

House Bill 2900

Sponsored by Representative NERON; Representatives CHAICHI, FRAGALA, NGUYEN H, PHAM H, Senator GOLDEN (Pre-session 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would change some law for probationary teachers. (Flesch Readability Score: 66.1).

Clarifies the definitions of “contract teacher” and “probationary teacher.” Requires a probationary teacher who has completed a three-year probationary period at one school district to complete a maximum one-year probationary period upon assuming employment with a new school district. Establishes a mandatory 60-day improvement period for those probationary teachers if performance deficiencies arise.

A BILL FOR AN ACT

1
2 Relating to teachers; amending ORS 342.815, 342.835 and 342.850.

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

4 **SECTION 1.** ORS 342.815 is amended to read:

5 342.815. As used in ORS 342.805 to 342.937 unless the context requires otherwise:

6 (1) Notwithstanding ORS 342.120, “administrator” includes any teacher the majority of whose
7 employed time is devoted to service as a supervisor, principal, vice principal or director of a de-
8 partment or the equivalent in a fair dismissal district but shall not include the superintendent,
9 deputy superintendent or assistant superintendent of any such district or any substitute or tempo-
10 rary teacher employed by such a district.

11 (2) “Board” means the board of directors of a fair dismissal school district.

12 (3) “Contract teacher” means:

13 (a) Any teacher who has been regularly employed by a [*school district*] **fair dismissal district**
14 for a probationary period of three successive school years, and who has been retained for the next
15 succeeding school year.

16 (b) **Any teacher who has been regularly employed by a fair dismissal district for a mini-**
17 **imum duration not to exceed one year and who has already satisfied the three-year**
18 **probationary period in another Oregon school district.** [*The district school board may enter into*
19 *agreements that provide for a shorter probationary period of not less than one year for teachers who*
20 *have satisfied the three-year probationary period in another Oregon school district.*]

21 (4) “District superintendent” means the superintendent of schools of a fair dismissal district or,
22 in the absence of the superintendent, the person designated to fulfill the superintendent’s functions.

23 (5) “Fair dismissal district” means any common or union high school district or education ser-
24 vice district.

25 (6) “Probationary teacher” means any teacher employed by a fair dismissal district who is not
26 a contract teacher **and who is in the process of completing:**

27 (a) **The probationary period of three successive school years of service; or**

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 **(b) The probationary period of not more than one year of service at a school district if**
 2 **the teacher has already satisfied the three-year probationary period in another Oregon**
 3 **school district.**

4 (7) “Program of assistance for improvement” means a written plan for a contract teacher **or a**
 5 **probationary teacher** that with reasonable specificity:

6 (a) Helps teachers adapt and improve to meet changing demands of the Oregon Educational Act
 7 for the 21st Century in ORS chapter 329 if applicable.

8 (b) Identifies specific deficiencies in the [*contract*] teacher’s conduct or performance.

9 (c) Sets forth corrective steps the [*contract*] teacher may pursue to overcome or correct the de-
 10 ficiencies.

11 (d) Establishes the assessment techniques by which the district will measure and determine
 12 whether the teacher has sufficiently corrected the deficiencies to meet district standards.

13 (8) “Substitute teacher” means any teacher who is employed to take the place of a probationary
 14 or contract teacher who is temporarily absent.

15 (9) Notwithstanding ORS 342.120, “teacher” means any person who holds a teaching license or
 16 registration as provided in ORS 342.125 or 342.144 or who is otherwise authorized to teach in the
 17 public schools of this state and who is employed half-time or more as an instructor or administrator.

18 (10) “Temporary teacher” means a teacher employed to fill a position designated as temporary
 19 or experimental or to fill a vacancy which occurs after the opening of school because of unantic-
 20 ipated enrollment or because of the death, disability, retirement, resignation, contract nonextension
 21 or dismissal of a contract or probationary teacher.

22 **SECTION 2.** ORS 342.835 is amended to read:

23 342.835. (1) **Except as provided in ORS 342.850 (1)(b)**, the district board of any fair dismissal
 24 district may discharge or remove any probationary teacher in the employ of the district at any time
 25 during a probationary period for any cause considered in good faith sufficient by the board. The
 26 probationary teacher shall be given a written copy of the reasons for the dismissal, and upon request
 27 shall be provided a hearing thereon by the board, at which time the probationary teacher shall have
 28 the opportunity to be heard either in person or by a representative of the teacher’s choice.

29 (2) For any cause it may deem in good faith sufficient, the district board may refuse to renew
 30 the contract of any probationary teacher. However, the teacher shall be entitled to notice of the
 31 intended action by March 15, and upon request shall be provided a hearing before the district board.
 32 Upon request of the probationary teacher the board shall provide the probationary teacher a written
 33 copy of the reasons for the nonrenewal, which shall provide the basis for the hearing.

34 (3) If an appeal is taken from any hearing, the appeal shall be to the circuit court for the county
 35 in which the headquarters of the school district is located and shall be limited to the following:

36 (a) The procedures at the hearing;

37 (b) Whether the written copy of reasons for dismissal required by this section was supplied; and

38 (c) In the case of nonrenewal, whether notice of nonrenewal was timely given.

39 **SECTION 3.** ORS 342.850 is amended to read:

40 342.850. (1)(a) The district superintendent of every school district, including superintendents of
 41 education service districts, shall cause to have made at least annually but with multiple observa-
 42 tions an evaluation of performance for each probationary teacher employed by the district. The
 43 purpose of the evaluation is to aid the teacher in making continuing professional growth and to
 44 determine the teacher’s performance of the teaching responsibilities. Evaluations shall be based
 45 upon at least two observations and other relevant information developed by the district.

1 **(b) If a probationary teacher is in the process of completing a probationary period of not**
2 **more than one year of service at a school district after having already satisfied the three-**
3 **year probationary period in another Oregon school district, and the teacher receives notice**
4 **of any performance deficiencies, the school district shall provide the teacher a 60-day pro-**
5 **gram of assistance for improvement. Upon completion of the program of assistance for im-**
6 **provement, the school district has discretion to renew or refuse to renew the contract of the**
7 **probationary teacher.**

8 (2)(a) The district school board shall develop an evaluation process **for contract teachers** in
9 consultation with school administrators and *[with]* **contract** teachers. If the district's teachers are
10 represented by a local bargaining organization, the board shall consult with teachers belonging to
11 and appointed by the local bargaining organization in the consultation required by this paragraph.

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

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

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

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

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

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

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

22 (E) The utilization of peer assistance whenever practicable and reasonable to aid teachers to
23 better meet the needs of students. Peer assistance shall be voluntary and subject to the terms of any
24 applicable collective bargaining agreement. No witness or document related to the peer assistance
25 or the record of peer assistance shall be admissible in any proceeding before the Fair Dismissal
26 Appeals Board, or in a probationary teacher nonrenewal hearing before a school board under ORS
27 342.835, without the mutual consent of the district and the teacher provided with peer assistance.

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

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

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

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

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

40 (7) All charges resulting in disciplinary action shall be considered a permanent part of a
41 teacher's personnel file and shall not be removed for any reason. A teacher shall have the right to
42 attach the teacher's response, or other relevant documents, to any document included under this
43 subsection.

44 (8) The personnel file shall be open for inspection by the teacher, the teacher's designees and
45 the district school board and its designees. District school boards shall adopt rules governing access

1 to personnel files, including rules specifying whom school officials may designate to inspect person-
2 nel files.

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

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