

## **TERMINATION, NON-RENEWAL, AND DISMISSAL**

### **I. TERMINATION OF EMPLOYMENT: CLASSIFIED EMPLOYEES**

The Board recognizes that termination of employment can be either voluntary or involuntary. In all cases, the procedures used will be of a fair and consistent nature, taking into consideration the reasons for separation.

On receipt of notification from the immediate supervisor of a recommendation for involuntary termination, the Director of Human Resources shall initiate the termination report, signed by the Superintendent, as required by School Board Policy GBMA. This document will be the only official notification to remove an employee from the payroll.

Probationary employees may be released or may resign during their probationary periods without obligation on the part of the employer or employee.

Each employee who is separating from employment regardless of the length of service, his/her position, or the circumstances of his separation shall be encouraged to participate in an exit interview. The Director of Human Resources/designee will conduct all exit interviews, at a mutually agreeable time. Principals/departments heads/designees have the responsibility of notifying the Director of Human Resources as soon as they know an employee is leaving.

### **II. NONRENEWAL AND DISMISSAL OF LICENSED TEACHERS**

#### **Non Renewal of Probationary Licensed Teachers**

In instances where the school principal does not recommend a probationary contract teacher for contract renewal, by way of the Final Evaluation Form for nontenured teachers, completed and submitted by March 1 of the school year, the principal shall notify the teacher and the Director of Human Resources, in writing, that he/she does not recommend said teacher for reappointment.

Before the Superintendent recommends to the School Board non-renewal of the contract of a teacher who has not achieved continuing contract status, the Superintendent shall consider, among other things, the performance evaluations for such teacher and shall notify the teacher of the proposed recommendation in writing. If the teacher takes no action in response to this written notification within five (5) working days after receipt of the notice from the Superintendent, the Superintendent may proceed with the recommendation to the School Board, and the written notification of non-renewal of the contract must be given to the teacher by the School Board on or before June 15 of the school year.

A probationary contract teacher, within five (5) working days after receiving notification from the Superintendent indicating his/her intention to recommend non-renewal of the contract to the School Board, may request in writing that he be provided with reasons for the recommendation.

The teacher, and at the teachers request, his or her representative, shall then be orally given the reasons by the Superintendent or his/her designee, along with any supporting documentation including the teacher's performance evaluations. This conference shall take place within three (3) working days after receipt of the request from the teacher. Within ten (10) days after receiving such reasons, the teacher may request, by notification in writing to the Superintendent, a conference before the Superintendent. Upon such request, the Superintendent shall set a date for the conference, which shall be within thirty (30) days of the request and shall give the teacher at least fifteen (15) days' notice of the time and place of the conference. The conference shall be provided in accordance with the provisions of Virginia Code §22.1-305. Following the conference, the Superintendent shall, within ten (10) days notify the teacher in writing of his/her intention with respect to the recommendation. In any case in which a teacher requests a conference as provided in this paragraph, written notice of nonrenewal of the contract by the School Board will be given within thirty (30) days after the Superintendent notifies the teacher of his/her intention with respect to the recommendation. In such a case, the provisions of this policy and Section 22.1-304 requiring notice by June 15 shall not be applicable.

#### Dismissal or Probation of Continuing Contract Teachers

In the event a Superintendent determines to recommend dismissal of any teacher, written notice shall be sent to the teacher notifying him of the proposed dismissal or placing on probation and informing him/her that within ~~ten (10)~~ ~~five (5)~~ business days after receiving the notice the teacher may request a hearing before the School Board. The School Board may appoint a hearing officer in lieu of hearing the teacher's appeal. During such five business day period and thereafter until a hearing is held in accordance with provisions set forth in Section 22.1-311 through 22.1-314 of the Code of Virginia, if one is requested by the teacher, the merits of the recommendation of the Superintendent shall not be considered, discussed or acted upon by the School Board except as provided under the above-referenced Code sections.

At the request of the teacher, the Superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing, the Superintendent shall provide, within ten (10) days of the request, the teacher, or his/her representative with the opportunity to inspect and copy his/her personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within ten (10) days of the request of the Superintendent, the teacher or his/her representative shall provide the Superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The Superintendent and the teacher or the teacher's representative shall be under a continuing duty to disclose and produce additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

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| Adopted:  | July 1, 1993                                           |
| Amended:  | December 8, 1997; October 25, 2012; September 12, 2013 |
| Reviewed: | July 8, 2004                                           |

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| Legal Ref: | Code of Virginia, 1950, as amended, §§22.1-305, 22.1-309, 22.1-311, 22.1-314, 22.1-307, 22.1-315 |
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Cross Ref.: GBM Staff Complaints and Grievances  
GBMA Classified Personnel Complaints and Grievance

## **PROCEDURE FOR COMPLIANCE - TERMINATION OF EMPLOYMENT**

### Procedure for Compliance for Termination of Employment

- A. Resignation: Resignation is a voluntary separation from employment on the part of an employee for any reason. Normally an employee shall submit a formal letter of resignation to his immediate supervisor at least two weeks prior to the effective date. This letter will be forwarded to the Director of Human Resources for inclusion in the personnel file. Employees who wish to be paid on their final day of work must include this request in the letter of resignation, providing two weeks' notice.

For licensed staff, the following will apply:

The person requesting release from a valid contract must submit a written request to the Director of Human Resources, and give a copy to his/her immediate supervisor, at least two (2) weeks before the intended date of resignation and must state the reason for the request. The date for release must coincide with the end of a marking period unless an emergency exists. If the Director of Human Resources determines the request to be satisfactory, he/she shall present to the School Board a written request made by the person asking for the release. If mutually satisfactory arrangements cannot be made and/or the School Board does not approve the request, the contract remains binding. Breaking a contract may result in a request to the State Board of Education for revocation of the person's license to teach in the public schools of Virginia.

For probationary staff, the following will apply:

New hires who are within their beginning-of-employment, or subsequent, probationary periods may be released or may resign during this time without obligation on the part of the employer or employee. Normally a two-week notice will be provided by the employer if a release from employment is to occur. Probationary as well as non-probationary employees are also expected to provide, at a minimum, a two-week notice if they are resigning.

- B. Layoff: Layoff is a reduction in the work force due to budgetary restrictions and/or reduced work load. In the case of a layoff, immediate supervisors will notify affected employees as far in advance as possible.
- C. Dismissal: Dismissal is an involuntary separation from employment due to disciplinary infractions or inability to perform the work. In all such cases, it is expected that the principal/department head/designee has thoroughly investigated the incidents leading to the dismissal, has documented any action taken, and has applied discipline in a fair and consistent fashion.

The principal/department head/designee shall keep the Director of Human Resources informed of any disciplinary actions in progress. All salary payments will cease at the time at which the principal/department head makes the recommendation for dismissal and all accrued annual leave payments will be made. If the decision is grieved, health insurance benefits will, upon request of the employee, remain in effect during the course of the grievance procedure. However, if the decision to dismiss is upheld, the employee shall be responsible for the full cost of the health insurance from the date on which the dismissal took place. If the employee is reinstated, all salary and benefits will be reinstated retroactively to the date on which payments ceased. In addition, the reinstated employee shall be given the choice of repaying the annual leave payment and having the annual leave balance restored or returning to work with a zero balance and beginning to accrue leave at his/her applicable rate.

#### Disciplinary/Performance Probation and Dismissal

A.

The Board shall make the final decision on all recommendations by the Superintendent for the dismissal of licensed personnel. A vote of the majority of a quorum the Board is necessary for dismissal.

B.

The Superintendent may dismiss classified employees and non-licensed administrative employees for good and just cause. A dismissed n-employee ~~is dismissed~~ may appeal the decision under the approved grievance procedure, except for classes of employees as defined in Policy GBMA.

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