

## Administrative Procedure 425

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# PERFORMANCE RELATED TERMINATION OF EMPLOYMENT (ATA)

## Background

The District is committed to providing a caring work environment. There are occasions, however, where it is necessary to sever the employment relationship of a teacher. Termination of employment may occur for a variety of reasons including actions or practices of a teacher which endanger the safety of students or constitute a neglect of duty, a breach of trust, a refusal to obey a lawful order of the District, or inability to meet the District's Standards of Teaching Practice following a Phase 2 Evaluation. Reduction of teaching staff within the District or within individual schools will occur in accordance with the provisions of the School Act, the collective agreement, and District Administrative Procedures.

The purpose of this Administrative Procedure is to ensure that termination of employment within the District is conducted consistently in accordance with applicable legislation, collective agreements, and District procedures. Where a Supervisor/Principal is considering termination of employment of a teacher, there must be consultation with the Assistant Superintendent, District Operations and Information and Infrastructure Technology Services, prior to taking any action.

Prior to determining whether termination of employment is an appropriate course of action, a Supervisor/Principal must identify and communicate any performance concerns to the employee concerned in accordance with Administrative Procedure 422 Appendices B, C, D and F.

## Procedures

### 1. Identification of Performance Concerns/Performance Management

- 1.1 Where a Supervisor/Principal identifies that a teacher's performance does not meet (falls below) the District's Standards of Teaching practice, as outlined in Administrative Procedure 422, the Supervisor/Principal will identify the specific performance concerns and take reasonable efforts, as outlined in Administrative Procedure 422 Appendices B and C, to assist the teacher to improve his/her performance.
- 1.2 If, after reasonable efforts have been taken, the Supervisor/Principal determines that the teacher still does not meet (falls below) the Standards of Teaching Practice in one or more areas, the Supervisor/Principal, after consulting with the Assistant Superintendent, Human Resource Services, will commence the Phase 2 Evaluation Process as outlined in Administrative Procedure 422 Appendix D.
- 1.3 If, at the conclusion of the Phase 2 process, the teacher's job performance continues to fall below the District's Standards of Teaching Practice, the Supervisor/Principal will contact the Assistant Superintendent, Human Resource Services. If the Assistant Superintendent, Human Resource Services is satisfied that, despite reasonable

efforts, the teacher's job performance continues to fall below the District's Standards of Teaching Practice, the Assistant Superintendent and Supervisor/Principal will recommend termination of the teacher's employment contract to the Superintendent who will make the final decision.

## 2. Termination of Employment Guidelines

With approval of the Superintendent, the termination of employment contract process will occur as follows:

- 2.1 The Supervisor/Principal will complete the "Supervisor/Principal's Termination of Employment Checklist" to ensure that all steps in the process have been completed.
- 2.2 The Supervisor/Principal will provide the Assistant Superintendent, Human Resource Services, with a list of District equipment and property that has been provided to the teacher (e.g. cell phone, key to District property, laptop, etc.).
- 2.3 The Supervisor/Principal will provide the Assistant Superintendent, District Operations and Information and Infrastructure Technology Services, with a list of absences (e.g. sick days, vacation days, unpaid leave days, etc.) in the past 3 weeks.
- 2.4 All written communication to the teacher regarding the actual termination of employment will be produced by the Assistant Superintendent, District Operations and Information and Infrastructure Technology Services.
- 2.5 The teacher will be notified of the time and place of a meeting and the right to have representation from the Alberta Teachers' Association.
- 2.6 The Assistant Superintendent, District Operations and Information and Infrastructure Technology Services, will ensure that the necessary District personnel are notified of the teacher's termination of employment (e.g. Technology Services and Payroll).
- 2.7 The termination of employment of a teacher will occur in the presence of the Assistant Superintendent, Human Resource Services, and the teacher's Supervisor/Principal. At the meeting, the Assistant Superintendent, Human Resource Services, will provide the teacher and the Association representative with the notice of termination of employment. This notice will include a summary of the initiatives taken to improve the performance, the results of that effort (as identified above), and the consequence (e.g. termination of employment contract). Should it be impossible to hold a meeting, the teacher will be notified of the termination of employment by courier, with a copy to the Alberta Teachers' Association. Copies of the letter will also be provided to the immediate Supervisor/Principal and the Superintendent.
- 2.8 The Assistant Superintendent, Human Resource Services, in cooperation with the immediate Supervisor/Principal, will collect all District equipment and property provided to the teacher (see clause 2.2 above). The Assistant Superintendent, Human Resource Services, will ensure that the teacher is able to proceed safely from the premises. Where this is not the case, arrangements for transportation to the teacher's home will be made (e.g. provide for taxi or alternate transportation). Prior to the teacher's departure, the Assistant Superintendent, Human Resource Services, will

arrange for an alternate time (e.g. after normal work hours) for the teacher to return to collect his/her personal belongings.

- 2.9 As appropriate, the Assistant Superintendent, Human Resource Services, will provide access to the Employee Family Assistance Program (EFAP) to provide assistance to the terminated teacher.
- 2.10 Upon termination of employment contract, all further communication between the teacher and/or the teacher's agent will be through the Assistant Superintendent, Human Resource Services. If a terminated employee retains legal counsel, all District communication will be through District legal counsel.
- 2.11 As soon as possible after the employment termination meeting and once the teacher has left the building, the Supervisor/Principal will advise all staff in the work unit that the teacher will not be returning to work. The Supervisor/Principal will also advise who will be assigned the work of the terminated teacher in the short term until other arrangements are made. No other detail or discussion about the termination of employment shall be discussed with other employees.
- 2.12 No employment references (oral or written) for the terminated teacher shall be provided by any District employee without prior consultation with the Assistant Superintendent, Human Resource Services.
- 2.13 All records of the evaluation process, including performance appraisals, disciplinary matters, and performance developmental plans must be forwarded to the Assistant Superintendent, Human Resource Services at the conclusion of the termination of employment contract process.
- 2.14 A teacher who disagrees with their termination of employment contract may appeal the matter to the Minister in accordance with (s) 132(2)(a) of the School Act.

### 3. Notice of Termination of Employment

- 3.1 If a teacher or administrator has been convicted of an indictable offence, the Superintendent may terminate his/her contract of employment without prior notice in accordance with (s)109 (2) of the School Act. Decisions regarding immediate termination of employment must be made in a timely manner.

### 4. Failure to strictly adhere to these procedures in their entirety does not render this process null and void.

Adopted: May 2, 2005  
Reviewed/Revised: June 28, 2013, June 30, 2017

Reference: Section 18, 20, 22, 39, 60, 61, 94, 105, 106, 107, 109, 109.1, 113, 132 School Act  
Freedom of Information and Protection of Privacy Act  
Personal Information Protection Act  
Teaching Profession Act  
Certification of Teachers Regulation 3/99 (Amended A.R. 206/2001)  
Practice Review of Teachers Regulation 4/99  
Ministerial Order 016/97 - Teaching Quality Standard  
Ministerial Order 001/2013 - Student Learning  
Guide to Education ECS to Grade 12  
Practice Review of Teachers Information Bulletin 3.3.2

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