

# Eugene School District 4J

Code: **GCPD**

Adopted: 12/17/80; 3/4/81;  
8/18/82

Revised: 12/11/02

Orig. Code(s): 3160.1, 3160.2;  
3160.3; 3160.4

## Dismissals

### Dismissal of Contract Teachers

1. A contract teacher may be dismissed on the grounds specified in ORS 342.865.
2. The board shall initiate procedures to dismiss a contract teacher only after recommendation for dismissal is given to the board by the superintendent. ORS 342.895 (2).
3. At least 20 calendar days before recommending to the board the dismissal of the contract teacher, the superintendent shall give written notice to the teacher by certified mail or by personal delivery of his/her intention to make a recommendation to dismiss the teacher, with copies thereof to the contract teacher, the members of the board, and to the Fair Dismissal Appeals Board. A copy of ORS 342.805 to 342.937 shall also be sent to the contract teacher.
4. The notice shall set forth the statutory grounds upon which the superintendent believes such dismissal is justified and shall contain a plain and concise statement of the facts relied on to support the statutory grounds for dismissal. ORS 342.895 (3). Copies of the notice shall also be sent to the district school board and to the Fair Dismissal Appeals Board.
5. The district shall follow written administrative rules which shall include, in addition to the above requirements, the following:
  - a. An opportunity for the employee and employees' witnesses to be heard;
  - b. The right to be represented by legal counsel;
  - c. The right to have testimony taken under oath;
  - d. The right to cross-examine the district's witnesses;
  - e. The right to compel the producing of evidence and the attendance of witnesses to the full extent of the district's legal authority;
  - f. A written decision by the board;
  - g. To the extent otherwise provided by law or contract, the opportunity to appeal and a clear indication of what type of appeal is available; and
  - h. A permanent record.

The district shall provide a copy of such administrative rules to the affected party upon request.

### **Dismissal of Probationary Teachers**

1. Upon the recommendation of the superintendent, the board may dismiss<sup>1</sup> any probationary teacher in the employ of the district at any time during the probationary period for any cause deemed in good faith sufficient by the board (ORS 342.835).
2. The probationary teacher shall be given a written copy of the intended reasons for his or her dismissal, and upon request, shall be provided a hearing thereon by the board, at which time he/she shall have the opportunity to be heard in his/her own defense either in person or by a representative of his/her choice, according to the procedures hereinafter set forth. The hearing will be private unless the teacher requests that it be public.
3. The superintendent shall adopt a form of notice and rule to conform with state and federal law and this policy that establishes the procedures for the hearing.

### **Nonrenewal of Probationary Teachers**

1. Upon the recommendation of the superintendent, the board may decide to not renew any probationary teacher contract for any cause deemed in good faith sufficient. (ORS 342.835)
2. The probationary teacher shall be given a written notice of the board's decision to not renew a teacher's contract.
3. A probationary teacher shall, upon request, be provided a hearing on the decision to not renew by the board, at which time he/she shall have an opportunity to be heard on the reasons for the nonrenewal, either in person or by a representative of his/her choice, according to the procedures hereinafter set forth.
4. The superintendent shall adopt a form of notice and rule to conform with this policy that establishes the procedures for the hearing.

The provisions of the Dismissal of Contract Teachers and Dismissal of Probationary Teachers sections shall not apply to reductions in teacher staff due to funding or administrative decision made pursuant to ORS 342.934. Any appeal from a decision on reduction in staff or recall shall be made to the Lane County Circuit Court, or by a process set forth in the collective bargaining agreement, and not to the board

### **Dismissal or Demotion of Non-Teaching School Employees**

(See board policy GDPD - Dismissal or Demotion of School Employees).

END OF POLICY

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<sup>1</sup>Dismiss is intended to have the same definition as discharge or removal.

Legal Reference(s):

[ORS 243.672](#)  
[ORS 243.706](#)  
[ORS 243.756](#)  
[ORS 342.835](#)

[ORS 342.865 - 342.910](#)  
[ORS 342.934](#)  
[ORS 652.140](#)

[OAR 584-020-0040](#)