

Non-renewal of Superintendents, Assistant Superintendents, Principals, Assistant Principals and Directors of Special Education

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At times, school boards may wish to remove an administrator from the administrative position. This action is referred to as a nonrenewal of the administrator's contract. Indiana law requires due process procedures be followed when the school board decides to non-renew certain administrator contracts. It is important to note completion of the nonrenewal procedures does not terminate the employment of the administrator with the school corporation. The nonrenewal procedures allow the school board to remove the employee from the current administrative position at the end of the contract and reassign the individual to another position for which the employee is certified.

Superintendent

To non-renew the superintendent's contract, the school board must vote in a public meeting to non-renew the superintendent's contract. This vote must take place no later than December of the year before the contract expires. The board or an attorney acting at the direction of the board must give **formal written notice** of nonrenewal to the superintendent and be delivered in person or by registered mail, **on or before January 1** of the year in which the contract expires. IC 20-28-8-7(3) A hand-written note of the board's vote, intended for the secretary's use in preparation of board minutes, and given to the superintendent after the vote has been ruled insufficient notice by Indiana courts.

Assistant Superintendent, Principal, and Assistant Principal

To non-renew the contract of an assistant superintendent, principal, or assistant principal, the school board must first vote at a public meeting to give written preliminary notice to the administrator that it is considering non-renewing the administrator contract. The written preliminary notice must be delivered to the administrator by the school board or by an employee acting at the direction of the board. Generally, the school board directs the superintendent to issue the written preliminary notice.

The written preliminary notice must be given at least 30 days before the written notice of nonrenewal will be given. **The actual vote and receipt of written notice of nonrenewal must occur before March 1** of the year in which the contract is to expire. To meet this timeline, the school board should initiate the nonrenewal process in December before the year the contract expires or in January of the year the contract expires. The preliminary notice must state the reasons for consideration of nonrenewal and advise the administrator of the right to a private conference with the superintendent. The administrator has five days after receipt of this notice to request the private conference. There is no statutory time frame in which to hold the conference, but it must take place so the administrator has time to give notice and have a private conference with the board.

After the conference with the superintendent, the administrator may request a private conference with the school board. This request must be made within five days of the conference with the superintendent. The conference with the board and the board vote for nonrenewal must be held prior to the issuance of the notice of nonrenewal, thus the board's conference should take place in January or early February. IC 20-28-8-4

The school board must vote on the nonrenewal and give notice of its decision to the administrator before **March 1**. The written notice of nonrenewal must be given by the governing body or an attorney acting at the direction of the governing body. IC 20-28-8-3

Director of Special Education

The process for the nonrenewal of the contract of a director of special education is the same as described above, but the timeline is different. **The actual vote and receipt of the written notice of nonrenewal must occur before February 1** of the year the contract expires. To meet this timeline, the managing body should initiate the nonrenewal process in November or December of the year before the director's contract expires. (A "managing body" is defined at IC 20-28-1-10.) The written notice of nonrenewal must be given by the managing body or an employee at the direction of the managing body. IC 20-28-8-11; IC 20-28-8-12



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