

## Dismissal of Licensed Staff

The Board will use due process and comply with relevant portions of the Collective Bargaining Agreement when dismissing employees.

### DISMISSAL/NONRENEWAL:

#### 1. Probationary Teachers

- a. Probationary teachers may be dismissed or nonrenewed for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended nonrenewal must be given to the teacher by March 15. The teacher may request a hearing before the Board after nonrenewal action has been taken.
- b. 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 will be given to the teacher by the superintendent or designee prior to Board action on the dismissal. The teacher may request a hearing before the Board after dismissal action has been taken.
- 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 an opportunity to be present and be represented by anyone of his/her choice;
  - (4) The district 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 when their job performance or conduct falls within one or more of the reasons listed in ORS 342.865: inefficiency, immorality, insubordination, neglect of duty, including duties specified by written rule, physical or 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 contract teacher's teaching license.
- b. The superintendent and employee shall meet to discuss the superintendent's proposed recommendation to the Board regarding dismissal. The employee may be accompanied by anyone of his/her choice.
- c.
  - (1) The employee shall be notified if the superintendent intends to recommend dismissal.
  - (2) The notice shall contain: the statutory grounds upon which the superintendent believes such dismissal is justified, a plain and concise statement of the facts relied on 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.
  - (3) The notice must be given at least 20 days prior to the time the recommendation will be 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.
- d. The employee may be present at the Board meeting and may be accompanied by anyone of his/her choice.
- e. 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.

## 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 district 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. However, such action will not be taken until after the teacher exhausts any leave required by law.

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 not later than the end of the first business day after discharge or termination.