



Non-Superintendent Administrator Contracts

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NDSBA 2022 Negotiations Seminar

Contract Issuance

Contract Issuance

- ✓ NDCC chapter 15.1-15
- ✓ Applies to all non-superintendent administrators
- ✓ No earlier than March 1, no later than May 1
- ✓ Deadlines suspended for negotiations; don't apply to new hires

Negotiations with Administrators



Administrator Negotiations

- NDCC chapter 15.1-16
- **Administrator** = individual employed primarily for administration of a school or schools and devotes at least 50% of time in any one year to duties of administration.
- Principals, asst. superintendents, assoc. superintendents
- Same process as teachers – but, not often used

Direct Negotiations

- ✓ Most common
- ✓ Negotiation strategy and preparation
- ✓ What does this look like?
- ✓ Negotiator for board?
- ✓ Timing with teacher negotiations?
- ✓ What if negotiations break down?
Impasse?

Administrator Contracts



Administrator Contracts

- Continuing contract rights
- Entitled to annual contracts
- May only be extinguished by:
 - ✓ Nonrenewal
 - ✓ Discharge
 - ✓ Resignation
 - ✓ Failure to timely accept renewal

- Misconception – teacher negotiated agreement applies to non-superintendent admins

- Common provisions:
 - ✓ Contract term
 - ✓ Job position
 - ✓ Compensation/base salary
 - ✓ Workday defined
 - ✓ Benefits
 - ✓ Vacation/PTO/sick leave
 - ✓ Incorporate some provisions from negotiated agreement

More on
Administrator
Contracts...



Renewal of Administrator Contracts

- Renewal notification may be provided no earlier than March 1, no later than May 1
- Renewal notification = new contract
- Failure to provide notice of nonrenewal constitutes offer of renewal for upcoming year
- Administrator must be allowed at least 14 days from renewal notification to accept or reject
- If fails to accept or reject *in writing*, contract rights are automatically extinguished
- Deadlines suspended by negotiations; don't apply to new hires

Administrator Evaluations



Evaluation of Non- Superintendent Administrators

- ✓ Same requirements as for teachers (NDCC 15.1-15-01)
- ✓ Those in **1st-3rd years** of employment:
 - Two required written evaluations:
 - December 15th and April 15th
- ✓ Those employed **4 years or longer**:
 - One required evaluation by April 15th
- ✓ *Minimum* requirements

Goals/Purposes of Evaluation

- Improvement and growth
- Offer guidance and assistance
- Permit employees to examine own practice
- Identify areas of concern and improvement
- Strengthen ER/EE relationship
- Document performance/conduct issues
- Defend employment decisions

Evaluation Process

- Conducted by superintendent
- Probably different than teachers
- Periodic observations
- Regular, informal feedback
- Input from staff?



Evaluation Process (Cont.)

- Evaluation instrument (Marzano)
- Written feedback/comments
- Personnel file
- Response from administrator?

Importance of Written Evaluations

- VERY important
- Reasons for nonrenewal MUST originate from **specific findings** in written evaluations (NDCC 15.1-15-05)
- “Specific findings” not defined
- If not, cannot nonrenew administrator (more on this later)

Performance Improvement Plans



When? Why?

Not required by law, but...

Shows EE you understand challenged and taking an active role in supporting them

Implemented when EE is struggling and there is a **clear trend** in poor performance

Goal not to document to make termination easier, but opportunity to “right the ship”

Promotes culture of accountability



Three Key Components

- Performance gap statement
- Action plan
- Improvement period



Individual Improvement Plan

Employee Name:	
Date:	Evaluator:

1. Areas of unsatisfactory performance:

2. Improvement Strategies:

3. Principal/Supervisor Assistance Plan:

4. Timelines:

Evaluator

Date

Staff Member

Date

(A staff member may attach a comment to any or all of the above.)

Copies: Staff Member Personnel File

Performance Gap Statement

- Describes difference between desired and actual performance
- Should be stated in measurable terms, with supporting examples/evidence
- Must relate clearly to expectations you have outlined to employee
- Tie to evaluation criteria/areas. Use same language
- Indicate related policies, standards of conduct that lack compliance

Action Plan

- Must explicitly state actions individual will undertake to address performance issues or misconduct
- BE SPECIFIC
- Prioritize activities. Some activities will produce immediate improvement, which can boost motivation
- Also state any actions supervisor and other staff will undertake to help employee improve
- Outline what resources are available to assist (e.g., additional training, coaching, etc.)

Improvement Period

- The period over which improvement should take place
- Set forth method(s) of monitoring progress
- Periodic progress review meetings to reinforce expectations
- Agreed upon schedule
- Remember evaluation and nonrenewal deadlines

Other Considerations for PIPs

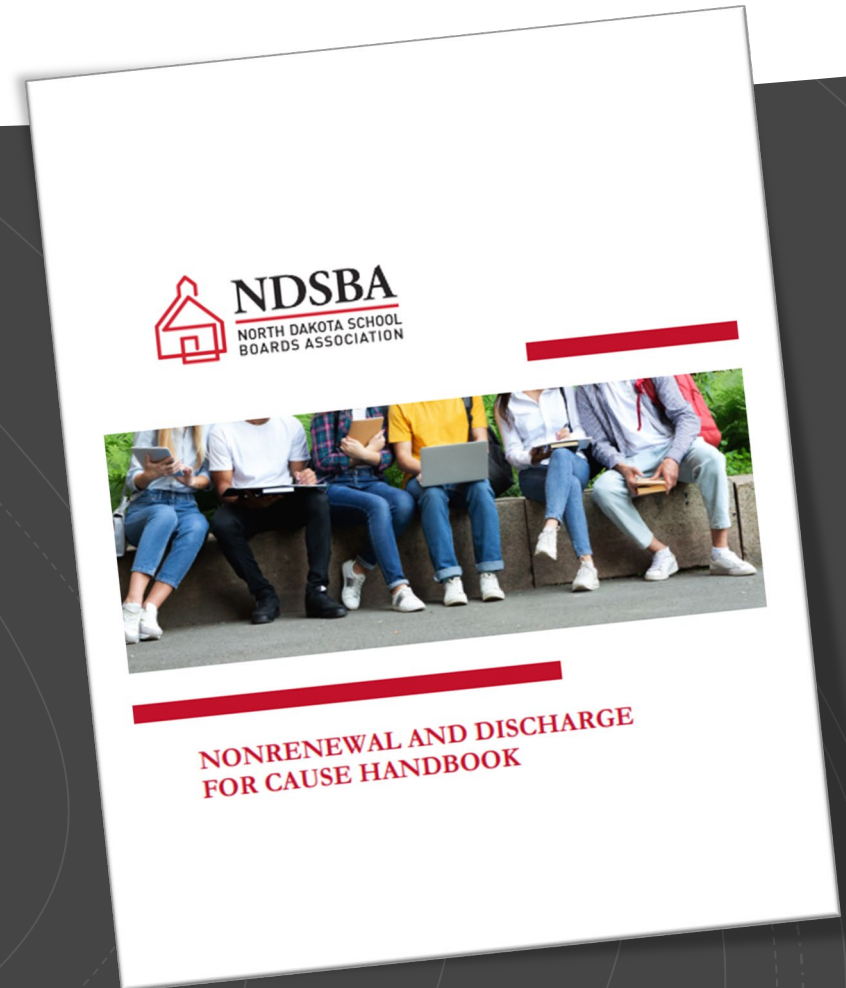
- Listen to employee and give them an opportunity to respond. Should be collaborative process.
- Give employee a clear path to improvement
- Document progress
- Outline clear consequences for failure to meet goals
- Have employee sign/acknowledge

Nonrenewal and Discharge



Nonrenewal of Administrators

- Nonrenewal and Discharge Handbook
- NDCC chapter 15.1-15 (same as teachers)
- Performance v. RIF nonrenewal





RIF
Nonrenewal

- Same process as teachers
- Recommend separate policy
- CABC (Administrative RIF)
- See Chapter 3 of Handbook

Nonrenewal of Administrators Employed for Less Than 2 Years

- Process different if employed by board in that position less than 2 years
- Same deadlines for written evaluations (Dec. 15th and April 15th)
- Recommendation to contemplate nonrenewal comes from superintendent
- Place item on agenda of properly noticed meeting
- Provide copies of written evaluations to Board in meeting packets and Board reviews prior to meetings
- At meeting in open session, superintendent recommends nonrenewal
- Meeting should be scheduled after April 15th evaluation completed (should complete earlier)

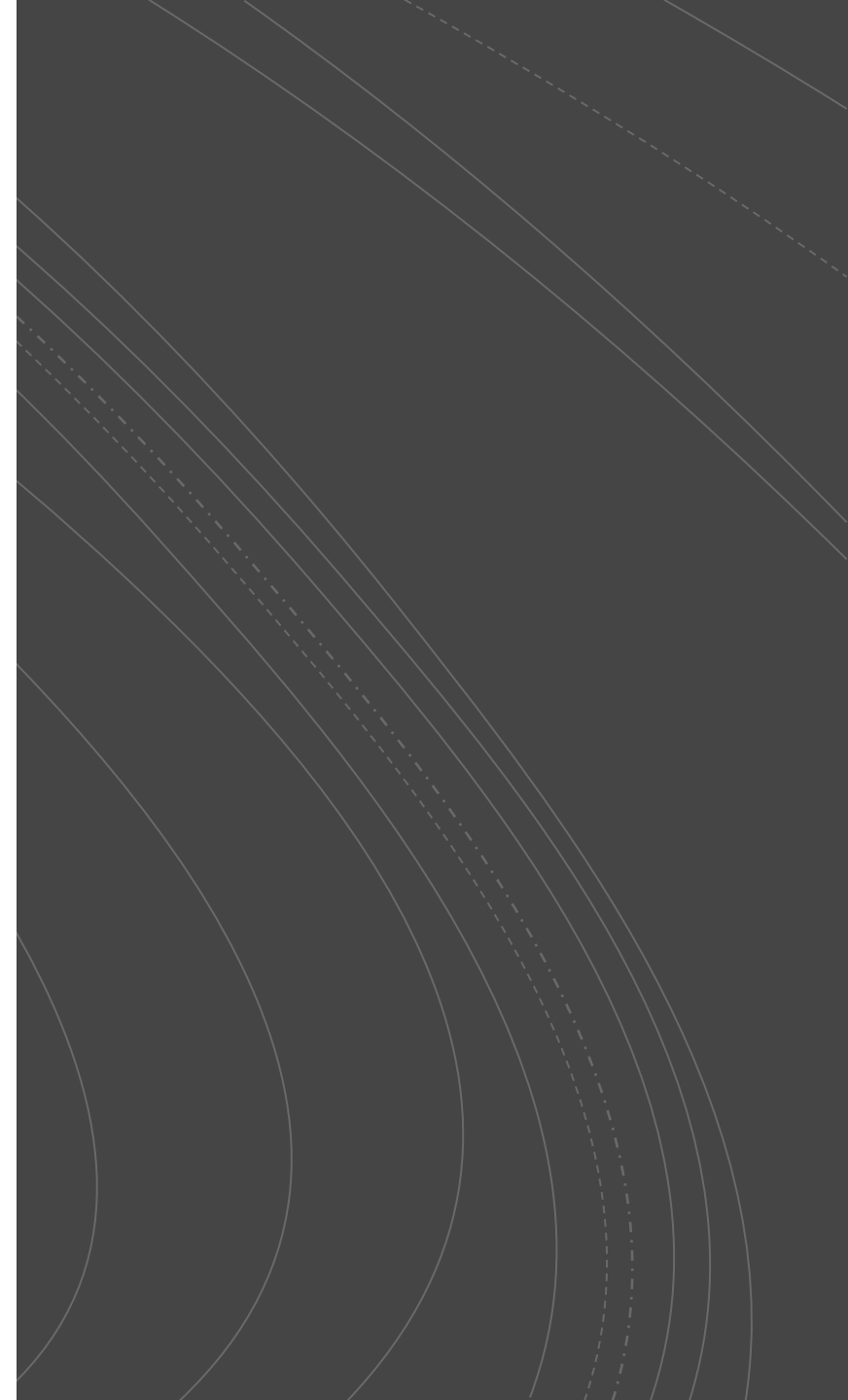
- Board discussion limited to procedural questions
- Board action on recommendation in open session; simple majority required to nonrenew
- Motion should include brief description of reasons for nonrenewal
- Notice of nonrenewal provided no later than April 30th
- If individual requests, Board must meet in executive session to discuss reasons for nonrenewal

Nonrenewal of Administrators Employed for Less Than 2 Years

Discharge for Cause

- Process same as with teachers
- NDCC 15.1-15-07 to 15.1-15-11
- Recommendation usually made by superintendent
- Usually resolved by voluntary resignation
- Recommend legal counsel

Questions?





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