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# Best Practices for Avoiding Wrongful Termination Claims in the School Setting



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## What is Wrongful Termination?

Wrongful termination is one of the most common lawsuits filed by employees. This type of claim occurs when an employer terminates an employee, yet the employee believes the employer was not justified in their decision. The equal employment opportunity commission (EEOC) notes that it is illegal to terminate an employee based on age, race, national origin, gender, or disability. This also includes terminating an employee because of taking family medical leave or reporting wrongdoing under the Whistleblower Protection Act.

Schools are uniquely susceptible to claims of wrongful termination due to the yearly hiring cycle and highly regulated environment. In United States there are approximately 3.3 million full-time and part-time traditional public school teachers, over 200,000 public charter-school teachers, and over 500,000 private school teachers. Any time one of these employees is terminated, there is a chance that a wrongful termination claim might be made. This article defines wrongful termination and provides some best practices schools should consider in order to minimize this risk.



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## School Termination Criteria

Acceptable termination criteria for teachers are set by and specific to each State. Some examples of justifiable reasons why a school may terminate a teacher include: Incompetence, Insubordination, Willful neglect of duties, Immorality, To reduce staff due to loss of students or cancellation of programs, and Failure to secure and maintain necessary educational training.

While the list helps school administrators determine if they have just cause for termination, it also leaves room for interpretation or an outright dispute. As a result, schools must adopt programs and procedures to ensure their administration is consistent and accurate in how they carry out terminations.

## List of Best Practices to Minimize Wrongful Terminations

- ◆ One of the best ways for schools to prevent wrongful termination claims is to hire quality teachers and communicate expectations from the beginning. Employers must establish effective processes for screening and hiring employees.
- ◆ Develop a comprehensive employee handbook. School administrators must clearly communicate school policy. The handbook should clearly develop the roles and responsibilities for teachers.
- ◆ Create a detailed job description for each position within the school. By defining clear metrics for each job, administrators can better measure both job qualification and performance.
- ◆ Administrators, teachers and other support employees need regular training in order to maintain compliance with all policies and procedures.
- ◆ Administrators need a clearly defined process for terminations. By establishing a consistent protocol, schools minimize the opportunity to show bias in their termination decisions.
- ◆ Administrators should review their employment policies and procedures on an annual basis in order to ensure they remain effective and accurate, particularly addressing any changes in law.

Due to our increasingly litigious society, schools should continue to expect to face wrongful termination claims. However, administrators that heed the above advice will be better prepared to defend their schools.