

1 S.304

2 Introduced by Senator Collins

3 Referred to Committee on Education

4 Date: January 7, 2014

5 Subject: Education; principals; contracts; nonrenewal

6 Statement of purpose of bill as introduced: This bill proposes to require that a  
7 notice of nonrenewal of a principal's contract be delivered to the principal on  
8 or before February 1. It also would require that a principal has been provided  
9 the opportunity to correct deficient areas if nonrenewal is based upon  
10 performance deficiencies.

11 An act relating to public school principals and nonrenewal of contracts

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 16 V.S.A. § 243(c) is amended to read:~~

14 (c) Renewal and nonrenewal.

15 (1) A principal who has been continuously employed for more than two  
16 years in the same position has the right either to have his or her contract  
17 renewed, or to receive written notice of nonrenewal ~~at least 90 days before the~~  
18 ~~existing contract expires~~ on or before February 1.

19 (2) A written notice of nonrenewal shall recite the grounds for  
20 ~~nonrenewal. Nonrenewal may shall be based solely upon elimination of the~~

1 ~~position, or performance deficiencies or other reasons. The written notice shall~~  
2 ~~recite the grounds for nonrenewal. If nonrenewal is based on performance~~  
3 ~~deficiencies, then the principal shall have had the opportunity to correct~~  
4 ~~deficient areas and the written notice shall be accompanied by an evaluation~~  
5 ~~performed by the superintendent. At its discretion, the school board may allow~~  
6 ~~a period of remediation of performance deficiencies prior to issuance of the~~  
7 ~~written notice.~~

8 (3) After receiving such a notice of nonrenewal, the principal may  
9 request in writing, and shall be granted, a meeting with the school board. Such  
10 request shall be delivered within 15 days of delivery of notice of nonrenewal,  
11 and the meeting shall be held within 15 days of delivery of the request for a  
12 meeting. At the meeting, the school board shall explain its position, and the  
13 principal shall be allowed to respond. The principal and any member of the  
14 board may present written information or oral information through statements  
15 of others, and the principal and the board may be represented by counsel. The  
16 meeting shall be in executive session unless both parties agree in writing that it  
17 be open to the public. After the meeting, the school board shall decide whether  
18 or not to offer the principal an opportunity to renew his or her contract. The  
19 school board shall issue its decision in writing within five days. The decision  
20 ~~of the school board shall be final.~~

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

~~Sec. 1. 16 V.S.A. § 243 is amended to read.~~

~~§ 243. APPOINTMENT; SUPERVISION; RENEWAL; DISMISSAL~~

~~(a) Appointment and supervision. The school board of each school district operating a school, after recommendation by the superintendent, may designate a person as principal for each public school within the district, except that a principal may be selected to serve more than one school. In the case of a career technical education center, only the school board ~~which~~ that operates the center may designate a person as director. For purposes of this section the word "principal" shall include a principal and the director of career technical education, and the term "public school" shall include a career technical education center. The superintendent shall supervise each principal within the supervisory union and shall support him or her in the performance of duties and the implementation of school-based initiatives.~~

~~(b) Length of contract. The A principal shall be employed by written contract for a term of not less than one year nor more than three years. Based upon the superintendent's written evaluation of the principal, a superintendent shall recommend to the school board whether to renew or not to renew the initial and any subsequent contract with a principal.~~

~~(c) Renewal and nonrenewal.~~

~~(1) A principal who has been continuously employed for more than two years in the same position has the right either to have his or her contract renewed; or to receive written notice of nonrenewal at least 90 days before the existing contract expires;~~

~~(A) on or before February 1, if the principal has been continuously employed for more than two years in the same position; and~~

~~(B) on or before April 1, if the principal has been continuously employed for two years or less in the same position.~~

~~(2) Nonrenewal may be based upon elimination of the position, unresolved performance deficiencies, or other reasons affecting the educational mission of the district. The written notice shall recite the grounds for nonrenewal. If nonrenewal is based on performance deficiencies, any reason other than the elimination of the position, then the principal shall have been provided the opportunity for remediation and the written notice of nonrenewal shall be accompanied by an evaluation performed by the~~

~~superintendent. At its discretion, the school board may allow a period of remediation of performance deficiencies prior to issuance of the written notice.~~

~~(3) After receiving such a notice of nonrenewal, the principal may request in writing, and shall be granted, a meeting with the school board. Such request shall be delivered within ~~15~~ five days of delivery of notice of nonrenewal, and the meeting shall be held within 15 days of delivery of the request for a meeting. At the meeting, the school board shall explain its position, and the principal shall be allowed to respond. The principal and any member of the board may present written information or oral information through statements of others, and the principal and the board may be represented by counsel. The meeting shall be in executive session unless both parties agree in writing that it be open to the public. After the meeting, the school board shall decide whether or not to offer the principal an opportunity to renew his or her contract. The school board shall issue its decision in writing within five days. The decision of the school board shall be final.~~

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~~Sec. 2. EFFECTIVE DATE~~

~~This act shall take effect on passage~~

~~Sec. 1. 16 V.S.A. § 243 is amended to read:~~

~~§ 243. APPOINTMENT; SUPERVISION; RENEWAL; DISMISSAL~~

~~(a) Appointment; supervision.~~

~~(1) The school board of each school district operating a school, after recommendation by the superintendent, may designate a person as principal for each public school within the district, except that a principal may be selected to serve more than one school. In the case of a career technical education center, only the school board ~~which that~~ operates the center may designate a person as director. ~~For purposes of~~ As used in this section, the word "principal" shall include a principal and the director of career technical education, and the term "public school" shall include a career technical education center.~~

~~(2) The superintendent shall supervise each principal within the supervisory union in the performance of duties and the implementation of school-based initiatives. The superintendent shall evaluate a principal during the year in which the principal's contract shall expire and may evaluate the principal at other times during the contract term. Together with the evaluation provided to the principal in the year in which the contract shall expire, the superintendent shall indicate in writing whether he or she intends to recommend to the school board that the contract be renewed or not renewed. If the superintendent intends to recommend nonrenewal, then the written~~

notification shall also indicate on which of the three categories set forth in subdivision (c)(2) of this section the recommendation is based.

(b) Length of contract. ~~The~~ A principal shall be employed by written contract for a term of not less than one year nor more than three years. Based upon the superintendent's most recent written evaluation of the principal, a superintendent shall recommend to the school board whether or not to renew the initial and any subsequent contract with a principal.

(c) Renewal and nonrenewal.

(1) A principal ~~who has been continuously employed for more than two years in the same position~~ has the right either to have his or her contract renewed, or to receive written notice of nonrenewal ~~at least 90 days before the existing contract expires.~~

(A) on or before February 1, if the principal has been continuously employed for more than two years in the same position; and

(B) on or before April 1, if the principal has been continuously employed for two years or less in the same position.

(C) at least 30 days before the existing contract expires, if the final day of the existing contract is other than June 30.

(2) Nonrenewal may be based upon elimination of the position, unresolved performance deficiencies, or other reasons affecting the educational mission of the district. The written notice shall recite the grounds for nonrenewal. ~~If nonrenewal is based on performance deficiencies, the written notice shall be accompanied by an evaluation performed by the superintendent. At its discretion, any reason other than the elimination of the position then, at its discretion,~~ the school board may allow a period of remediation ~~of performance deficiencies~~ prior to issuance of ~~the written notice~~ its final decision on nonrenewal.

(3) After receiving ~~such~~ a notice of nonrenewal, the principal may request in writing, and shall be granted, a meeting with the school board. Such request shall be delivered within ~~15~~ 10 calendar days of delivery of notice of nonrenewal, and the meeting shall be held within 15 calendar days of delivery of the request for a meeting. At the meeting, the school board shall explain its position, and the principal shall be allowed to respond. The principal and any member of the board may present written information or oral information through statements of others, and the principal and the board may be represented by counsel. The meeting shall be in executive session unless both parties agree in writing that it be open to the public. After the meeting, the school board shall decide whether or not to offer the principal an opportunity to renew his or her contract. The school board shall issue its

*decision in writing within five days. The decision of the school board shall be final.*

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*(e) Inclusion in contract. Every principal's contract shall be deemed to contain the provisions of this section. Any contract provision to the contrary is without effect. Each written contract shall include a reference to chapter 5, subchapter 3 of this title; provided, however, that failure to do so shall not give rise to a private right of action.*

*(f) Notification by principal. On or before May 1 of the year in which a principal's contract expires, the principal shall notify the school board in writing if he or she intends not to enter into a new contract with the district.*

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on passage.*