

Senate Bill 487

Sponsored by Senator EDWARDS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs school district to forward documentation relating to charges resulting in teacher's termination for failure to meet performance standards or goals to Teacher Standards and Practices Commission for disclosure to potential educational employers.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to terminations for performance as teacher; creating new provisions; amending ORS
3 342.850; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 342.850 is amended to read:

6 342.850. (1) The district superintendent of every school district, including superintendents of
7 education service districts, shall cause to have made at least annually but with multiple observa-
8 tions an evaluation of performance for each probationary teacher employed by the district. The
9 purpose of the evaluation is to aid the teacher in making continuing professional growth and to
10 determine the teacher's performance of the teaching responsibilities. Evaluations shall be based
11 upon at least two observations and other relevant information developed by the district.

12 (2)(a) The district school board shall develop an evaluation process in consultation with school
13 administrators and with teachers. If the district's teachers are represented by a local bargaining
14 organization, the board shall consult with teachers belonging to and appointed by the local bar-
15 gaining organization in the consultation required by this paragraph.

16 (b) The district school board shall implement the evaluation process that includes:

17 (A) The establishment of job descriptions and performance standards which include but are not
18 limited to items included in the job description;

19 (B) A preevaluation interview which includes but is not limited to the establishment of per-
20 formance goals for the teacher, based on the job description and performance standards;

21 (C) An evaluation based on written criteria which include the performance goals;

22 (D) A post-evaluation interview in which:

23 (i) The results of the evaluation are discussed with the teacher; and

24 (ii) A written program of assistance for improvement is established, if one is needed to remedy
25 any deficiency specified in ORS 342.865 (1)(a), (d), (g) or (h); and

26 (E) The utilization of peer assistance whenever practicable and reasonable to aid teachers to
27 better meet the needs of students. Peer assistance shall be voluntary and subject to the terms of any
28 applicable collective bargaining agreement. No witness or document related to the peer assistance
29 or the record of peer assistance shall be admissible in any proceeding before the Fair Dismissal
30 Appeals Board, or in a probationary teacher nonrenewal hearing before a school board under ORS

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 342.835, without the mutual consent of the district and the teacher provided with peer assistance.

2 (c) Nothing in this subsection is intended to prohibit a district from consulting with any other
3 individuals.

4 (3) Except in those districts having an average daily membership, as defined in ORS 327.006, of
5 fewer than 200 students, the person or persons making the evaluations must hold teaching licenses.
6 The evaluation shall be signed by the school official who supervises the teacher and by the teacher.
7 A copy of the evaluation shall be delivered to the teacher.

8 (4) The evaluation reports shall be maintained in the personnel files of the district.

9 (5) The evaluation report shall be placed in the teacher's personnel file only after reasonable
10 notice to the teacher.

11 (6) A teacher may make a written statement relating to any evaluation, reprimand, charge,
12 action or any matter placed in the teacher's personnel file and such teacher's statement shall be
13 placed in the personnel file.

14 (7)(a) **Documentation for** all charges resulting in disciplinary action shall be considered a
15 permanent part of a teacher's personnel file and shall not be removed for any reason. A teacher
16 shall have the right to attach the teacher's response, or other relevant documents, to any document
17 included under this subsection.

18 **(b) Documentation for all charges resulting in termination for failure to meet perform-**
19 **ance standards or goals shall be forwarded to the Teacher Standards and Practices Com-**
20 **mission and shall be made available for disclosure, as provided by the commission by rule,**
21 **to any potential educational employer of the teacher. A teacher shall have the right to attach**
22 **the teacher's response, or other relevant documents, to any document that is forwarded to**
23 **the commission.**

24 (8) The personnel file shall be open for inspection by the teacher, the teacher's designees and
25 the district school board and its designees. District school boards shall adopt rules governing access
26 to personnel files, including rules specifying whom school officials may designate to inspect person-
27 nel files.

28 (9) A program of assistance for improvement or evaluation procedure shall not be technically
29 construed, and no alleged error or unfairness in a program of assistance for improvement shall cause
30 the overturning of a dismissal, nonextension of contract, nonrenewal of contract or other discipli-
31 nary action unless the contract teacher suffered a substantial and prejudicial impairment in the
32 teacher's ability to comply with school district standards.

33 **SECTION 2. The amendments to ORS 342.850 by section 1 of this 2015 Act apply to ter-**
34 **minations occurring on or after the effective date of this 2015 Act.**

35 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
36 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
37 **July 1, 2015.**

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