

NON-RENEWAL OF TEACHER CONTRACT

It is the responsibility of the Board of Education to provide a competent and able professional staff to perform the educational services of the District.

The Board, upon the recommendation of the Superintendent, may exercise its option, under law, not to renew the contract of a teacher under a limited or extended limited contract. The term "teacher" refers to any person employed by the Board who is covered by the negotiated agreement between the Board and the Licking Heights Educational Association.

A teacher, employed under a limited contract and not eligible for consideration for employment under a continuing contract, shall be considered to be reemployed under a limited contract unless the Board, acting on the Superintendent's recommendation, follows the evaluation procedures in Board Policy 3220.03 and gives the teacher written notice of its intention not to reemploy on or before ~~April 30th~~ June 1st. It shall be presumed that the teacher has accepted such reemployment unless s/he notifies the Board in writing to the contrary on or before June ~~15th~~1st.

A teacher, employed under a limited contract and eligible for consideration for employment under a continuing contract, shall receive a continuing contract or an extended limited contract, unless the teacher is non-renewed according to the terms of this policy or as otherwise expressly provided in the collective bargaining agreement.

Teachers, eligible for continuing service status in this District, shall be those properly-certified teachers, who within the last five (5) years, have taught for at least three (3) years in the District, and ~~those who, having attained continuing contract status elsewhere, have served two (2) years in the District. However, the Board, upon the recommendation of the Superintendent, may at any time of employment or at any time within such two (2) year period, declare any of the latter teachers eligible.~~ shall be granted only to the following:

1. Any teacher holding a senior or lead professional, permanent license or consistently high performing.
2. Any teacher who meets the following conditions:
 - a. The teacher was initially issued a teacher's certification or educator license prior to January 1, 2011.
 - b. The teacher holds a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the

Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code.

- c. The teacher has completed the applicable one of the following:
 - i. If the teacher did not hold a master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the State Board of Education shall adopt;
 - ii. If the teacher held a master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the State Board shall adopt.

3. Any teacher who meets the following conditions:

- a. The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011.
- b. The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code.
- c. The teacher is consistently high performing.
- d. The teacher has held an educator license for at least seven (7) years.
- e. The teacher has completed the applicable one of the following:
 - i. If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty (30) semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of the license, as specified in rules which the State Board shall adopt;

- ii. If the teacher held a master's degree at the time of initially receiving an educator license, six (6) semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance that license, as specified in rules which the State Board shall adopt.

Nothing herein shall be construed to void or otherwise affect a continuing contract entered into prior to October 16, 2009.

In addition, those professional staff members who, having attained continuing contract status elsewhere, have served two (2) years in the District, are eligible for continuing contract with the District. However, the Board, upon the recommendation of the Superintendent, may at the time of employment or at any time within such two (2) year period, declare any of the latter teachers eligible.

Upon the recommendation of the Superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the Board and the teacher, unless the Board by three-fourths (3/4's) vote of its full membership rejects the recommendation of the Superintendent. If the Board rejects by a three-fourths (3/4's) vote of its full membership the recommendation of the Superintendent that a teacher eligible for continuing service status be reemployed, the Board may declare its intention not to reemploy the teacher. Prior to taking this action, however, the Superintendent shall have the right to recommend an extended limited contract. The Superintendent may recommend reemployment of the teacher, if continuing service status has not previously been attained elsewhere, under an extended limited contract for a term not to exceed two (2) years, provided that written notice of the Superintendent's intention to make such recommendation has been given to the teacher with reasons directed at the professional improvement of the teacher on or before ~~April 30th~~ June 1st.

If the Superintendent makes no recommendation of an extended limited contract, or if the Board by a three-fourths (3/4's) vote of the full membership rejects said recommendation for an extended limited contract, the Board may non-renew the teacher if it has followed the evaluation procedures in Board Policy 3220.03 and gives the teacher written notice on or before April 30th of its intention not to reemploy the teacher. The Treasurer, within ten (10) days after receipt of a teacher request, shall provide the teacher with the substantive basis for the Board's decision not to reemploy the teacher.

If the teacher is granted a limited extended contract, upon any subsequent reemployment of the teacher, only a continuing contract may be entered into with the teacher. A teacher employed under an extended limited contract and eligible for a continuing contract at the expiration of such extended limited contract, shall be deemed reemployed under a continuing contract unless the Board, acting on the Superintendent's recommendation that the teacher not be reemployed, gives the teacher written notice on or before April 30th of its intention not to reemploy him/her and has followed the evaluation procedures in Board Policy 3220.03. The Superintendent shall require that the teacher at the time of receipt, provide signed evidence of the time and date of receipt of the notice.

Any teacher receiving written notice of the intention of a Board not to reemploy, s/he may, within ten (10) days of the date of which s/he received the notice, file with the Treasurer of the Board a written demand for a written statement describing the circumstances that led to the recommendation for non-renewal. The Treasurer, within ten (10) days after receipt of a teacher request, shall provide the teacher with the substantive basis for the Board's decision not to reemploy the teacher.

Any teacher receiving a written statement describing the circumstances that led to the recommendation for non-renewal may, within five (5) days of the date on which s/he received the statement, file with the Treasurer of the Board a written demand for a hearing before the Board. The Treasurer of the Board, on behalf of the Board, shall, within ten (10) days of the date on which s/he received a written demand for a hearing, provide to the teacher a written notice setting forth the time, date, and place of the hearing. The Board shall schedule and conclude the hearing within forty (40) days of the date on which the Treasurer of the Board receives a written demand for a hearing.

Any hearing conducted shall be conducted by a majority of the members of the Board. The hearing shall be held in executive session of the Board unless the Board and the teacher agree to hold the hearing in public. The Superintendent, Assistant Superintendent, building administrators, the teacher, and any person designated by either party to take a record of the hearing may be present at the hearing. The Board may be represented by counsel and the teacher may be represented by counsel or a designee. A record of the hearing may be taken by either party at the expense of the party taking the record. Within ten (10) days of the conclusion of the hearing, the Board shall issue to the teacher a written decision containing an order affirming the intention of the Board not to reemploy the teacher or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing.

A teacher may appeal an order affirming the intention of the Board not to reemploy the teacher to the Court of Common Pleas.

~~In giving the teacher any notice required by this policy, the Board or the Superintendent shall do either of the following:~~

~~A. deliver the notice by personal service upon the teacher~~

~~B. deliver the notice by certified mail, return receipt requested, addressed to the teacher at his/her place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at his/her place of residence~~

~~In giving the Board any notice required by this policy, the teacher shall do either of the following:~~

~~A. deliver the notice by personal delivery to the Superintendent's office during regular business hours~~

~~B. deliver the notice by certified mail, return receipt requested, addressed to the Superintendent's office and deliver a copy of the notice by certified mail, return receipt requested, addressed to the Board President at his/her place of residence~~

~~When any notice and copy of the notice are mailed pursuant to this policy, the notice or copy of the notice with the earlier date or receipt shall constitute the notice.~~

This policy does not apply to the Superintendent, administrators, teacher supplemental contracts, or teachers employed as substitutes for less than 120 days during the school year.

If non-renewal proceedings are initiated against a professional staff member and/or if a professional staff member resigns under threat of non-renewal or during the course of an investigation which has been initiated by the Board based upon a reasonable belief that the professional staff member has engaged in conduct unbecoming the teaching profession, as defined in Policy 8141, the Superintendent will cause to be filed with the Ohio Department of Education a report, on forms provided by the Department for that purpose, in accordance with the aforementioned policy and as required by law.

R.C. 3319.08, 3319.11, 3319.111, 3319.313

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