

Discipline and Dismissal of Licensed Staff

The Board will use due process and comply with relevant portions of Board policy when disciplining and/or dismissing employees.

Discipline

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

1. **Verbal Reprimand:** The administrator will hold a conference with the employee. He or She will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored.
2. **Written Reprimand:** The administrator will hold a conference with the employee. The employee may have a representative present. The administrator will outline the nature of the problem and listen to any comments from the 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 employee’s personnel file pursuant to provisions in Board policy.
3. **Plan of Assistance:** Performance deficiencies may require a written plan of assistance to aid improvement. The plan of assistance will incorporate the following elements:
 - a. A written description of the problem or problems to be corrected;
 - b. The method or methods which will be used to correct the problem;
 - c. The length of time during which improvement or correction must occur; and
 - d. Frequency and type of supervision to be provided.

The administrator will hold a conference with the employee to discuss the plan. The employee may have a representative present. The administrator will explain the plan of assistance and listen to any comments from the employee or his/her representative. The plan of assistance will be implemented as written or modified and become a part of the permanent personnel record.

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

Dismissal

1. Probationary teachers: Contracts of probationary teachers 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 teacher by March 15 or sooner if so specified in Board policy. Written notice must be given prior to Board action on the nonrenewal. The teacher may request a hearing before the Board.
 - a. Probationary teachers 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 teacher prior to Board action on the dismissal. The teacher may request a hearing before the Board.
 - b. The following procedures apply to hearings before the Board:
 - (1) The employee shall receive notice of the time, date and place of the hearing;
 - (2) The hearing shall be in executive session unless the employee has requested an open session;
 - (3) The employee shall have an opportunity to be present and be represented by anyone of his/her choice;
 - (4) The ESD may be represented by anyone of its choice;
 - (5) 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;
 - (6) The Board shall provide a written statement of the reasons for the final action taken (nonrenewal of contract or dismissal); and
 - (7) The Board may, at its option, designate an individual to preside over and conduct the actual hearing.
2. Contract Teachers
 - a. Contract teachers may be dismissed or their employment contract nonextended when their job performance or conduct falls within one of the broad reasons listed in ORS 342.865: inefficiency, immorality, insubordination, neglect of duty, 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 teacher's teaching license.
 - b. The superintendent and employee shall meet to discuss the superintendent's proposed recommendation to the Board regarding dismissal or contract nonextension. The employee may be accompanied by anyone of his/her choice.
 - (1) The employee shall be notified if the superintendent intends to recommend dismissal or contract nonextension.
 - (2) The notice shall contain: the statutory grounds upon which the superintendent believes such dismissal or nonextension is justified, a plain and concise statement of the facts relied on to support the statutory grounds for dismissal or nonextension, a copy of ORS 342.805 to 342.934, and the day and time of the Board meeting during which the recommendation will be made.

- (3) The notice must be given at least 20 days prior to the time the recommendation is made to the Board. It must be delivered in person or must be sent by certified mail.
 - (4) Notice must be sent to the Board and to the Fair Dismissals Appeals Board.
- c. The employee may be present at the Board meeting and be accompanied by anyone of his/her choice.
 - d. The employee shall receive notice of the Board's 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.
 - e. The superintendent's recommendation for dismissal shall take effect on the 20th day after notice is given, providing the Board sustains the recommendation by formal action. Notice of the Board's action shall be given by certified mail.
 - f. If the Board dismisses the contract teacher, the employee may appeal the decision to the Fair Dismissal Board by filing with the Superintendent of Public Instruction and the ESD superintendent, within 10 days after receipt of notice of the Board's decision, in the case of dismissal, notice of appeal with a brief statement giving the reasons for the appeal.¹

3. Illness/Other Circumstances

Sickness or other unavoidable circumstances which prevent the teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under ORS 332.507 may be sufficient reason for the Board to place the teacher on leave without pay for the remainder of the regular school year. The ESD may terminate the teacher's employment without penalty on August 1 if the Board determines that the teacher is unable to resume teaching responsibilities at the beginning of the next fall term and the teacher is not on workers' compensation leave or federal or state family illness leave.

4. 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 no later than the end of the first business day after discharge or termination.

END OF POLICY

Legal Reference(s):

[ORS 243.672](#)
[ORS 243.706](#)
[ORS 243.756](#)

[ORS 342.835](#)
[ORS 342.865 - 342.910](#)
[ORS 342.934](#)

[ORS 652.140](#)
[OAR 584-020-0040](#)

¹In the case of a contract non-extension, notice of appeal must be filed within 15 days.