or students. Licensed employees may also be suspended pending investigation of complaints regarding their job performance or conduct.

2. Dismissal

a. Probationary Teachers

- (1) Contracts of probationary licensed employees may be non-renewed for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended nonrenewal and reason(s) for nonrenewal must be given to the licensed employee by March 15 or sooner if so specified in a collective bargaining agreement. Written notice must be given prior to Board action on the nonrenewal. The licensed employee may request a hearing before the Board.
- (2) Probationary licensed employees may be dismissed at any time for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended dismissal and reason(s) for dismissal must be given to the licensed employee prior to Board action on the dismissal. The licensed employee may request a hearing before the Board.
- (3) The following procedures apply to hearings before the Board:
 - (a) The licensed employee shall receive notice of the time, date and place of the hearing;
 - (b) The hearing shall be in an executive session unless the licensed employee has requested an open session;
 - (c) The licensed employee shall have an opportunity to be present and be represented by anyone of his/her choice;
 - (d) The NWRES D may be represented by anyone of its choice;
 - (e) Both parties shall have the opportunity to make opening statements, to call witnesses and to cross-examine the other party's witnesses, to present documentary evidence and to make closing statements;
 - (f) The Board shall provide a written statement of the reasons for the final action taken; and
 - (g) The Board may, at its option, designate an individual to preside over and conduct the actual hearing.

b. Licensed Contract Teachers - Extension/Non-Extension

- (1) Following the probationary period, contract teachers will receive a two-year contract.
- (2) By March 15 each year, contract teachers will be notified in writing of the extension or nonextension of their contract.
- (3) Contract teachers whose contracts are nonextended will receive a Program of Assistance for Improvement (PAI).
- (4) Teachers who successfully complete the requirements of the PAI will have their contracts considered for extension by the next March 15.
- (5) Teachers who fail to improve under the PAI will be notified of the nonextension of their contract by March 15.

3. Contract Licensed Employees - Dismissal

- a. Contract licensed employees may be dismissed or their employment contract nonextended when their job performance or conduct falls within one or more of the following broad reasons: inefficiency, immorality, insubordination, neglect of duty including duties specified by written rules, physical or mental incapacity, conviction of a felony or of a crime involving moral turpitude, inadequate performance, failure to comply with such reasonable requirements as the Board may prescribe to show normal improvement and evidence of professional training and growth, or any cause which constitutes grounds for the revocation of such contract employee's TSPC license.
- b. The superintendent or designee and the licensed employee shall meet to discuss the superintendent's proposed recommendation to the Board regarding dismissal or contract nonextension. The licensed employee may be accompanied by anyone of his/her choice.
- c. The licensed employee shall be notified if the superintendent intends to recommend dismissal or contract nonextension.
 - (1) The notice shall contain:
 - (a) The statutory grounds upon which the superintendent believes such dismissal or nonextension is justified;
 - (b) A plain and concise statement of the facts relied on to support the statutory grounds for dismissal or nonextension;
 - (c) A copy of ORS 342.805 to 342.934; and
 - (d) The day and time of the Board meeting during which the recommendation will be made.
 - (2) A notice of intended dismissal must be given at least 20 days prior to the time a dismissal recommendation is made to the Board. It must be delivered in person or must be sent by certified mail.
 - (3) Notice must be sent to the Board and to the Fair Dismissals Appeals Board.
- d. The licensed employee may be present at the Board meeting and be accompanied by anyone of his/her choice.
- e. The licensed employee shall receive notice of the Board's proposed action and the reasons for such actions. Notice shall be sent by certified mail, return receipt requested, or in the manner provided by law for the service of a summons in a civil action.

4. Illness/Other Circumstances

Sickness or other unavoidable circumstances which prevent the licensed employee from working 20 school days immediately following exhaustion of sick leave accumulated may be sufficient reason for the Board to place the licensed employee on leave without pay for the remainder of the regular school year and to terminate the licensed employee's employment without penalty on August 1 if the Board determines that the licensed employee is unable to resume work responsibilities at the beginning of the next fall term and the employee is not on workers' compensation leave or federal or state family illness leave.

5. Wages

Whenever an employee is dismissed or where such employment is terminated by mutual agreement, all wages earned and unpaid at the time of discharge or termination shall be payable not later than the end of the first business day after discharge or termination.

Discipline and Dismissal of Classified Staff

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing classified employees. A 90-day work probationary period (exclusive of summer recess period) will be followed by a written evaluation.

1. Discipline

Classified staff members will be disciplined according to the severity and frequency of the conduct at issue. Discipline may be in the form of a verbal reprimand, a written reprimand, a plan of assistance or suspension depending on the circumstances of each case.

- a. **Verbal Reprimand:** The administrator will hold a conference with the classified employee. He/she will outline the nature of the problem and listen to any comments from the classified employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored.
- b. **Written Reprimand:** The administrator will hold a conference with the classified employee. The classified employee may have a representative present. The administrator will outline the nature of the problem and listen to any comments from the classified employee or his/her representative. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored. A letter of reprimand shall be written and placed in the classified employee's personnel file pursuant to provisions in Board policy and/or applicable collective bargaining agreement(s).
- c. **Improvement Plan:** If a supervisor believes added training or closer supervision or a combination thereof could bring about standard performance, an improvement plan may be developed to aid improvement. Such a plan is not required, but if one is entered into, all expectations, timelines and results will be carefully documented by the supervisor.
- d. **Suspension:** Classified employees may be suspended in order to maintain the health and/or safety of other employees and/or students. Classified employees may also be suspended pending investigation of complaints regarding their job performance or conduct.

2. Dismissal

- a. Classified employees who have continued substandard performance and have reached the suspension level may be recommended for termination when the supervisor believes no additional progress can be made.
- b. Classified employees who have unsuccessfully completed or not completed an improvement plan may be recommended for termination.
- c. Classified employees who are convicted of crimes or of violation of certain statutes or commit or threaten violence in the workplace may be subject to immediate suspension and/or termination.

- d. Sickness or other unavoidable circumstances which prevent the employee from working 20 school days immediately following exhaustion of sick leave accumulated may be sufficient reason for the Board to place the employee on leave without pay for the remainder of the regular school year and to terminate the employee's employment without penalty on August 1 if the Board determines that the employee is unable to resume work responsibilities at the beginning of the next fall term and the employee is not on workers' compensation leave or federal or state family illness leave.
- e. Whenever an employee is dismissed or where such employment is terminated by mutual agreement, all wages earned and unpaid at the time of discharge or termination shall be payable not later than the end of the first business day after discharge or termination.