

Discipline and Dismissal of Licensed Staff

1. Probationary Employees

- a. Probationary employees may be nonrenewed for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended nonrenewal must be given to the employee by March 15. An employee may request a hearing with the Board after nonrenewal action has been taken.
- b. Probationary 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 employee prior to Board action on the dismissal. The employee may request a pre-termination hearing before the superintendent or Board. The employee may request a post-termination hearing before the Board if a written request is received within 15 days of the dismissal.
- c. 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 the opportunity to be present and be represented by anyone of his or her choice;
 - (4) The Board may, at its option, designate an individual to preside over and conduct the actual hearing;
 - (5) The ESD may be represented by anyone of its choice;
 - (6) Both parties shall have the opportunity to make opening statements, to call and cross-examine witnesses, to present documentary evidence, and to make closing statements; and
 - (7) The Board shall provide a written statement of the reasons for the final action taken (nonrenewal of contract or dismissal).

2. Permanent Employees

- a. Permanent employees may be dismissed when their job performance or conduct falls within one of the broad reasons listed in the Oregon Fair Dismissal Law: inefficiency, immorality, insubordination, neglect of duty, physical and mental incapacity, conviction of a felony or of a crime according to the provisions of ORS 342.143, 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 permanent teacher's teaching license.
- b. Whenever a supervisor recommends the dismissal of a permanent employee, the supervisor shall meet with the superintendent to discuss the reasons for the recommendation.

- c. The superintendent and employee shall meet to discuss the superintendent's proposed recommendation for dismissal. The employee may be accompanied by anyone of his or her choice.
- d. The employee shall be notified if the superintendent intends to recommend dismissal.
 - (1) The notice shall contain the statutory grounds upon which the superintendent believes such dismissal is justified, a concise statement of the facts relied upon to support the statutory grounds for dismissal, 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.
 - (2) 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 by certified mail.
 - (3) A copy of the notice must be sent to the Board and to the fair dismissals Board.
- e. The employee may be present at the Board meeting and may be accompanied by anyone of his or her choice.
- f. The employee shall receive notice of the Board's proposed action and the reasons for such action. Notice shall be sent by certified mail or in a manner provided by law for the service of a summons in a civil action.

3. Illness or Other Circumstances

Sickness or other unavoidable circumstances which prevent the employee from working 20 school days immediately following exhaustion of sick leave accumulated under Oregon Revised Statutes may be sufficient reason for the Board to place the employee on leave without pay for the remainder of the regular school year. The ESD may terminate the employee's employment without penalty on August 1, if the Board determines that the employee is unable to resume his or her responsibilities at the beginning of the next fall term. However, such action will not be taken until after the employee has exhausted any leave required by law or available as paid ESD leave.