


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.
- Administrators are not eligible to bargain in Oregon.
- 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.) but may appeal to FDAB.

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 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



Neglect of Duty cases

- *Bethel School District (2013)*: FDAB upheld dismissal of assistant principal for yanking 1st-grader's arm after prior discipline for touching student inappropriately.
- *Gresham-Barlow School District (1995)*: FDAB upheld dismissal of elementary principal for multiple failures to follow District policy, perform required tasks.
- *Molalla River School District (2001)*: FDAB upheld dismissal of charter school principal for failure to complete work on grant, student and parent complaints, and false reporting of student attendance.

Oregon Experience



Inadequate Performance cases

- *Umatilla School District (1987)*: FDAB upheld dismissal of elementary principal for failing to comply with directives regarding evaluation of staff, verbosity, poor communication, refusal to cut budget.
- *Canby School District (2000)*: FDAB upheld dismissal of reassigned administrator for inefficiency, inadequate performance and neglect of duties regarding services to at-risk students after a POA; found that administrator had received adequate guidance.

Dealing with "Inadequate Performance"

- Clearly identify priority job duties for the position held.
- Use POA process to establish expectations.
- Identify how performance will be measured (Staff surveys? Parent/student/staff complaints? Observations? Student performance?)
- Require administrator to develop and implement plans to remedy the problems identified.
- Provide assistance through mentors, regular feedback.

Dismissal of Administrators in Oregon

- Most cases of dismissal of administrators are settled through "negotiated resignation," including:
 - Sometimes "payment in settlement of disputed claims".
 - Sometimes additional insurance benefits.
 - Agreed-upon response to potential employers

Other Legal Challenges

Dismissed administrators may file litigation for alleged violation of civil rights:

- *Bend School District (2013-14)*: Principal withdrew FDAB appeal, filed federal court complaint alleging discrimination on basis of ethnicity and age.
- *Forest Grove School District (2001-02)*: After FDAB found asst. principal had resigned, he filed lawsuit alleging ADA and non-discrimination violations; case dismissed.
- *Riverdale School District (2008-09)*: After FDAB found AD was probationary administrator, he filed federal court case alleging discrimination on basis of race.

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