



Suzanne Lindamood

Bill Analysis
Legislative Service Commission

S.B. 77

123rd General Assembly
(As Introduced)

Sens. Cupp, Schafrath, Kearns, Mumper, Prentiss, Shoemaker

BILL SUMMARY

- Requires that an evaluation of an assistant superintendent, principal, assistant principal, and other administrator serve as the "basis" in a board of education's decision of reemployment.
- Specifies conditions and procedures under which information outside an evaluation may serve as the basis for a decision.
- Requires two evaluations for years in which an administrator's contract expires.
- Differentiates between "termination" of an administrator and "suspension" and permits a board of education to develop its own administrative personnel suspension policy.

CONTENT AND OPERATION

Overview

The bill changes the procedures that a board of education or governing board of an educational service center must follow in the reemployment of the following administrators: assistant superintendents, principals, assistant principals, and "other administrators."¹ Under Ohio law, the superintendent of schools is a

¹ *"Other administrator" is defined in section 3319.02(A) of the Revised Code as "any employee in a position for which a board of education requires a license designated for being an administrator, other than a superintendent, assistant superintendent, principal, or assistant principal, issued under section 3319.22 of the Revised Code or any nonlicensed employee whose job duties enable such employee to be considered as either a "supervisor" or a "management level employee," as defined in section 4117.01 of the Revised Code."*

board of education's or governing board's chief executive officer. Other administrators are under the authority of the superintendent, with the board having specific responsibilities in reemployment decisions. The bill specifies additional procedures that must be followed in the decision to reemploy these specified administrators when a contract expires, and permits a board to adopt its own policy regarding the suspension of administrators prior to the expiration of a contract.

Tenure and school administrators

Background

(sec. 3319.02(C))

Administrators generally are considered under the law to be teachers. Administrators cannot attain tenure (legally known as "continuing contract status") as administrators. However, if a person has attained tenure in the district as a teacher prior to appointment as an administrator, the person retains the continuing service status as a teacher.

The term of an administrator's contract is initially limited to three years. The term of the contract of an administrator with three or more years experience may be up to five years. With specified exceptions, the contract term may not be for less than two years.

Renewal of administrator contracts

(sec. 3319.02(C))

Under current law, not changed by the bill, when an administrator's contract is due to expire, a board of education may take action to reemploy or to not reemploy that administrator. If the board of education does nothing, the administrator is "deemed" to be reemployed at the same salary (plus any increments authorized by the board) for a term of one year for administrators with less than three years experience, or two years for an administrator with three or more years experience. To not reemploy an administrator, the board must give written notice to the administrator of the board's intention to not reemploy.

Current law requires a board to evaluate the performance of administrators. The board must adopt procedures for the evaluation and the superintendent must perform the evaluation. The board must "consider" the evaluation when deciding whether to renew an administrator's contract (sec. 3319.02(D)).

Changes made by the bill

Evaluation to serve as basis of decision

(sec. 3319.02(D))

The bill changes the procedures that a board must follow in its evaluation of administrators. The bill requires that a job description for each position be adopted locally, and the description be included in the employee's contract. The evaluation, instead of being *considered* by the board, as under current law, must instead "*serve as a basis in the board's decision*" of whether to renew an administrator's contract.

Other relevant information may influence decision

(sec. 3319.02(D))

The bill provides that other relevant information that is outside of information obtained from an evaluation may be used as the basis in the board's decision to reemploy or not. In order to provide an opportunity for an employee to refute this other information or correct any deficiencies in it, at least 60 days prior to the board's decision the superintendent must document that the other information has been verified as to its accuracy and discussed with the administrator. The board must include in its evaluation procedures its locally developed job descriptions and performance standards.

Timing of evaluations

(sec. 3319.02(D))

Under current law, an administrator must be evaluated annually by the superintendent. In any year in which action might be taken on the administrator's contract, the administrator must receive the written evaluation at least 60 days prior to any action by the board on the contract of employment.

The bill establishes an expanded evaluation requirement under which different procedures must be followed in a year that the administrator's contract is not due to expire and the year in which the contract is due to expire. When the contract is not due to expire, only one evaluation is required. The evaluation must identify the strengths and deficiencies of the administrator and include suggestions for correcting any identified deficiencies. A written copy of the valuation must be received by the administrator no later than the 30th day of June.

In a school year in which the administrator's contract expires, both a preliminary evaluation and a final evaluation must be completed. The preliminary

evaluation must identify the administrator's strengths and deficiencies and include suggestions for correcting any identified deficiencies. A written copy of the preliminary evaluation must be received by the administrator at least 60 days prior to any action on the contract. The final evaluation must note the strengths and deficiencies identified in the preliminary evaluation, evaluate the administrator's progress in correcting any deficiencies, and indicate the superintendent's intended recommendation to the board regarding a contract of employment. A written copy of the final evaluation must be received by the administrator at least ten days prior to any action by the board on the contract.

Conditions for automatic reemployment

(sec. 3319.02(D))

The bill specifies the additional conditions (in addition to taking no action, as under current law) under which the board must automatically reemploy an administrator. The bill specifies that the failure of the board to properly notify an administrator of the date the contract expires (in accordance with current law), failure to grant, at the administrator's request, a meeting in executive session to discuss the board's reasons for renewal or nonrenewal of the contract (as required by current law), or to evaluate an administrator in the manner required by current law as amended by the bill, results in an automatic reemployment of the employee at the same salary plus any increments that may be authorized by the board for a period of one year, unless the employee has been employed as an administrator in the district for three or more years, in which case reemployment would be for two years.

Vote needed for reemployment

(sec. 3319.02(C))

Educational service centers, city, and exempted village school districts, may, under current law reemploy an administrator whom the superintendent refuses to nominate after considering two nominees for the position and by a vote of three-fourths of its membership. The bill deletes the requirement that two nominees must be considered and clarifies that the three-fourths vote is of the full membership.

A local school district board may, under current law, reemploy upon a *majority* vote an administrator that the superintendent of its educational service center refuses to nominate after considering two nominees for the position. The bill deletes the requirement that two nominees be considered and changes the vote required from a majority vote to a three-fourths vote of the full membership.

Termination or suspension of an administrative contract

Background

Under current law, early termination or suspension of administrators (prior to expiration of a contract) is governed by the contract termination provisions for teachers.

Section 3319.16 (not in the bill) specifies that a teacher contract "may not be terminated except for gross inefficiency or immorality; for willful and persistent violations of reasonable regulations of the board of education; or for other good and just cause." The section sets forth procedures that must be followed in a contract termination, including notice, hearings, and the right to appeal to a court of common pleas.

Suspension of a contract pursuant to section 3319.17 (not in the bill) may be done for one of several specified reasons, all of which relate to the need to reduce the number of teachers employed in the district. Preference must be given to retaining those teachers within each affected field on continuing contracts and with greater seniority. Likewise, when positions open, they must be filled giving preference to seniority and those on continuing contracts.

The bill specifies that contract termination must be carried out as under current law, but contract suspensions may be pursuant to either current law or the bill's new provisions for local suspension policies (sec. 3319.171).

Administrative personnel suspension policy

(sec. 3319.171)

The bill specifies that in lieu of using the suspension provisions of current law, the board of education of a city, local, exempted village, or joint vocational school district or the governing board of an educational service center *may* adopt an administrative personnel suspension policy governing the suspension of administrator contracts. If a board adopts such a policy, no administrative contract may be suspended except pursuant to that policy.

The policy the bill permits a board to adopt must include, but is not limited to:

(1) One or more reasons that a board may consider for suspending any administrative contract. The bill expressly states that one reason for such suspension may include the financial conditions of the school district or educational service center.

(2) Procedures for determining the order of suspension of contracts within the employment areas affected;

(3) Provisions requiring a right of restoration for employees whose contracts of employment are suspended under the policy if and when any positions become vacant or are created for which any of them are or become qualified.

The policies and procedures relating to the order of suspension and restoration rights must be mutually developed by the board and the superintendent and all assistant superintendents, principals, assistant principals, and other administrators employed by the board.

Other changes made by the bill

Suspension of contracts of supervisors in a service center

(sec. 3319.02(E))

The bill changes the condition under which the contracts of supervisors employed by an educational service center may be suspended. Under current law, they may be suspended for the remainder of the contract term "if there is a reduction of the number of approved supervisory teachers" allocated to the service center under the provisions of law authorizing service center funding. This condition is eliminated by the bill and the contracts of supervisors may only be suspended in the same manner as all other administrative contracts.

Conforming amendments to incorporate new administrator contract suspension policy

The bill amends sections of education law as necessary to reflect the possibility that a board may adopt the new option of a locally developed suspension policy for administrators. The affected sections that were amended are section 3314.10 (community schools), section 3316.07 (governing a school district financial planning and supervision commission), 3319.14 (adjustments when teachers return from leaves), 3319.18 (reduction of teachers or administrators as a result of the merger of districts or formation of a new district), and Sec. 50.52.13 of Am. Sub. H.B. 215 of the 122nd G.A. (Lucas County community schools).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-17-99	p. 138



S0077-I.123/jc

