



Legal Issues in Administrator Evaluation, Dismissal and Nonrenewal

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Introduction

- Legal protections for TSPC-licensed administrators were once the same as teachers, but that changed in 1973, and again in 1997.



Oregon

- Administrators are not eligible to bargain in
- Contract administrators may appeal dismissals to FDAB but not nonrenewals

“Contractual” Rights

School administrators with superintendent in title are not covered by the “fair dismissal” law.

School administrators with “superintendent” in their title must have an individual employment contract that addresses renewal and dismissal procedures, term of the contract (no more than 3 years) and resignation. ORS 342.513-.549. Notice of nonrenewal by Mar. 15 of final year of contract.

Administrators below Asst. Supt.:

- Serve a probationary period of up to 3 years, with annual renewal/nonrenewal by Mar. 15.
- After becoming contract administrators, are employed on 3-year contracts, with notice of extension/ nonextension by March 15 of 2nd year. Options: A. New 3-year contract; B. Add one year to current contract; C. No extension; current contract in place until expiration; D. In some cases, right to teach.
- NO RIGHT TO F.D.A.B. appeal after nonrenewal.

Administrators below Asst. Supt.:

- If probationary, may be dismissed at any time “for any cause deemed in good faith sufficient by the school board.”
- If contract status, may be dismissed during term of 3-year contract for any reason in ORS 342.865 (inadequate performance, neglect of duty, insubordination, immorality, etc.)

Administrators below Asst. Supt.: Rights in case of dismissal

- A pre-termination hearing before the Supt. and/or Board + right to know specific charges, opportunity to respond, and right to counsel.
- If a contract administrator, a post-dismissal hearing before the FDAB. ORS 342.895-.905.
- If a probationary administrator, a full post-dismissal hearing before the school board.

Administrators below Asst. Supt.: Rights in case of layoff/recall

- Layoff decisions based on seniority (as an administrator), licensure, merit (as contrasted with others in the group), and “competence” (recent experience at a grade level and/or type of position).
- 27 months recall rights. Criteria for recall in school board policy. ORS 342.934

Administrators below Asst. Supt.: Rights in transfer situations

- May be transferred to any other administrative position as long as salary is maintained.
- May be transferred to a teaching position upon mutual agreement.
- May accept a lesser work year position and lower salary, upon mutual agreement.

Oregon Experience



- Oregon's SB 290 applies to administrators as well as teachers.
- In 2011, Oregon Legislature enacted law requiring the State Board of Education to adopt core administrator standards that parallel ILLSC national standards to improve student academic growth and learning by:
 - (a) Assisting school districts in determining the effectiveness of teachers and administrators and in making human resource decisions; and
 - (b) Improving the professional development and the classroom and administrative practices of teachers and administrators."

ORS 342.856(1).

Oregon Board of Education's Framework

- Requires each district's evaluation system be "based on *significant consideration of student learning*," including school-wide academic growth, as determined by:
 - statewide assessments, and
 - at least two classroom-level student learning goals set and measured annually.
- Weighting percentage (20%) adopted in 2014 using matrix
- Expectation is that evaluations are to have consequences on employment

Dismissal case law in Oregon

- Most cases of dismissal of administrators heard by FDAB involve neglect of duty or misconduct.
- If FDAB finds facts alleged to be substantiated and sufficient to support one or more of the statutory grounds for dismissal, then FDAB is to defer to local school board on issue of whether dismissal should take place.

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