



School Administrators Association of New York State

SAANYS
LEGAL DEPARTMENT

8 Airport Park Boulevard | Latham, New York 12110

Phone: (518) 782-0600 | www.saanys.org

Termination of Probationary Administrators: How Can We Level the Playing Field? *April 2022 News & Notes*

With the approach the end of the school year, probationary administrators are usually being granted tenure or, in some cases, being notified of the discontinuation of employment. This year, SAANYS is observing a significant increase in the number of non-tenured administrators being terminated right before their tenure date or early in the process. SAANYS has attributed several elements to this uptick, such as frustration caused by the pandemic or the pervasive of local politics in the consideration of tenure grants. Whatever the reason, good administrators are being sacrificed at record numbers. So, the question is what happens with tenure, probation, termination and what can you do to protect yourself.

When an administrator is first hired, they are appointed by that district's Board of Education to a specific tenure area. If no tenure area is enunciated the administrator or supervisor defaults to a general tenure area typically referenced "administration." Understand that the probationary term is set by statute to be four-years. However, through SAANYS' governmental relations efforts a few years back, now any administrators who has previously been tenured and then appointed to a new administrative position on or after June 1, 2020 will qualify for a shortened period of probation of three years before eligibility for tenure.

Once in your position, periodically ask for feedback. Meet with your supervisor on a quarterly basis to discuss your progress. Document such encounters in a diary or journal. Always conclude such meetings with the question if you continue to be on track for tenure. Some practical tips, keep your head down and focus on your tasks. Don't socialize with employees you supervise. Do not engage school or district politics or gossip. If you have a struggling teacher, talk to your supervisor about how to handle the situation. You do not want that teacher running to the union claiming a hostile work environment. Also, do not send jokes over email or joke around with staff. SAANYS has seen such behavior come back on probationary employees more frequently than not. Always be visible at arrival and dismissal of students walk the hallways during the school day. Some very hard-working administrators fall into the trap of never leaving their office. Volunteer for committees and activities. Be upbeat and positive with everyone.

Certain tasks you perform must be done in a timely fashion. Make sure that you have your evaluations done on time. If you handle student discipline make sure you follow the law. If you have questions about discipline, ask other administrators, the school lawyer or SAANYS for advice. If assigned DASA complaints, investigate such matters promptly and thoroughly. Don't leave complaints lingering for weeks or months. Follow verbatim all state testing rules and be hypersensitive with compliance. If a problem arises, e.g., a teacher copies the exam, notify the superintendent immediately and be guided by her/his response and document it.

Your unit also plays a critical role in your probationary success and eventual tenure. Every unit should have a clear, objectively-based evaluation procedure with deadlines for probationary administrators and supervisors. If your contract does not, make the evaluation procedure a priority in your next round of collective bargaining. Here are tips for a solid evaluation procedure, which if negotiated into the contract, may be used to obtain an additional year of probation if the school district failed to comply with it.

1. Establish annually, usually by the end of the summer, e.g., August 31, that the probationary employee and her/his supervisor will mutually agree on up to three goals. These goals may be tied to the superintendent's plan or the Board's goals. The critical aspect of these goals are that they are measurable, and not aspirational like "improve school culture." Also, the goals should be objectively based. Agree on the criteria to achieve each goal during the goals setting meeting. The worst thing that can happen is the goals are unobtainable or subjectively based. The act of being proactive and keeping in contact with your supervisor/superintendent is a plus.
2. Establish a first evaluation meeting each year around mid-December. At that meeting discuss the progress toward achieving your goals. Also, if any deficiencies are noted, now is the time to devote resources, such as professional development opportunities or a mentor, to address the matter. Do not let a simple cut turn into a raging infection by benign neglect.
3. Establish a second evaluation status meeting around mid-March. Like the first meeting, this meeting should be devoted to your progress toward the goals and also included discussion of continued employment.
4. Establish a final end of the year meeting prior to the issuance of your evaluation on or about June 30th. A draft of your evaluation should be presented and you provided an opportunity to offer additional information and materials in support of your achievement of the goals and continued employment.
5. Any evaluation procedure worth its weight will also include resources to be used to assist struggling administrators. Remember the district has invested time, energy and money in hiring you. As an employer, the school district should have an equally commitment to your success. Hence, a defined improvement procedure with articulated resources is a must.

SAANYS has arbitrated for members when school districts have failed to follow the evaluation procedure in the contract. While an arbitrator (nor a court) can grant an administrator tenure, they are legally empowered to impose an additional year of probation for non-compliance with the evaluation procedure.

The goal here is to eliminate surprise in the evaluation and tenure granting process. It serves no one's interest to have a revolving door of probationary employees. Studies have confirmed that successful schools have solid administration. The suggestions offered in this article maximize your chances of being granted tenure. There may be some cases where a district may simply ignore the evaluation process or the probationary employee's positive attributes and decide to terminate your probation. In that case, it is very important to contact SAANYS legal. Which avenue(s) to pursue will depend on the facts of any given situation. Therefore, it is important to promptly contact SAANYS Legal Department at 518-782-0600 with any issues or questions.

"The contents of this communication are intended to convey general information only and not to provide legal advice or opinions. The contents of this communication should not be construed as, and should not be relied upon for, legal advice in any circumstance or fact situation. The information presented in this communication may not reflect the most current legal developments. No action should be taken in reliance on the information contained in this communication and we disclaim all liability in respect to actions taken or not taken based on any or all of the contents of this site to the fullest extent permitted by law. An attorney should be contacted for advice on specific legal issues."