



Memorandum

To: Dan Huber-Kantola
From: Debbie Breckner
CC: TRSD Board of Directors
Date: March 7, 2011
Subject: Extension and Non Extension of Licensed Employees

Attached to this memo is a flow chart on how contractual agreements between the Board of Directors of school districts and individual licensed employees work. Listed below is what we need to do per ORS 342.513 - Renewal or non-renewal of contracts for licensed employees:

PROBATIONARY TEACHERS AND ADMINISTRATORS:

Each district school board shall give written notice of the renewal or non-renewal of the contract for the following school year by March 15 of each year to all teachers and administrators in its employ who are not contract teachers as defined in ORS 342.815 as follows:

“In case the district school board does not renew the contract, the material reason therefore shall, at the request of the teacher or administrator, be spread upon the records of the school district and the board shall furnish a statement of the reason for non-renewal to the teacher or administrator. If any district school board fails to give such notice by March 15, the contract shall be considered renewed for the following school year at a salary not less than that being received at the time of renewal. The teacher or administrator may bring an action of mandamus to compel the district school board to issue such a contract for the following school year.”

All new licensed employees serve a probationary period of one to three years. In Three Rivers School District we have consistently held that the probationary period would be three years. At the end of each probationary year, the employee can be non-renewed if the Board notifies him or her by March 15th. The probationary employee who is non-renewed would no longer be an employee at the end of the current contract year.

SUCCESSFUL COMPLETION OF THREE-YEAR PROBATIONARY PERIOD:

- Once a licensed employee successfully completes his or her probationary period, he/she is offered a contract and status changes from probationary teacher or probationary administrator to contract teacher or contract administrator.
- Teachers are offered a two-year contract. (Teachers no longer have tenure.)
- Administrators are offered a three-year contract.

ADMINISTRATORS NOT ON PROBATION:

- If retained after the probationary period, the administrator must be issued a three-year contract.
- By March 15 of the first year of the three-year contract the District is not required to take end action.
- By March 15 of the second year of the three-year contract, the Board has the option of “rolling over” the existing contract and issuing a new three-year contract. Thus, those administrators with satisfactory performance are offered a new three-year contract every two years. The other options for the Board are to issue a one-year extension to the current contract (essentially resulting in a two-year contract) or non-extending the contract (resulting in the administrator retaining the one year left on the current contract).

TEACHERS NOT PERFORMING SATISFACTORILY:

- We have asked each administrator to rank their teachers in more than 16 different areas and have identified two things from that data. One, this identified specific areas of professional development that the district overall needs to look at in terms of providing further training and resources. Two, it identified teachers who are struggling with specific areas of performance more than other teachers. In the discussion with the Board, I will identify the teachers that we have to hold accountable and where we are in that process.
- We will continue improving our evaluation timelines and process, and work with individual administrators to increase accountability for the quality of teaching performance in our schools.

ADMINISTRATORS NOT PERFORMING SATISFACTORILY:

- As you know, if not performing satisfactorily, the Board notifies the administrator that the Board will not extend the current contract. Should that occur, the following are the steps taken:
 - The contract administrator completes their third year and then is no longer an employee.
 - The Board can also extend the contract for one additional year.

TEMPORARY TEACHERS:

Temporary teachers are automatically non-renewed without prejudice. Depending on circumstances we may hire some of them for the upcoming school year.

HOW DOES RENEWAL/NONRENEWAL FIT WITH POSSIBLE LAYOFFS?

Oregon law has a separate process for layoffs, so all decisions on renewal and nonrenewal are made based on whether the teacher is performing satisfactorily, but renewal does not mean that the educator is shielded from layoff. Typically, layoff decisions come after March 15, as the budget is finalized.

Oregon law allows us to use Competence (recent teaching experience in a particular grade level or subject matter) and Merit to retain a less senior teacher over a more senior teacher. This could allow us to keep a less senior teacher who is outstanding over another teacher who is not performing as well but who has seniority. Understandably this is a very touchy subject with the union. During this round of evaluations we have encouraged the administrators to note any deficiencies on the evaluation.

Please look over the flow chart and other attachments and let me know if you have any questions.