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H.876

Senator Collins moves that the Senate propose to the House that the bill be amended by striking out Sec. 42 in its entirety and inserting in lieu thereof a new Sec. 42 to read:

* * * Principals; Nonrenewal of Contracts * * *

Sec. 42. 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

1 provided to the principal in the year in which the contract shall expire, the
2 superintendent shall **indicate advise the principal** in writing whether he or she
3 intends to recommend to the school board that the contract be renewed or not
4 renewed. If the superintendent intends to recommend nonrenewal, then the
5 written notification shall also indicate on which of the three categories set forth
6 in subdivision (c)(2) of this section the recommendation is based.

7 (b) Length of contract. ~~The~~ A principal shall be employed by written
8 contract for a term of not less than one year nor more than three years. **Based**
9 **upon the superintendent's most recent written evaluation of the principal, a** A
10 superintendent shall recommend to the school board whether or not to renew
11 the initial and any subsequent contract with a principal. **In making this**
12 **recommendation, the superintendent shall consider the most recent**
13 **written evaluation and any other information that the superintendent**
14 **deems relevant.**

15 (c) Renewal and nonrenewal.

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

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

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

3 ~~(C) at least 90 days before the existing contract expires, if the final~~
4 ~~day of the existing contract is other than June 30.~~

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

14 (3) After receiving ~~such~~ a notice of nonrenewal, the principal may
15 request in writing, and shall be granted, a meeting with the school board. Such
16 request shall be delivered within ~~15~~ 10 calendar days of delivery of notice of
17 nonrenewal, and the meeting shall be held within 15 calendar days of delivery
18 of the request for a meeting. At the meeting, the school board shall explain its
19 position, and the principal shall be allowed to respond. The principal and any
20 member of the board may present written information or oral information
21 through statements of others, and the principal and the board may be

1 represented by counsel. The meeting shall be in executive session unless both
2 parties agree in writing that it be open to the public. After the meeting, the
3 school board shall decide whether or not to offer the principal an opportunity
4 to renew his or her contract. The school board shall issue its decision in
5 writing within five days. The decision of the school board shall be final.

6 * * *

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

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

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