

**Greater Albany SD 8J
Board Policy**

Code: **CPA**
Adopted: 1/22/98
Readopted: 3/12/01; 8/28/06, 2/28/11
Orig. Code(s): BP 2102

Conditions of Employment - Administrators

The concept of collective bargaining as an adversary approach to resolving issues is contrary to the spirit of team management. However, it is recognized that members of the administration must have a designated and adequate procedure for discussing matters of salaries, economic benefits and working conditions with their employers.

The administrators shall have the right to annually designate a team to meet and confer with the Board's representatives on matters of salary, economic benefits and working conditions for administrators.

Administrators' salaries will be based on the following criteria:

1. Responsibility of the position;
2. Experience as an administrator and/or in the specific position;
3. Merit, as determined by the superintendent.

Specific salaries, fringe benefits, expense allowance and other benefits will be established annually by the Board following consultation with the administrators' representatives.

Paid leaves for administrators will include one sick leave day per month employed and other leaves such as emergency, personal and bereavement leaves as approved by the superintendent. Requests for major absence from duty, other than use of accumulated sick leave for illness will be subject to Board approval.

The length of administrative contracts will vary from 223 days to 233 days per year depending on position. Any variation from an adopted calendar requires specific approval of the superintendent.

The nature of administrative work is such that definite work hours cannot be established; and it is the expectation of the district that administrators will be available when needed.

Licensed Administrators:

Normally, licensed administrators will serve a probationary period of three years. That period, however, can be shortened based on relevant experience to no less than one year by the agreement of the superintendent and the administrator. Any such agreement will be in writing and will be placed in the administrator's personnel file.

Evaluation of Licensed Administrators:

The purpose of administrator evaluations is to assist administrators in developing and strengthening their professional abilities, improve the instructional program, enhance the management of the school system and advance student achievement.

The superintendent or an appropriate administrative designee will evaluate licensed administrators annually. The evaluation will be based upon Board policy, job description, Teacher Standards and Practices Commission (TSPC) performance standard, and professional standards. The evaluation will also be based upon performance goals that were discussed with the administrator at the beginning of the evaluation period. Evaluation will be completed and discussed with the administrator by June 30 of each year unless that date is extended in writing.

If the superintendent or supervising administrator has concern(s) about the administrator's performance, the concern(s) will be shared with the administrator in writing so that the administrator has an opportunity to correct the area(s) of concern prior to non-renewal, non-extension or dismissal.

If the administrator's performance requires improvement (other than disciplinary matters), the superintendent or supervising administrators may place the administrator on an improvement plan. The plan will specify the area(s) of deficiency, the needed improvement, the time period within which improvement is required, and the assistance the district will provide. An improvement plan will be implemented before a probationary administrator's contract is non-renewed for performance reasons and after a contract administrator's contract is non-extended for performance reasons, unless the deficiency is a deficiency that is typically not susceptible to improvement through an improvement plan, or if other conditions exist. An example of a situation in which an improvement plan is not normally appropriate is that the administrator has a physical or mental condition that prevents the administrator from performing essential job duties. The time period of an improvement plan will be reasonably calculated to permit the administrator an opportunity to correct the area(s) of deficiency and will normally run for at least three months. At the end of the improvement plan, the superintendent or supervising administrator will review the results with the administrator and indicate whether the administrator met the requirements of the improvement plan.

A contract administrator will be given written notice by February 1 of the second year of the administrator's contract if the superintendent intends to recommend or the Board intends to initiate non-extension of the administrator's contract. That notice will include a specification of the reasons for the potential non-extension. Prior to a decision by the Board, the administrator will be given the opportunity to consult and confer with the superintendent (if the superintendent has made a recommendation of non-extension) or with the Board (if the Board initiated the notice of non-extension on its own initiative).

By March 15 of the second year of a contract administrator's three-year contract, the Board will determine whether to extend the contract for another year; whether to issue a new three-year contract; or whether to decline to extend the contract. If the contract is not extended, it expires without further Board action at the end of its term. However, even if the Board did not extend the contract by March 15 of the second year, the Board can offer a contract extension at any time between that date and March 15 of the third year of the contract.

If the reason to non-extended is related to an anticipated significant change in program or direction of a school or program, the administrator will first be given an opportunity to detail his/her ability and willingness to provide the needed administrative skills and leadership. The district intends whenever feasible, consistent with district needs and administrators' skills, to match its current administrators with the available jobs. When a significant program change results in an administrator not being a good "match" with the currently held position, the district will first attempt to find an appropriate reassignment or transfer before considering non-extension.

A contract administrator whose contract is not extended by the Board may appeal that decision by providing notice to the Board no later than thirty days after the Board's action. The administrator will be granted an opportunity for a full hearing before the Board or its designee, including the presentation of witnesses and evidence, and the right to be represented by an attorney. The hearing will be in executive session unless the administrator requests that it occur in a public meeting. After the close of the hearing, the Board will issue a written decision on the appeal, including a statement of the reasons for its decision.

A probationary or contract administrator may be reassigned to a different administrative position with no reduction in annual salary at the discretion of the superintendent.

To encourage a competent contract administrator to accept a difficult reassignment, the proper performance of which may result in adverse community reaction or other objections about the administrator, the superintendent and administrator can agree that a temporary special assignment will not be the basis for a negative evaluation of the administrator's competence and will not be considered adversely by the Board in assessing whether the administrator's contract will be extended. Any such agreement will be in writing. If the administrator accepts such an assignment, the Board will not decline to extend the administrator's contract until at least one year after the special assignment ends.

If a contract administrator's contract is not extended, the administrator will receive severance pay on the date of employment termination if any of the following exist:

1. The non-extension decision by the Board was not based on a non-extension recommendation of the superintendent;
2. The district failed to comply with the requirements of this policy related to an improvement plan and the non-extension process;
3. The Board failed to extend the administrator's contract by March 15 of the second year of the three-year contract and the administrator and the Board agree that the administrator's employment will terminate by mutual agreement earlier than the contract's expiration date.

No severance pay can be issued in the following circumstances:

1. The non-extension is related to willful misconduct, malfeasance, willful neglect of duty or actions in violation of state or federal law;
2. The administrator's employment terminated by dismissal or resignation.

The severance pay will be calculated as follows: two week's salary for each completed year of service to the district, to a maximum of 26 weeks of salary. The district will continue its group insurance premium payments for the same period of time, provided that the insurance carrier allows this continuation. Insurance benefits will be terminated before the end of the severance period if the administrator has obtained another position, which provides comparable insurance coverage.

Administrative Reduction in Force

If the district reduced its administrative force, necessitating a layoff of administrative personnel, the order of layoff will be as defined by state law. The administrator will be notified by March 1 for a layoff effective August 1, unless a financial emergency exists, in which case at least 30 days notice will be given. If less than six months notice is given, the laid off administrator will receive severance pay for the number of months of notice less than six and group insurance benefits will be continued for the same period as the severance pay.

1. Administrative Reduction in Force

In the event of a layoff of administrators, a licensed administrator will be allowed to transfer to an appropriate teaching vacancy for which the administrator is competent. For this purpose, an administrator is competent for a teaching position if any of the following exists:

- a. The administrator has taught the position within the last five years. However, an administrator who was never employed as a teacher in the district shall not be eligible to become a non-administrative teacher in the district if the effect is to displace a non-administrative contract teacher (ORS 342.934 (5));
- b. The administrator has supervised the teaching of the position within the last five years and has taught the position at any time, or
- c. If the administrator has or can obtain within a reasonable period specialized education (including licensure or endorsement) related to that position. The district will provide reimbursement for tuition, books and other expenses of classes, which will qualify an administrator to transfer to an appropriate teaching position before the effective date of layoff. The maximum reimbursement amount is equal to the cost of 15 graduate credits at the University of Oregon plus books.

2. Recall of Administrators:

If the District determines to fill a vacancy in a listed administrative position, licensed administrators on the layoff list will be recalled to positions which they held at the time of layoff, with order of recall based on licensure, seniority, competence and merit, as defined in ORS 342.934. The District will consider the laid-off administrator for recall to other administrative vacancies where there is no one on the recall list, but at its discretion, may open those positions as vacancies, in which case any laid off administrators may apply.

3. Without a Reduction in Force

If an administrator and the district agree that the administrator is unsuited for the available administrative positions, but any performance problems do not reflect negatively on teaching ability, the administrator may be able to transfer to a teaching position. If the administrator previously taught in the district and received positive evaluations for that teaching, he /she will be allowed to transfer to a vacant teaching position. If the administrator has never taught in the district, with district consent, the administrator can transfer to a vacant teaching position. The transfer must comply with any relevant provisions of the collective bargaining agreement with the Greater Albany Education Association and must be to a position for which the administrator is properly licensed and experienced.

Non-Licensed Administrators:

Non-licensed administrators will serve a probationary period of one year. Administrators will be evaluated annually by the superintendent or an appropriate administrative designee. The evaluation will be based on Board policy, job description, performance and professional standards and performance goals which have been discussed with the administrator at the beginning of the evaluation period. Evaluations will be completed and discussed with the administrator by July 31 of each year unless that date is extended in writing.

If an administrator's performance needs improvement (other than disciplinary matters), the superintendent or supervising administrator may place the administrator on an improvement plan. The plan will specify the areas of deficiency, the needed improvement, the time period within improvement is required and what assistance the district will provide. An improvement plan will be used before an administrator's contract is non-extended for performance reasons, unless the deficiency is not the type of problem that is susceptible to improvement through an improvement plan or unless other good cause exists. Example of situations in which an improvement is not normally appropriate are that the administrator has a physical or mental condition that prevents the administrator from performing essential job duties. If a dispute arises, it is the responsibility of the district to provide the good cause basis for not using an improvement plan. The time period of an improvement plan will be reasonably calculated to allow the administrator an opportunity to correct the areas of deficiency and will normally run for at least three months. If the improvement plan is implemented at the end of the probationary period such that there is insufficient time to complete the plan, the probationary period shall be extended sufficient to allow for completion of the plan. At the end of the improvement plan, the superintendent or designee will review the results with the administrator, including whether the administrator met the requirements of the improvement plan.

An administrator who's contract will not be extended (for performance or reduction in force) will be given at least six months notice unless a financial emergency exists, in which case at least 30 days notice will be given. If less than six months notice is given, the laid off administrator will receive severance pay for the number of months of notice less than six and group insurance benefits will be continued for the same period as the severance pay. No notice is required and no severance granted under the following conditions:

1. The non-extension is related to willful misconduct, malfeasance, willful neglect of duty or actions in violation of state or federal law;

2. The administrator's employment is terminated by dismissal as a result of willful misconduct, malfeasance, willful neglect of duty or actions in violation of state or federal law;
3. The administrator's employment is terminated by resignation.

The Board will not decline to extend the administrator's contract without a lawful and good faith reason related to the legitimate needs of the district. When the reason is related to deficiencies in the administrator's job performance, those deficiencies will be reflected in the most recent evaluation and an improvement plan.

An administrator who has been terminated or whose contract is not extended by the Board may appeal that decision by providing notice to the Board no later than thirty days after the Board's action. The administrator will be granted an opportunity for a full hearing before the Board or its designee, including the presentation of witnesses and evidence, and the right to be represented by an attorney. The hearing will be in executive session unless the administrator requests that it occur in a public meeting. After the close of the hearing, the Board will issue a written decision on the appeal, including a statement of the reasons of its decision.

Prior to any amendment of this policy, the Board will engage in good faith consult and confer process with the Greater Albany Administrators Association.

END OF POLICY

Legal Reference(s):

[ORS 192.660 \(2\) \(I\) \(8\)](#)

[ORS 332.107](#)

[ORS 332.505](#)

[ORS 342.120](#)

[ORS 342.513](#)

[ORS 342.815](#)

[ORS 342.934](#)

[OAR 581-022-1720](#)

Hanson v. Culver School District No. (FDAB 1975)