

# Multnomah Education Service District

Code: **GCPD-AR**  
Adopted: 6/3/81  
Readopted: 10/12/94; 10/18/05  
Orig. Code(s): 3271-1A

## Discipline and Dismissal of Employees

### Definitions

- Board - The Multnomah Education Service District Board of Directors.
- Cabinet Member - The person who is a director of a department.
- Chair - The person designated to chair the fair dismissal review committee and who facilitates the work of that committee in a manner which is expedient and in keeping with the Board policies, administrative regulations and procedures of MESD.
- Fair Dismissal - Termination of a teacher's employment with an education agency as per the Accountability for Schools for the 21st Century Law.
- Final Program of Assistance for Improvement - A program of assistance for a teacher, which, if not met satisfactorily, will result in a recommendation for dismissal of the teacher by the supervisor.\*
- Satisfactory Performance - Performance by a teacher which, in the judgment of the supervisor, fulfills the responsibility of the teacher's position.
- Supervisor - The person who is the immediate supervisor of the employee.
- Teacher - Any employee of MESD who holds the status of permanent teacher as defined by the Accountability for Schools for the 21st Century Law.
- It is important to note that the Final Plans of Improvement may or may not be preceded by Plans of Improvement for which other alternatives to recommendation for dismissal exist.

### Suspension With Pay

Rule for suspension of any employee, except a teacher:

1. In an emergency, a supervisor may suspend with pay an employee under his/her supervision;
2. An emergency shall include, but not be limited to, any situation which endangers the safety of persons or MESD property or any situation in which suspension of the employee is deemed by the supervisor to be in the immediate best interest of MESD.

Rule for suspension of a teacher:

1. In a situation in which a supervisor becomes aware of so serious a problem that he/she believes that cause exists for the dismissal of a teacher on a ground specified in Board policy and he/she believes that immediate suspension of the teacher is necessary for the best interest of MESD, the supervisor may suspend the teacher without prior notice.
2. A situation in which immediate suspension is necessary includes, but is not limited to, any situation which endangers the safety of persons or MESD property or any situation which adversely affects the operation of MESD and for which placing a teacher on a plan of assistance would not be appropriate.

Procedure for suspension of any employee, except a teacher:

1. In the event a supervisor suspends an employee, the supervisor shall notify the employee, in writing, with copies to the personnel file, Cabinet member and the Superintendent.
2. Within one workday of the suspension, the supervisor shall submit a report to the Cabinet member and Superintendent documenting the reasons for the action.
3. The Cabinet member shall conduct an investigation which shall result, within 5 days, in either:
  - a. Reinstatement, in writing, of the employee, a copy of which shall be sent to the employee, the supervisor and the Human Resource Services Department; or
  - b. Initiation of the procedure leading to termination recommendation. (See Proposed Procedure attached)
1. In the event a supervisor suspends a teacher, the supervisor shall mail the teacher notice of the suspension by certified mail no later than MESD's next workday. This notice shall specify the factual basis for the suspension and copies of this notice shall be sent to the Superintendent, Cabinet member and the teacher's personnel file. The teacher's salary shall continue during the first five days of the suspension period.
2. The Cabinet member shall conduct an investigation into the basis of the suspension and within five days of the effective day of the suspension, the Cabinet member shall either send a written reinstatement, with or without a program of assistance, to the teacher, with copies to the Superintendent, the supervisor and the teacher's personnel file or send a memo to the Superintendent and the Director of Human Resource Services, in which the Cabinet member recommends dismissal of the teacher and sets out the factual basis of the recommendation. If the Cabinet member recommends dismissal, proceed to Step 7 of administrative procedure.

A process for recommending dismissal of an employee who comes under the jurisdiction of the Accountability for Schools for the 21st Century Law.

## PROPOSED PROCEDURE

- Step 1 - A problem involving unsatisfactory performance by a teacher is identified through the evaluation process for which the only alternative, in the judgment of the supervisor, is a change in the performance of the teacher which will correct the problem or termination of the teacher's employment with MESD.
- Step 2 - The Cabinet member supervisor shall hold a meeting with the Director of Human Resource Services, and the General Counsel for written and verbal procedural guidelines on implementation of the pre-dismissal process.
- Step 3 - A letter is sent to the teacher jointly by the Cabinet member and the supervisor indicating that the objective of the evaluation of the teacher has changed from one which solely seeks to improve his/her performance to one which also seeks to obtain and record information which may form the basis of a recommendation for dismissal. This letter identifies the problem area(s) as judged by the supervisor, describes the required solution, explains what assistance will be offered, defines the deadlines by which progress is to be evaluated and describes what action will be taken if teacher does not improve satisfactorily by the specified deadlines. This letter, and attachments thereto, represent the final plan of assistance for this teacher.
- Step 4 - The supervisor evaluates the progress of the teacher as scheduled at Step 3. The supervisor attempts to meet with the teacher within two days (teacher's contracted days) of the deadlines described in Step 3 to determine whether or not the teacher's performance has improved satisfactorily. If satisfactory improvement has been made, the process ends here. If satisfactory improvement has not been made, proceed to Step 5.
- Step 5 - The supervisor presents his/her reasoning to the Cabinet member documenting the supervisor's basis for recommending dismissal of the teacher. (Internal procedure is up to the department.) If the Cabinet member does not agree that dismissal should be recommended, the process returns to department level and the teacher is notified in writing that the final plan of assistance has been met satisfactorily. If the Cabinet member agrees that dismissal should be recommended, the supervisor sends the teacher a written evaluation which indicates that the teacher has not satisfactorily completed the plan of assistance - proceed to Step 6.
- Step 6 - The Cabinet member sends a memo to the Superintendent and the Director of Human Resource Services, recommending dismissal of the teacher and setting out the factual basis of the recommendation.
- Step 7 - The Superintendent decides whether or not to recommend dismissal of the teacher to the Board. If he/she decides not to recommend dismissal, the Superintendent provides written notice to the Cabinet member and the teacher. If he/she decides to recommend dismissal, the Superintendent recommends dismissal of the teacher to the Board as required by law.

SUMMARY SHEET  
FAIR DISMISSAL REVIEW COMMITTEE

Date:

To: \_\_\_\_\_, Superintendent

Re: Teacher \_\_\_\_\_

The Fair Dismissal Review Committee \_\_\_\_\_ concur with the recommendation to dismiss the above teacher. (does/does not)

The committee concludes that the procedures followed to date \_\_\_\_\_ been in accordance with the due process principle.

The committee concludes that the substance of the supervisor's recommendation for dismissal \_\_\_\_\_ reasonable, credible and sufficient. (is/is not)

The basis for the committee's conclusions are set forth in the attached committee report.

The following people were interviewed:

1. \_\_\_\_\_  
Name Relationship
2. \_\_\_\_\_  
Name Relationship
3. \_\_\_\_\_  
Name Relationship
4. \_\_\_\_\_  
Name Relationship
5. \_\_\_\_\_  
Name Relationship

The following documents are attached for your information:

1. Committee Report
2. Minutes of Committee Meetings
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Respectfully submitted,

_____ Name/Chair	_____ Position	_____ Agency/Firm
_____ Name/Chair	_____ Position	_____ Agency/Firm
_____ Name/Chair	_____ Position	_____ Agency/Firm

## Dismissal of Contracted Staff Who Are Not Considered Contract Teachers\*

### Probationary Teachers\*

1. A recommendation for dismissal must be for a cause deemed in good faith sufficient.
2. An appropriate evaluation, if practicable, or a suspension must support and precede a recommendation for dismissal.
3. A reasonable time before the proposed dismissal becomes effective, the probationary teacher must be given a written statement which provides that:
  - a. Dismissal is proposed;
  - b. The factual basis for the proposed dismissal;
  - c. The teacher is entitled to request a hearing before the Board, with representation, before the proposed dismissal becomes effective.

### Contracted Staff Not Subject to the Accountability for Schools for the 21<sup>st</sup> Century Law

1. A recommendation for dismissal must be based on reasons related to “cause” as defined in Board policy.
2. An appropriate evaluation, if practicable, or a suspension must support and precede a recommendation for dismissal.
3. A reasonable time before the proposed dismissal becomes effective, the contracted employee must be given a written statement which provides that:
  - a. Dismissal is proposed;
  - b. The factual basis for the proposed dismissal;
  - c. The employee is entitled to request a hearing before the proposed dismissal becomes effective.
4. The hearing, if requested, would be held by the Superintendent except in those cases where the employee’s immediate supervisor is the Superintendent. In the latter case, the hearing would be held by the Board.

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\* As defined in Oregon Revised Statute

## Dismissal of Non-Contracted Staff

### Dismissal of Probationary Staff

1. Reason(s) for dismissal must be job related.
2. An evaluation and some assistance in remediating deficiencies (either formal or informal) should precede a recommendation for dismissal.
3. The Superintendent may summarily dismiss the employee who has committed a crime against MESD, when the employee created or is creating a hazardous condition or in cases where an evaluation and assistance in remediating deficiencies is not practicable.

### Dismissal of Non-Probationary Staff

1. Sufficient reasons for dismissal must be job related.
2. An appropriate evaluation, if practicable, or a suspension must precede a recommendation for dismissal.
3. A reasonable time before the proposed dismissal becomes effective, the employee must be given a written statement which provides that:
  - a. Dismissal is proposed;
  - b. The factual basis for the proposed dismissal;
  - c. The employee is entitled to request a hearing before the proposed dismissal becomes effective.
4. The hearing, if requested, would be held by the Superintendent except in those cases where the employee's immediate supervisor is the Superintendent. In the latter case, the hearing would be held by the Board.