



**PROGRAMS OF ASSISTANCE FOR IMPROVEMENT**  
**OREGON SCHOOL PERSONNEL ASSOCIATION**

April 28-30

**BASSINGER & HARVEY**

Programs of Assistance for Improvement are an important step in recovering a teacher who may be struggling to perform, or in helping that teacher exit the educational system. Well executed POAI's improve the standards of performance of all teachers, when they know that substandard performance will be challenged and improvement will be supported.

**I. OBJECTIVES AND INTRODUCTION**

Personnel Administration Staff will have resources and knowledge to assist school administrators and supervisors:

- A. When developing and implementing POAI's for licensed and classified staff;
- B. When complying with the evaluation policy, collective bargaining agreement, and administrative rules and statutes;
- C. Create and develop resources to support teacher performance weaknesses;
- D. Create a support team for the administrator/supervisor implementing the POAI.

**II. LEGAL AND CONTRACTUAL REQUIREMENTS**

- A. O.R.S. 342.815 and 342.850
  - (1) Definition of POAI
  - (2) Regular Evaluation Procedures
  - (3) Dealing with deficiencies
- B. Required Collective Bargaining Provisions
  - (1) Employee Evaluation Article
  - (2) Programs of Assistance for Improvement
  - (3) Right to Representation
  - (4) Personnel Files
  - (5) Working Files
  - (6) Complaint Procedures
- C. Any additional requirements found in the District Professional Growth and Evaluation Program
- D. These provisions are similar for classified employees.

**III. GOAL SETTING**

- A. Review teacher's personnel evaluations for previous years
  - (1) Establish reasonable improvement goals for discussion
- B. Ask teachers to develop at least one goal that will address the needs you have identified



- C. Develop a plan for collecting the evidence you need to demonstrate growth.
- IV. ESTABLISHING A PLAN FOR EARLY OBSERVATION AND DATA COLLECTION
  - A. Informal observations
  - B. Formal observations (pre-scheduled)
  - C. Review prior observation evaluations
  - D. Plan observations for the best time to collect the evidence you want
  - E. Review objective evidence indicators:
    - (1) Grade books—for assignment completion, an indication of student understanding, weight of assignments, i.e., worksheets, projects, reading, etc.)
    - (2) Lesson plan books—do plans coordinate with curriculum goals, demonstrate progressive learning, provide for pre and post test and re-teaching.
    - (3) Attendance records—identify students who may be in trouble and what the teacher is doing to engage them.
    - (4) Observe teacher/student interaction—are there students in the class who are not connected.
- V. REVIEW COLLECTED DATA IN A SOCRATIC METHOD (ASK LOTS OF QUESTIONS)
  - A. What does this data say to you regarding your students?
  - B. What do you believe needs to be done based on this information?
  - C. What are you trying to achieve?
- VI. BUILDING ON EACH DATA COLLECTION EVENT (OBSERVATION OR RECORD REVIEW)
  - A. Each subsequent observation should build on previous observations or add evidence to create a better and more complete image of teacher performance.
  - B. Observe in multiple subjects.
  - C. If there is more difficulty in one subject than another focus more observation and data collection efforts in that subject.
  - D. Observe class start up and conclusions to identify classroom management strengths.
- VII. WRITING OBSERVATION REPORTS
  - A. Record the details objectively, date, time, subject, number of students, materials used, any special events.
  - B. Write objectively using the “Joe Friday Method”, “Just the facts mam.”
  - C. Write a summary of whether performance met or failed to meet standards and explain citing evidence of success or failure.
  - D. Provide specific suggestions for improvement and if possible provide resources, i.e., an article, book chapter, or other resources.
  - E. Recognize areas of strength objectively, do not generalize.
  - F. Provide the employee with a draft of your write-up for discussion purposes. When you revise the final draft include as many statements made by the staff member as practicable.



- G. File your observation reports in the employee’s working file so that they can be attached to the final evaluation.

VIII. WRITING THE POAI

- A. Make a statement(s) about whether the employee met the District Standards.
  - (1) See Been There Middle School POAI pgs 1-2
  - (2) Provide a Statement of Deficiencies based on your data collection pgs 3-8
  - (3) Layout the POAI
  
- B. Considerations for Personnel Administrators
  - (1) Make sure that the performance evaluations have been reviewed by a second pair of eyes.
  - (2) Budget resources for Building Administrators/Supervisors for providing training or release time to personnel on POAIs.
  - (3) Build a support team for the Administrator/supervisor.
    - (1) Multiple members/observers-
    - (2) Mentor teachers
  - (4) Have regular progress checks with the administrator/supervisor on the POAI and their perceptions.
  - (5) Establish a mid-POAI progress meeting, make sure that someone delivers the message: “If I were to make the decision today I would recommend \_\_\_\_\_” (Termination/satisfactory completion) “You must work harder” or “Continue your hard work.”
  - (6) Have the final write-up of the plan reviewed before the final meeting.

IX. LEGAL STEPS TO DISMISSAL—PROBATIONARY TEACHER

	For Non-renewal	For dismissal
Recommendation from administrator to superintendent	Early March	Anytime
Pre-dismissal hearing by superintendent or designee	Not necessary	Required
Action by school board	Yes with notice to the teacher by March 15	Required
Possible appeal on merits of decision	School Board Hearing	School Board Hearing
Standard	Any caused deemed good faith sufficient (ORS 342.835)	Any caused deemed good faith sufficient (ORS 342.835)
Any other possible remedy	Grievance	Grievance
Arbitrator review of merits	No	No



X. LEGAL STEPS TO DISMISSAL—CONTRACT TEACHER

	NON-EXTENSION	DISMISSAL
Recommendation from administrator to superintendent	By early March	anytime
Pre-dismissal hearing by superintendent or designee	Not necessary during year one, however recommended for every year.	Required
Recommendation by superintendent	Must list facts which substantiate one or more of the statutory grounds for dismissal (also for non-extension of a second year of contract).	

20 days between recommendation and school board's decision

Action by school board	Yes, with notice to teacher by 3/15	Required (no deadline)
Possible appeal on merits of decision	None (1 <sup>st</sup> year of contract) FDAB (2 <sup>nd</sup> year of contract)	FDAB

Standard	Alleged facts must be substantiated by district. Established facts must support grounds for dismissal. Dismissal must not be arbitrary, unreasonable or clearly an excessive remedy.	
Any other possible remedy	Possible grievance if CBA provisions not met (i.e., evaluation or complaint articles).	

Arbitrator review of merits of decision	No	No
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# BEEN THERE MIDDLE SCHOOL

ABC Drive--Somewhere, USA

1 Memorandum 131  
2 February 29,

3  
4 Memo to: Mr. Gotta B. Rite, Teacher  
5 From: Ms. Ema I. Best, Principal  
6 Subject: Standards of Performance  
7  
8

9 The purpose of this memo is to inform you that your performance does not meet the District's  
10 Standards of Competent and Ethical Performance in three major areas. You are to be on the  
11 Intensive Evaluation Program until May 22, to provide further opportunity for you to correct  
12 the deficiencies that exist. We have reviewed concerns in eight conferences this year: on  
13 October 8, on October 10, ; on October 29, 1; on December 20, ; on January  
14 29, on January 30, ; on February 6, and, on February 10,  
15

16 **A. STANDARDS OF PERFORMANCE:**  
17

18 Your performance is not meeting the following standards of performance:  
19

20 1. Instructional Program/Instructional Strategy  
21

22 III.B.1.a.: The competent educator shall: identify the student and teacher  
23 behavior essential for the pupil to achieve successfully the  
24 instructional objectives.  
25

26 III.B.1.f: The competent educator shall: create an atmosphere which fosters  
27 interest and enthusiasm for learning and individual growth.  
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29 III.B.2.a.: The competent educator shall: adjust instruction for the individual  
30 student.  
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32 III.B.2.c: The competent teacher shall: use evaluative data to determine  
33 subsequent instruction, planning, counseling and program  
34 modification.  
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III. C. 2.b.: The competent educator shall: create interest through techniques and materials appropriate to differing abilities and ages.

III. C. 2.c.: The competent educator shall: determine activities of learners and justify the appropriateness of these activities in terms of--  
..the kinds of learning involved.  
..principles of learning.  
..learner characteristics.  
..significance to content.  
..relevance to learner.

2. Evaluation

III. G. 2. a.: The competent teacher shall: devise and implement instruments of appraisal of student performance and teaching techniques.

III. G. 2. b.: The competent teacher shall: utilize several types of evaluative techniques.

III. G. 2. c.: The competent teacher shall: explain methods and procedures of evaluation to those concerned.

3. Human Relationships

III. E. 1. e.: The competent educator shall: comply with reasonable requests and orders given by and with proper authority.

III. E. 1. h.: The competent educator shall: be able to relate and use effective human and interpersonal relations skills.

The program attached to this letter is designed to help you improve the level of your performance. Attachment A lists the deficiencies in your performance. Attachment B is the Plan of Assistance. Please feel free to suggest any additional help or to offer any suggestions that will make this more meaningful for you. My office is open for additional conferring.

Ema I. Best

Ema I. Best, Principal

February 25,

Date

## ATTACHMENT A

### B: DEFICIENCIES IN PERFORMANCE:

#### INSTRUCTIONAL PROGRAM

III. B. 1. a.: Your instructional performance is substandard in assisting students' achievement of instructional standards, as demonstrated by student performance on mid-terms:

- 1) 44% of the male students in your reading class receiving F's and 30% of the students overall receiving a D or F;
- 2) 56% of the males and 29% of the females received an F in your Language Arts class and 61% of your students received a D or an F in Language Arts.
- 3) 78% of the males and 50% of the females received an F in your social studies class and 78% of your students overall received a D or an F.
- 4) 67% of female students and 39% of male students received an F in math and 67% of your students overall received a D or F.
- 5) 50% of female students and 39% of male students received an F in Science and 48% of your students overall received a D or F.

#### Example:

9 April --You were told it was important for you to continue developing and implementing a mastery program for science, as it had helped you successfully complete a plan of assistance. You are currently not using the mastery approach.

9 April --You were successful on your plan of assistance because you were monitoring and adjusting instruction to increase student performance--you have not continued to do that.

8 Oct --Your subjective approach to grading map work has created difficulty with parents (also, 29 Jan 92, 30 Jan 92, and 6 Feb 92).

24 Jan --calculation of your grades demonstrated extremely high failure and low performance rate as a result parents requested conferences with you regarding their children's grades. Conferences were held with parents and the principal 29 Jan 92, 30 Jan 92, and 6 Feb 92.

29 Jan --You admitted to a parent that you had not included all of her son's math grades in the calculation of his grade--you exclude the math fact sheets scores because "it was real cumbersome to calculate the scores for all the fact sheets, and rather than do it

## ATTACHMENT A

1 twice, it was easier for you to do it just once at the end of the term.  
2 You reaffirmed this position during my 6 Feb meeting with you  
3 to discuss these concerns.

4 6 Feb --your peers offered to show you how to calculate grades so that  
5 all of them may be included in the progress report.

6 10 Feb --we discussed concerns about the number of students failing  
7 and receiving D's and you stated that there was no reason to be  
8 concerned because this is just mid-terms.  
9

10 III. B. 1. f.: Your classroom atmosphere does not foster interest and enthusiasm for  
11 learning and individual growth which is a result of using developmentally  
12 inappropriate instructional strategies with sixth grade students. The format  
13 for instruction does not meet the needs of students,( e.g., in science 44%  
14 received an F, in social studies 78% received a D or F, Language Arts  
15 61% received a D or an F) and is not designed in accord with elements  
16 which made you successful on your Plan of Assistance: learning  
17 for mastery. In addition students who do not learn concepts the first time  
18 they are presented are not given further instruction to master concepts;  
19 therefore, once they fail they have no motivation to learn.  
20

### Example:

21  
22 8 Oct --Parent expressed to you her son's concern that your practice of  
23 grading papers and handing them back for students to keep until  
24 you are ready to enter a grade in the grade book is frustrating--  
25 especially if the student loses the paper.

26 29 Jan --parent expressed her concern that her son's hard work on math  
27 fact sheets had not been credited to him in his grade and could  
28 have a negative impact. Similar concerns were expressed in parent  
29 conferences 30 Jan 92 and 6 Feb 92.

30 6 Feb --Parent expressed to you her son's frustration why should he try,  
31 because everyone in the class is getting F's. When she asked you  
32 how many students were getting D's and F's you told her 80% of  
33 your students.

34 10 Feb --I shared with you and you agreed that your approach with  
35 these students was not developmentally appropriate.  
36

37 III. B. 2. a.: You have not adjusted your instruction to accommodate the needs of lower  
38 performing students by using alternate instructional methods and reviewing  
39 assignments for appropriateness to student ability. You have reported to  
40 parents the most common reasons for student poor performance  
41 as:"incomplete assignments", "assignments late", and "misuses class time."  
42 You reported 77% of your language arts students, 63% of your social



## ATTACHMENT A

1 studies students, and 35% of your math class misused class time which  
2 indicates a modification of instructional methods is appropriate. Though you  
3 had received training which proved successful at improving instruction and  
4 student performance (Plan of Assistance 1989-90) you have reverted to  
5 instructional techniques which are unsuccessful.  
6

7 III. B. 2. c.: You have failed to modify your instructional program significantly despite  
8 the high failure rate of your students. According to your comments to  
9 parents student's failure to turn in papers is responsible for their poor  
10 grades. You have not continued to apply strategies learned in your  
11 previous plan of assistance which made both you and students successful.

12 Your application of grading practices is inconsistent with the grading  
13 policy you sent home to parents in the fall and has contributed to conflicts  
14 with parents. Your understanding of your own grading policy and ability to  
15 explain it is inadequate.  
16

### Example:

17 5 Dec --You were placed on a Plan of Assistance in part for your  
18 inability to develop and apply an appropriate grading policy.

19 10 Apr --You were successful on your Plan of Assistance in part for your  
20 implementation of an appropriate grading policy based on mastery.

21 8 Oct --You were unable to adequately explain to a parent how you  
22 graded student maps.  
23

24 8 Oct --You agreed to "develop a performance criteria' for map  
25 production in order for students to have an objective standard of  
26 evaluation to measure their work against." This was not done.

27 24 Jan --mid-terms reflected a change in grading practices that was not  
28 reported to parents and which moved away from a model which  
29 had been successful. You changed from a percentage system to a  
30 points system. This change skewed the unit grades dramatically  
31 (e.g., a student who got 82% on the unit test, averaged 90% on ten  
32 written assignments, and failed three map assignments was given  
33 an F on the mid-term).

34 30 Jan --You were unable to explain how student map work was graded  
35 to parents and the principal. You didn't have a written explanation  
36 of grading procedures as requested.

37 30 Jan --You attributed the same value to a single map assignment as  
38 you attributed to the Unit Test.  
39

40 III. C. 2. b.

41 III. C. 2. c.: The structure of your class does not encourage the completion of  
42 assignments in a timely manner. You stated that you often do not know

## ATTACHMENT A

1 how a student is doing on a unit of instruction until the end of the unit when  
2 the student turns in the assigned materials. You noted that many students  
3 do not use class time wisely and that if they don't do the work they need  
4 to learn there are consequences. These approaches are unsatisfactory as  
5 demonstrated by the low success rate of students in your classes. A review  
6 of assignments given indicates that they are geared toward ditto sheets  
7 based in lower order thinking skills and require extended seatwork. This  
8 approach is contrary to training you received and instructional approaches  
9 you implemented which made you successful on your ( ) Plan of  
10 Assistance. Assignments need to be based on clear instructional objectives  
11 which challenge students to use multiple thinking skills.  
12

### Example:

14 5 Dec -as part of your Plan of Assistance you were given training in  
15 curriculum development and implementation. When you applied that  
16 training you successfully completed your Plan of Assistance (10  
17 April 90).

19 24 Jan - 30% of your reading students,41% of language arts students,  
20 46% of social studies students, 54% of math students, and 19% of  
21 your science students were reported as not turning in all of their  
22 assigned work which resulted in a D or F being given for the  
23 previous six week period.

24 24 Jan - 77% of your language arts student, 63% of your social studies  
25 students, 35% of your math students, and 27% of your science  
26 students were reported as misusing class time in the previous six  
27 week period.

28 30 Jan -parent expressed to you a concern that his sons grade was  
29 based more on his neatness on a map that on his knowledge of the  
30 content of his social studies unit.

31 6 Feb -you reported that students are all given the same work to  
32 complete.

### EVALUATION

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35 III. G. 2. a.: The methods of evaluation you used to evaluate student performance failed  
36 to adequately assess student accomplishment on instructional objectives  
37 and allow the design of appropriate instruction. You failed to comply with  
38 directive given 8 October to develop a subjective assessment criteria for  
39 grading maps and to disperse the information to students and parents.  
40 Further, assessment of student performance and assigning of grades were  
41 not done in a timeframe that allowed you to modify and adjust instructional  
42 methods.  
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## ATTACHMENT A

1           III. G. 2. b.: You used assignment completion and tests as your primary method of  
2                           evaluating student performance; however, the grading criteria has been  
3                           changed from what parents and students were initially told. You lack a  
4                           clear grading criteria for evaluation of student performance on assignments  
5                           which are subjective in nature, i.e., maps, charts, and graphs. After  
6                           determining that students did not know the material or were failing to  
7                           complete work you did not apply evaluative data to restructure instructional  
8                           methods, reteach content, and re-evaluate progress as you have been  
9                           trained to do.

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11           III. G. 2. c.: You demonstrate a lack of understanding of grading process and weighting  
12                           assignments to correspond to their importance to instructional objectives  
13                           and the amount of effort required by students. You have given more value  
14                           to assignments which assess skills and abilities not directly related to  
15                           subject discipline than to assignments which directly assess content  
16                           mastery. You need to use the grading system developed as part of your  
17                           previous Plan of Assistance which fairly and equitably assesses student  
18                           performance.

19  
20           Example:

21           8 Oct     --You lacked a clear grading system for maps and your grading  
22                           procedures were unclear to a parent.

23           8 Oct     --You gave me a copy of your grading policy. Your grading  
24                           procedures used to calculate student grades were inconsistent with  
25                           the policy you sent to parents.

26           29 Jan    --You could not adequately explain your grading process for  
27                           maps to parents.

28           6 Feb     --You informed a parent that you sent her sons grades home  
29                           using a computer program you weren't sure how to use and that  
30                           you didn't understand it yet.

31  
32           HUMAN RELATIONSHIPS

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34           III. E. 1. e.: You have not followed through on training received in your prior Plan of  
35                           Assistance. You have not followed through on directives.

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37           Example:

38           10 April   --As part of the successful completion of your 1989-90 Plan of  
39                           Assistance you were expected to continue to use instructional  
40                           methods and grading practices you learned in your training. You  
41                           have discontinued to use those skills which has resulted in a  
42                           reoccurrence of high student failure rates and parent concerns.

## ATTACHMENT A

1 8 Oct . . --You were asked to develop a clear performance criteria for map  
2 production in order for students to have an objective standard of  
3 evaluation to measure their work against in Oct and as of our  
4 meeting with parents on 29 Jan this was not done.  
5

6 8 Oct . . -You were directed to "make parents and students aware of the  
7 grading policies and practices you use in your classroom--beyond  
8 the House plan--i.e., late papers, missing assignments, keeping  
9 returned papers in their notebooks, any practice which may directly  
10 or indirectly effect a student's grade." Based on parent and student  
11 conferences they were not aware of grading practices which led to  
12 the high failure rate.

13 22 Oc. . -You failed to comply with directives against using physical force  
14 by pulling a student's hair. This behavior resulted in a written  
15 reprimand being issued 20 Dec .

16 24 Jan . --You changed your grading policy without notifying parents as  
17 directed on 8 Oct  
18

19 III. E. 1. h.: Your behavior has alienated parents. You need to keep parents and  
20 students informed regarding your grading practices and changes which are  
21 made in those practices. Further, you need to notify parents when their  
22 student's performance drops or when their student is in danger of  
23 demonstrating a significant drop in performance.

24 Your behavior has resulted in five parents expressing serious  
25 concerns about your practices.  
26

### Example:

27 8 Oct . . --Concern over grading and instructor policies.

28 22 Oc. . --Concern over pulling a student's hair.

29 29 Jan . . --Concern over grades and instructor practices.

30 30 Jan . . Concern over grades and instructor practices.

31 6 Feb . . Concern over grades and instructor practices.  
32

## ATTACHMENT B

### PLAN OF ASSISTANCE

- 1  
2  
3 1. It is expected that you demonstrate an acceptable level of performance as defined here:  
4

#### Instructional Program

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7 The district expects you to establish and implement instructional programs that  
8 promote student interest and enthusiasm for learning which is demonstrated by  
9 90% of assignments being turned in and including recognition of the varied ability  
10 levels of students in your classes by modifying instructional presentation and  
11 assignments to accommodate the needs of lower ability students. (Ill. B. 1. a.; Ill.  
12 B. 1. f.; Ill. B. 2. a.)  
13

#### Instructional Strategy

14

15 The district expects you to assign learning activities and use instructional  
16 techniques and materials which are developmentally appropriate to the age and  
17 abilities of your students. (Ill. C. 2. b.; Ill. C. 2. c.)  
18  
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#### Evaluation

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21 The district expects you to develop and use a consistent and fair procedure for  
22 assigning letter grades and to design and use a variety of evaluative techniques  
23 to assess student learning (see again Guskey, 1985 Chapters 3,4,5, and 10 for  
24 examples, also Stevenson, Chapter 8). (Ill. G. 2. a.; Ill. G. 2. b.; Ill. G. 2. c.)  
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26

#### Human Relationships

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28 You are expected to use effective interpersonal relation skills with colleagues,  
29 parents, and students and comply with the reasonable requests of others (see  
30 again Glenn, 1988 Chapters 7 & 8; Schmuck and Runkel, 1985 Chapter 3). (Ill.  
31 E. 1. e. and h.)  
32  
33

- 34 2. The District has adopted this plan to assist you in achieving the desired expectations. This  
35 plan incorporates recommendations made by you which were included in your Plan  
36 of Assistance:  
37

3/20 checked  
6/8/92 checked

38 You will keep a daily log of your varying teaching strategies and methodologies  
39 used in your science classes.  
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- 41 -- You will meet with the principal following tests to review student achievement and  
42 plan for subsequent instruction. meet 3/30

ATTACHMENT B

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-- You will meet with the principal following grading periods and midterms to review your students' performance.

-- You will be provided with a copy of Implementing Mastery Learning, by Thomas R. Guskey, which you are encouraged to review again and discuss with the principal.

-- You will be provided with a copy of Teaching 10-14 Year Olds, by Chris Stevenson, which you are encouraged to read and discuss with the principal.

-- You will be provided with a copy of Raising Self-Reliant Children In a Self-Indulgent World, by Stephen Glenn and Jane Nelson, which you are encouraged to review again and discuss with the principal.

-- You are encouraged to work with the special educator or school psychologist to develop modified materials and instructional strategies for lower performing students in science, social studies, language arts, and math.

-- You will develop and implement ~~mastery~~ <sup>Formal</sup> learning curricula and use appropriate instructional methodology for students to achieve mastery level (80% on instructional objectives).

-- You will develop a grading system which motivates students to achieve instructional objectives.

-- You are encouraged to contact local education agencies (Lane Community College and the University of Oregon) to enroll in an Evaluation or Assessment Class.

-- ✓ I will provide you with printed materials by Thomas Guskey and The Northwest Regional Laboratory on instructional strategies and grading practices.

-- You will be observed a minimum of six (6) times during the plan, three formal and three informal; data will be collected, and the results shared in post observation conferences.

-- You will receive ~~two~~ <sup>three</sup> days of release time to work with the principal designing curricula and assessment materials for your classes. (3/10 1/2) (3/19 1/2)

3. The following resources are recommended to assist you in successfully completing this plan:



## **342.815. Definitions**

West's Oregon Revised Statutes Annotated | Title 30. Education and Culture

### **Search Details**

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Jurisdiction: Oregon


### **Delivery Details**

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Date: April 28, 2013 at 4:06PM

Delivered By: Randy Harvey

Client ID: 55

Status Icons: 



## **342.815. Definitions**

West's Oregon Revised Statutes Annotated | Title 30. Education and Culture

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West's Oregon Revised Statutes Annotated

Title 30. Education and Culture (Refs & Annos)

Chapter 342. Teachers and Other School Personnel (Refs & Annos)

Accountability for Schools for the 21st Century Law

O.R.S. § 342.815

342.815. Definitions

Currentness

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

(1) Notwithstanding ORS 342.120, “administrator” includes any teacher the majority of whose employed time is devoted to service as a supervisor, principal, vice principal or director of a department or the equivalent in a fair dismissal district but shall not include the superintendent, deputy superintendent or assistant superintendent of any such district or any substitute or temporary teacher employed by such a district.

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

(3) “Contract teacher” means any teacher who has been regularly employed by a school district for a probationary period of three successive school years, and who has been retained for the next succeeding school year. The district school board may enter into agreements that provide for a shorter probationary period of not less than one year for teachers who have satisfied the three-year probationary period in another Oregon school district.

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

(5) “Fair dismissal district” means any common or union high school district or education service district.

(6) “Probationary teacher” means any teacher employed by a fair dismissal district who is not a contract teacher.

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

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

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

(c) Sets forth corrective steps the contract teacher may pursue to overcome or correct the deficiencies.

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

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

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

(10) "Temporary teacher" means a teacher employed to fill a position designated as temporary or experimental or to fill a vacancy which occurs after the opening of school because of unanticipated enrollment or because of the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher.

**Credits**

Laws 1965, c. 608, § 2; Laws 1971, c. 570, § 12; Laws 1977, c. 880, § 1; Laws 1977, c. 881, § 2; Laws 1979, c. 668, § 1; Laws 1981, c. 299, § 1; Laws 1993, c. 45, § 194; Laws 1997, c. 864, § 4; Laws 1999, c. 199, § 11; Laws 2001, c. 653, § 5.

Notes of Decisions (3)

O. R. S. § 342.815, OR ST § 342.815

Current with emergency legislation through Ch. 16 of the 2013 Reg. Sess. Revisions to Acts made by the Oregon Reviser were unavailable at the time of publication.

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## **342.850. Evaluation of teachers; content of personnel file**

West's Oregon Revised Statutes Annotated | Title 30. Education and Culture

### **Search Details**

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Jurisdiction: Oregon

### **Delivery Details**

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Date: April 28, 2013 at 4:09PM

Delivered By: Randy Harvey

Client ID: 55

Status Icons: 

West's Oregon Revised Statutes Annotated

Title 30. Education and Culture (Refs & Annos)

Chapter 342. Teachers and Other School Personnel (Refs & Annos)

Accountability for Schools for the 21st Century Law

O.R.S. § 342.850

342.850. Evaluation of teachers; content of personnel file

Currentness

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

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

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

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

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

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

(D) A post-evaluation interview in which:

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

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

(E) The utilization of peer assistance whenever practicable and reasonable to aid teachers to better meet the needs of students. Peer assistance shall be voluntary and subject to the terms of any applicable collective bargaining agreement. No witness or document related to the peer assistance or the record of peer assistance

shall be admissible in any proceeding before the Fair Dismissal Appeals Board, or in a probationary teacher nonrenewal hearing before a school board under ORS 342.835, without the mutual consent of the district and the teacher provided with peer assistance.

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

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

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

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

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

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

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

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

#### **Credits**

Laws 1971, c. 570, § 5; Laws 1973, c. 298, § 3; Laws 1973, c. 458, § 1; Laws 1977, c. 881, § 3; Laws 1979, c. 598, § 1; Laws 1979, c. 668, § 2a; Laws 1987, c. 663, § 1; Laws 1989, c. 491, § 29; Laws 1997, c. 864, § 9.

#### **Notes of Decisions (24)**

O. R. S. § 342.850, OR ST § 342.850

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### Oregon Standards of Competent and Ethical Behavior

- 584-020-0010 - The Competent Educator
- 584-020-0015 - Curriculum and Instruction
- 584-020-0020 - Supervision and Evaluation
- 584-020-0025 - Management Skills
- 584-020-0030 - Human Relations and Communications
- 584-020-0035 - The Ethical Educator
- 584-020-0040 - Grounds for Disciplinary Action

#### **584-020-0010 - The Competent Educator**

The teacher or administrator demonstrates a commitment to:

- (1) Recognize the worth and dignity of all persons;
- (2) Encourage scholarship;
- (3) Promote democratic citizenship;
- (4) Raise educational standards; and
- (5) Use professional judgment.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & ORS 342.175 - ORS 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80

#### **584-020-0015 - Curriculum and Instruction**

- (1) The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of goals as they are appropriate for each individual.
- (2) The competent teacher demonstrates:
  - (a) Use of state and district adopted curriculum and goals;
  - (b) Skill in setting instructional goals and objectives expressed as learning outcomes;
  - (c) Use of current subject matter appropriate to the individual needs of students;

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(d) Use of students' growth and development patterns to adjust instruction to individual needs consistent with number of students and amount of time available; and

(e) Skill in the selection and use of teaching techniques conducive to student learning.

(3) The competent administrator demonstrates:

(a) Skill in assisting individual staff members to become more competent teachers by complying with state law, rules, and lawful and reasonable district policy and contracts;

(b) Knowledge of curriculum and instruction appropriate to assignment;

(c) Skill in implementing instructional programs through adequate communication with staff; and

(d) Skill in identifying and initiating any needed change which helps each student toward realization of personal learning potential.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & ORS 342.175 - ORS 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83

## **584-020-0020 - Supervision and Evaluation**

(1) The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities planned and conducted through the district's program, and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

(2) The competent teacher demonstrates:

(a) Ways to assess progress of individual students;

(b) Skill in the use of assessment data to assist individual student growth;

(c) Procedures for evaluating curriculum and instructional goals and practices; and

(d) Skill in the supervision of students.

(3) The competent administrator demonstrates:

(a) Skill in the use of assessment data to provide effective instructional programs;

(b) Skill in the implementation of the district's student evaluation program;

(c) Skill in providing equal opportunity for all students and staff; and



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(d) Skill in the use of employee techniques appropriate to the assignment and according to well established standards which insure due process for the staff being evaluated.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & ORS 342.175 - ORS 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83

## **584-020-0025 - Management Skills**

(1) The competent educator is a person who understands students and is able to relate to them in constructive ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required, and as needed to assist the growth of students.

(2) The competent teacher demonstrates skills in:

(a) Establishing and maintaining classroom management that is conducive to learning;

(b) Using and maintaining district property, equipment, and materials appropriately;

(c) Using and maintaining student records as required by district policies and procedures;

(d) Using district and school business and financial procedures; and

(e) Using district lawful and reasonable rules and regulations.

(3) The competent administrator demonstrates:

(a) Skills in managing the school, its students, staff, and programs as required by lawful and reasonable district policies, rules, and regulations, state and federal laws and regulations, and other programs as assigned, and assures that staff is informed of these requirements; and

(b) Skills in planning and staff utilization.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & ORS 342.175 - ORS 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83

## **584-020-0030 - Human Relations and Communications**

(1) The competent educator works effectively with others -- Students, staff, parents, and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can communicate with knowledge, clarity, and judgment about educational matters, the school, and the needs of students.

(2) The competent teacher demonstrates:

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- (a) Willingness to be flexible in cooperatively working with others; and
- (b) Skill in communicating with students, staff, parents, and other patrons.
- (3) The competent administrator demonstrates:
  - (a) Skill in helping students, staff, parents, and other patrons to learn about the school and its program;
  - (b) Skills in communicating district and school goals to staff and public;
  - (c) Willingness to be flexible in cooperatively working with others; and
  - (d) Skill in reconciling conflict.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & ORS 342.175 - ORS 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80

## **584-020-0035 - The Ethical Educator**

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district, and the profession.

- (1) The ethical educator, in fulfilling obligations to the student, will:
  - (a) Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and family; and
  - (b) Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues.
  - (c) Maintain an appropriate professional student-teacher relationship by:
    - (A) Not demonstrating or expressing professionally inappropriate interest in a student's personal life;
    - (B) Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
    - (C) Reporting to the educator's supervisor if the educator has reason to believe a student is or may be becoming romantically attached to the educator.
- (2) The ethical educator, in fulfilling obligations to the district, will:
  - (a) Apply for, accept, offer, or assign a position of responsibility only on the basis of professional qualifications, and will adhere to the conditions of a contract or the terms of the appointment;

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- (b) Conduct professional business, including grievances, through established lawful and reasonable procedures;
- (c) Strive for continued improvement and professional growth;
- (d) Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties; and
- (e) Not use the district's or school's name, property, or resources for non-educational benefit without approval of the educator's supervisor or the appointing authority.

(3) The ethical educator, in fulfilling obligations to the profession, will:

- (a) Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;
- (b) Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities; and
- (c) Respond to requests for evaluation of colleagues and keep such information confidential as appropriate.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & ORS 342.175 - ORS 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83; TS 7-1989, f. & cert. ef. 12-13-89; TSPC 8-1998, f. & cert. ef. 12-9-98

### **584-020-0040 - Grounds for Disciplinary Action**

(1) The Commission shall deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction or convicted of attempt to commit such crimes as defined in ORS 161.405. Evaluation of crimes shall be based on Oregon laws in effect at the time of the conviction, regardless of the jurisdiction in which the conviction occurred. The crimes listed in ORS 342.143 are:

- (a) ORS 163.095 -- Aggravated Murder;
- (b) ORS 163.115 -- Murder;
- (c) ORS 163.185 -- Assault in the First Degree;
- (d) ORS 163.235 -- Kidnapping in the First Degree;
- (e) ORS 163.355 -- Rape in the Third Degree;
- (f) ORS 163.365 -- Rape in the Second Degree;

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- (g) ORS 163.375 -- Rape in the First Degree;
- (h) ORS 163.385 -- Sodomy in the Third Degree;
- (i) ORS 163.395 -- Sodomy in the Second Degree;
- (j) ORS 163.405 -- Sodomy in the First Degree;
- (k) ORS 163.408 -- Unlawful Sexual Penetration in the Second Degree;
- (l) ORS 163.411 -- Unlawful Sexual Penetration in the First Degree;
- (m) ORS 163.415 -- Sexual Abuse in the Third Degree;
- (n) ORS 163.425 -- Sexual Abuse in the Second Degree;
- (o) ORS 163.427 -- Sexual Abuse in the First Degree;
- (p) ORS 163.435 -- Contributing to the Sexual Delinquency of a Minor;
- (q) ORS 163.445 -- Sexual Misconduct;
- (r) ORS 163.465 -- Public Indecency;
- (s) ORS 163.515 -- Bigamy;
- (t) ORS 163.525 -- Incest;
- (u) ORS 163.547 -- Child Neglect in the First Degree;
- (v) ORS 163.575 -- Endangering the Welfare of a Minor;
- (w) ORS 163.670 -- Using Child in Display of Sexually Explicit Conduct;
- (x) ORS 163.675 -- Sale or Exhibition of Visual Reproduction of Sexual Conduct by a Child;
- (y) ORS 163.680 -- Paying for Viewing Sexual Conduct Involving a Child;
- (z) ORS 163.684 -- Encouraging Child Sexual Abuse in the First Degree;
- (aa) ORS 163.686 -- Encouraging Child Sexual Abuse in the Second Degree;
- (bb) ORS 163.687 -- Encouraging Child Sexual Abuse in the Third Degree;
- (cc) ORS 163.688 -- Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree;

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(dd) ORS 163.689 -- Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree;

(ee) ORS 164.325 -- Arson in the First Degree;

(ff) ORS 164.415 -- Robbery in the First Degree;

(gg) ORS 166.005 -- Treason;

(hh) ORS 166.087 -- Abuse of a Corpse in the First Degree;

(ii) ORS 167.007 -- Prostitution;

(jj) ORS 167.012 -- Promoting Prostitution;

(kk) ORS 167.017 -- Compelling Prostitution;

(ll) ORS 167.062 -- Sadomasochistic Abuse for Sexual Conduct in a Live Show;

(mm) ORS 167.065 -- Furnishing Obscene Materials to Minors;

(nn) ORS 167.070 -- Sending Obscene Materials to Minors;

(oo) ORS 167.075 -- Exhibiting an Obscene Performance to a Minor;

(pp) ORS 167.080 -- Displaying Obscene Materials to Minors;

(qq) ORS 167.087 -- Disseminating Obscene Materials;

(rr) ORS 167.090 -- Publicly Displaying Nudity or Sex for Advertising Purposes;

(ss) ORS 475.995 -- Distribution of Controlled Substances to Minors;

(tt) ORS 475.999 -- Manufacture or Delivery of Controlled Substance to Minor or Student within 1,000 Feet of School.

(2) An applicant fails to meet the requirement of ORS 342.143 "good moral character" if the applicant engages in gross neglect of duty, gross unfitness, or other acts which are in violation of sections (1) or (3) of this rule.

(3) The Commission may initiate proceedings to suspend or revoke the license or registration of an educator under ORS 342.175 or deny a license or registration to an applicant under ORS 342.143 who:

(a) Has been convicted of a crime not listed in section (1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for which the educator was convicted render the educator unfit to hold a license;

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- (b) Is charged with knowingly making any false statement in the application for a license;
  - (c) Is charged with gross neglect of duty; or
  - (d) Is charged with gross unfitness.
- (4) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:
- (a) Knowing and substantial unauthorized use of: school name or financial credit; school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business;
  - (b) Knowing and substantial unauthorized use of employment time or school resources for private purposes;
  - (c) Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;
  - (d) Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250;
  - (e) Violent or destructive behavior on school premises or at a school-sponsored activity;
  - (f) Any sexual conduct with a student;
  - (g) Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance;
  - (h) Unauthorized disclosure of student records information received in confidence by the educator under a statutory privilege, (See, subsection 6, below);
  - (i) Deliberately assigning an educator in violation of licensure requirements;
  - (j) Resignation from a contract in violation of ORS 342.553, (See, subsection 6, below);
  - (k) Knowing violation of any order or rule of the Commission;
  - (l) Sexual harassment;
  - (m) Knowing and willful failure of a chief administrator to report a violation of Commission standards as required by OAR 584-020-0041;
  - (n) Substantial deviation from professional standards of competency set forth in OAR 584-020-0010 through 584-020-0030;

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- (o) Substantial deviation from professional standards of ethics set forth in OAR 584-020-0035;
  - (p) Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation; or
  - (q) Knowing and unauthorized use of school computer equipment to receive, store, produce or send sexually explicit materials.
- (5) Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours or off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively. The following may be admissible as evidence of gross unfitness. Consideration may include but is not limited to:
- (a) Revocation, suspension or denial of a license by another state for reasons and through procedures that are the same as, or substantially equivalent to, those permitting similar action in Oregon;
  - (b) Fraud or misrepresentation;
  - (c) Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means.
  - (d) Commission of an act listed in OAR 584-020-0040(1);
  - (e) Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction; or
  - (f) Violation of a term of probation imposed by a court.
- (6) In any proceeding brought under subsection (4)(h) of this rule, the Commission may not impose a sanction more severe than a suspension of the educator's license. In any proceeding brought under subsection (4)(j) of this rule, the Commission may not impose a sanction more severe than suspension of the educator's license for the remainder of the school year.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1983, f. & ef. 7-21-83; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 2-1988, f. & cert. ef. 4-7-88; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1993, f. & cert. ef. 9-29-93; TS 5-1996, f. & cert. ef. 9-24-96; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 8-1998 f. & cert. ef. 12-9-98; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 6-1999(Temp), f. & cert. ef. 9-20-99 thru 3-17-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 4-2000, f. & cert. ef. 7-17-00; TSPC 9-2005, f. & cert. ef. 11-15-05

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## Job Descriptions and Other Requirements

Teacher Evaluation processes are mandatory duties of district school boards (ORS § 342.850)

### ORS §342.850

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

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

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

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

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

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

(D) A post-evaluation interview in which:

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

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

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

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

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

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

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



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

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

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

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

### Credits

Laws 1971, c. 570, § 5; Laws 1973, c. 298, § 3; Laws 1973, c. 458, § 1; Laws 1977, c. 881, § 3; Laws 1979, c. 598, § 1; Laws 1979, c. 668, § 2a; Laws 1987, c. 663, § 1; Laws 1989, c. 491, § 29; Laws 1997, c. 864, § 9.

Or. Rev. Stat. Ann. § 342.850 (West)

## **Dismissal or Non-Extension of Contract of Contract Teacher Law Which Affects Program of Assistance For Improvement (POAI)**

### **342.865. Grounds for dismissal or nonextension of contract of contract teacher**

Currentness Current Law No Pending Changes

(1) No contract teacher shall be dismissed or the teacher's contract nonextended except for:

(a) **Inefficiency;**

(b) Immorality;

(c) Insubordination;

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- (d) **Neglect of duty, including duties specified by written rule;**
  - (e) Physical or mental incapacity;
  - (f) Conviction of a felony or of a crime according to the provisions of ORS 342.143;
  - (g) **Inadequate performance;**
  - (h) **Failure to comply with such reasonable requirements as the board may prescribe to show normal improvement and evidence of professional training and growth; or**
  - (i) Any cause which constitutes grounds for the revocation of such contract teacher's teaching license.
- (2) **In determining whether the professional performance of a contract teacher is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which shall have been adopted by the board.**
- (3) Suspension or dismissal on the grounds contained in subsection (1)(e) of this section shall not disqualify the teacher involved for any of the disability benefits provided in ORS chapter 238, or any of the benefits provided in ORS 332.507.
- (4) Dismissal under subsection (1)(f) of this section shall remove the individual from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

### **Credits**

Laws 1965, c. 608, §§ 9,19; Laws 1973, c. 298, § 4; Laws 1977, c. 860, § 4; Laws 1981, c. 569, § 1; Laws 1995, c. 446, § 10; Laws 1997, c. 249, § 104; Laws 1997, c. 864, § 10; Laws 1999, c. 130, § 8.

Or. Rev. Stat. Ann. § 342.865 (West)