

Introduced by

**NORTH DAKOTA CENTURY CODE CHAPTER 15.1-14 -  
ADMINISTRATOR DISMISSAL**

Chapter 15.1-14 of the North Dakota Century Code is created and enacted as follows:

**15.1-14-01. School district superintendent - Duties.** A school district superintendent

shall:

1. Supervise the general operation of the school district.
2. Supervise the provision of education to students.
3. Visit the schools of the district.
4. Supervise school personnel.
5. Prepare and deliver reports requested by the board of the district.
6. Perform any other duties requested by the board.

**NOTE:** Present Section 15-38-01.

**15.1-14-02. School district superintendent - Bond.** A school district superintendent

shall furnish to the school district a bond in an amount fixed by the board of the school district and equal to at least the maximum amount of money that may be subject to the superintendent's control at any one time. The bond must be conditioned for the faithful discharge of the superintendent's duties, including the maintenance of accurate financial records and the safekeeping and deliverance of all school property and funds that come under the superintendent's control. The bond must be written through the state bonding fund and must be obtained at the expense of the school district.

**NOTE:** Present Section 15-38-01.

**15.1-14-03. School district superintendent - Evaluation.**

1. Before December fifteenth of each year, the board of a school district shall conduct a formative evaluation of the superintendent's performance.

2. Before March fifteenth of each year, the board shall conduct a formal evaluation of the superintendent's performance and provide a copy of the evaluation report to the superintendent.
3. If the board finds the superintendent's performance to be unsatisfactory in any area, the board shall detail its findings regarding the superintendent's performance in the report and shall make recommendations.
4. Upon receiving the report, the superintendent may provide a written response to the board. The board shall place the superintendent's written response in the superintendent's personnel file.
5. The board shall meet with the superintendent to discuss the evaluation.

**NOTE:** Present Section 15-47-38.2(2) and (3).

**15.1-14-04. School district superintendent - Grounds for dismissal.** The board of a school district may dismiss a school district superintendent prior to the expiration of the individual's contract for any of the following causes:

1. Immoral conduct.
2. Insubordination.
3. Conviction of a felony.
4. Conduct unbecoming the position of superintendent.
5. Failure to perform contracted duties without justification.
6. Gross inefficiency that the superintendent has failed to correct after written notice.
7. Continuing physical or mental disability that renders the superintendent unfit or unable to perform the superintendent's duties.

**NOTE:** Present Section 15-47-38.2(4). Present Section 15-47-38.2(4) provides that the "superintendent is subject to discharge for good and just causes as described in subsection 3 of section 15-47-38." The rewrite reiterates the grounds for dismissal in this section.

**15.1-14-05. School district superintendent - Discharge for cause - Notice of hearing - Legal expenses.**

1. If the board of a school district wishes to discharge a superintendent for cause prior to the expiration of the superintendent's contract, the board shall:
  - a. Provide the superintendent with a written description of the reasons for the proposed discharge;

- 1                   b.    Provide the superintendent with written notice specifying the date and time at
- 2                               which the board will conduct a hearing regarding the proposed discharge; and
- 3                   c.    Conduct the hearing within ten days of the notice date.
- 4           2.    If the superintendent chooses to be accompanied by an attorney, the legal
- 5                   expenses attributable to that representation are the responsibility of the
- 6                   superintendent.

**NOTE:** Present Section 15-47-38.2(5). Present Section 15-47-38.2(5) requires "reasonable advance notice" of the hearing. Personnel from the North Dakota Council of Educational Leaders have indicated that common practice requires that the hearing be held within 10 days of the notice. The rewrite reflects this practice.

7           **15.1-14-06. School district superintendent - Discharge for cause - Hearing.**

- 8           1.    At the hearing, the superintendent may produce evidence and witnesses to rebut
- 9                   any reasons given by the board of the school district for its proposed discharge of
- 10                  the superintendent.
- 11           2.    The hearing must be conducted in accordance with chapter 28-32.
- 12           3.    All witnesses are subject to cross-examination.
- 13           4.    Unless otherwise agreed to by the board and the superintendent, the hearing must
- 14                  be conducted as an executive session of the board, except that:
- 15                  a.    The superintendent may invite to the hearing any two representatives to
- 16                       speak on behalf of the superintendent and may invite the superintendent's
- 17                       spouse or one other family member.
- 18                  b.    The board may invite to the hearing any two representatives to speak on
- 19                       behalf of the board and may invite the school district business manager.
- 20           5.    If the superintendent requests a continuance of seven days or fewer, the board
- 21                  shall grant the request. If the superintendent requests a continuance of more than
- 22                  seven days, the board may require that the superintendent show cause for the
- 23                  additional days.
- 24           6.    No cause of action for libel or slander may be brought regarding any
- 25                  communication made at an executive session held by the board for the purposes
- 26                  provided in this section.

**NOTE:** Present Section 15-47-38.2(6) - (11).

1           **15.1-14-07. School district superintendent - Discharge for cause - Report to the**  
2 **education standards and practices board.** If the board of a school district discharges a  
3 superintendent for cause, the board shall report the discharge to the education standards and  
4 practices board.

**NOTE:** Present Section 15-47-38.2(12).

5           **15.1-14-08. School district superintendent - Suspension during discharge**  
6 **proceeding - Compensation.** The board of a school district may suspend a superintendent if,  
7 by unanimous vote, the board determines that suspension is appropriate during the period in  
8 which a discharge for cause is pursued. If the superintendent is ultimately discharged for  
9 cause, the board may determine the amount of compensation due the superintendent during  
10 the period of suspension. If the superintendent is ultimately not discharged, the board may not  
11 apply any reduction to the superintendent's salary for the period of suspension.

**NOTE:** Present Section 15-47-38.2(12).

12           **15.1-14-09. School district superintendent - Nonrenewal of contract - Reasons -**  
13 **Notice.**

- 14           1. If the board of a school district contemplates not renewing the contract of a  
15 superintendent who has been employed by the board in that position for at least  
16 two consecutive years, the board shall on or before April fifteenth:
- 17           a. Provide written notification of the contemplated nonrenewal to the  
18 superintendent.
  - 19           b. Schedule a hearing to be held on or before April twenty-first for the purpose of  
20 discussing and acting upon the contemplated nonrenewal.
  - 21           c. Provide written notification of the date, time, and place for the hearing to the  
22 superintendent.
  - 23           d. Provide written notification of the reasons for the contemplated nonrenewal to  
24 the superintendent.
- 25           2. a. The reasons for the contemplated nonrenewal of the superintendent's  
26 contract must:
- 27           (1) Be sufficient to justify the contemplated nonrenewal;
  - 28           (2) Relate to the ability, competence, or qualifications of the  
29 superintendent; and

(3) Originate from specific findings documented in the formal and written evaluations of the superintendent's performance required by section 15.1-14-03.

b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

**NOTE:** Present Section 15-47-38.2(13).

**15.1-14-10. School district superintendent - Nonrenewal of contract - Hearing.**

1. At the hearing required by section 15.1-14-09, the board of the school district shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of a superintendent who has been employed by the board in that position for at least two consecutive years.
2. The superintendent may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board of the school district or the superintendent may be cross-examined.
4. Unless otherwise agreed to by the board and the superintendent, the hearing must be conducted as an executive session of the board, except that:
  - a. The superintendent may invite to the hearing any two representatives to speak on behalf of the superintendent and may invite the superintendent's spouse or one other family member.
  - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the school district business manager.
5. If the superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the superintendent.
6. If the superintendent requests a continuance of seven days or fewer, the board shall grant the request.
7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.

- 1           8.    If, after considering the testimony and evidence presented at the hearing, the  
2                   board chooses not to renew the contract of the superintendent, the board shall  
3                   provide written notice of its decision to the superintendent on or before May first.

**NOTE:** Present Section 15-47-38.2(13).

4           **15.1-14-11. School district superintendent - Contract - Failure to provide notice of**  
5 **nonrenewal.** The contract of a school district superintendent is deemed to be renewed for a  
6 period of one year from its termination date if:

- 7           1.    On or before April fifteenth, the board of a school district has not provided written  
8                   notification to the superintendent regarding a contemplated nonrenewal of the  
9                   superintendent's contract; and  
10          2.    On or before June first, the superintendent has not provided to the board a written  
11               resignation.

**NOTE:** Present Section 15-47-38.2(14).

12          **15.1-14-12. School district superintendent - Employed for less than two years -**  
13 **Notification of nonrenewal.** If the board of a school district elects not to renew the contract of  
14 a superintendent who has been employed by the board in that position for less than two years,  
15 the board shall provide written notice of the nonrenewal to the superintendent before May first.  
16 The notice must include the reasons for the nonrenewal. At the request of the superintendent,  
17 the board shall meet with the superintendent to discuss the reasons for the nonrenewal.

**NOTE:** Present Section 15-47-38.2(14). Present Section 15-47-38.2(14) states "[i]f a school district provides notification to a superintendent who has not been employed in that school district as a superintendent for at least two years in writing before May first of its intent not to renew the superintendent's contract, the school board shall meet with the superintendent to convey the reason or reasons for the nonrenewal if the superintendent requests such a meeting."

As written, the act of providing notification regarding nonrenewal to a superintendent who has been in that position for less than two years appears to be "voluntary." Personnel from the North Dakota Council of Educational Leaders indicated that if a board elects not to renew the contract of an individual who has been employed as a superintendent for less than two years, the board must provide notification of the nonrenewal, together with the reasons for the nonrenewal, to the individual before May 1. If so requested, the board must meet with the individual to discuss the reasons for the nonrenewal. The rewrite attempts to reflect this intent.

18          **15.1-14-13. Multidistrict special education unit - Administrator - Evaluation.**

1. Before December fifteenth of each year, the board of a multidistrict special education unit shall conduct a formative evaluation of the administrator's performance.
2. Before March fifteenth of each year, the board shall conduct a formal evaluation of the administrator's performance and provide a copy of the evaluation report to the administrator.
3. If the board finds the administrator's performance to be unsatisfactory in any area, the board shall detail its findings regarding the administrator's performance in the report and shall make recommendations.
4. Upon receiving the report, the administrator may provide a written response to the board. The board shall place the administrator's written response in the administrator's personnel file.
5. The board shall meet with the administrator to discuss the evaluation.

**NOTE:** Present Section 15-47-38.2(2) and (3).

**15.1-14-14. Multidistrict special education unit - Administrator - Grounds for dismissal.** The board of a multidistrict special education unit may dismiss an administrator prior to the expiration of the individual's contract for any of the following causes:

1. Immoral conduct.
2. Insubordination.
3. Conviction of a felony.
4. Conduct unbecoming the position of administrator.
5. Failure to perform contracted duties without justification.
6. Gross inefficiency that the administrator has failed to correct after written notice.
7. Continuing physical or mental disability that renders the administrator unfit or unable to perform the administrator's duties.

**NOTE:** Present Section 15-47-38.2(4).

**15.1-14-15. Multidistrict special education unit - Administrator - Discharge for cause - Notice of hearing - Legal expenses.**

1. If the board of a multidistrict special education unit wishes to discharge an administrator for cause prior to the expiration of the administrator's contract, the board shall:

- 1           a.    Provide the administrator with a written description of the reasons for the
- 2                proposed discharge;
- 3           b.    Provide the administrator with written notice specifying the date and time at
- 4                which the board will conduct a hearing regarding the proposed discharge; and
- 5           c.    Conduct the hearing within ten days of the notice date.
- 6        2.    If the administrator chooses to be accompanied by an attorney, the legal expenses
- 7                attributable to that representation are the responsibility of the administrator.

**NOTE:** Present Section 15-47-38.2(5).

8           **15.1-14-16. Multidistrict special education unit - Administrator - Discharge for**  
9 **cause - Hearing.**

- 10        1.    At the hearing, the administrator may produce evidence and witnesses to rebut any
- 11                reasons given by the board of the multidistrict special education unit for its
- 12                proposed discharge of the administrator.
- 13        2.    The hearing must be conducted in accordance with chapter 28-32.
- 14        3.    All witnesses are subject to cross-examination.
- 15        4.    Unless otherwise agreed to by the board and the administrator, the hearing must
- 16                be conducted as an executive session of the board, except that:
- 17            a.    The administrator may invite to the hearing any two representatives to speak
- 18                on behalf of the administrator and may invite the administrator's spouse or
- 19                one other family member.
- 20            b.    The board may invite to the hearing any two representatives to speak on
- 21                behalf of the board and may invite the unit's business manager.
- 22        5.    If the administrator requests a continuance of seven days or fewer, the board shall
- 23                grant the request. If the administrator requests a continuance of more than seven
- 24                days, the board may require that the administrator show cause for the additional
- 25                days.
- 26        6.    No cause of action for libel or slander may be brought regarding any
- 27                communication made at an executive session held by the board for the purposes
- 28                provided in this section.

**NOTE:** Present Section 15-47-38.2(6) - (11).



1           **15.1-14-17. Multidistrict special education unit - Administrator - Discharge for**  
2 **cause - Report to the education standards and practices board.** If the board of a  
3 multidistrict special education unit discharges an administrator for cause, the board shall report  
4 the discharge to the education standards and practices board.

**NOTE:** Present Section 15-47-38.2(12).

5           **15.1-14-18. Multidistrict special education unit - Administrator - Suspension**  
6 **during discharge proceeding - Compensation.** The board of a multidistrict special education  
7 unit may suspend an administrator if, by unanimous vote, the board determines that suspension  
8 is appropriate during the period in which a discharge for cause is pursued. If the administrator  
9 is ultimately discharged for cause, the board may determine the amount of compensation due  
10 the administrator during the period of suspension. If the administrator is ultimately not  
11 discharged, the board may not apply any reduction to the administrator's salary for the period of  
12 suspension.

**NOTE:** Present Section 15-47-38.2(12).

13           **15.1-14-19. Multidistrict special education unit - Administrator - Nonrenewal of**  
14 **contract - Reasons - Notice.**

- 15           1. If the board of a multidistrict special education unit contemplates not renewing the  
16 contract of an administrator who has been employed by the board in that position  
17 for at least two consecutive years, the board shall on or before April fifteenth:
  - 18           a. Provide written notification of the contemplated nonrenewal to the  
19 administrator.
  - 20           b. Schedule a hearing to be held on or before April twenty-first for the purpose of  
21 discussing and acting upon the contemplated nonrenewal.
  - 22           c. Provide written notification of the date, time, and place for the hearing to the  
23 administrator.
  - 24           d. Provide written notification of the reasons for the contemplated nonrenewal to  
25 the administrator.
- 26           2. a. The reasons for the contemplated nonrenewal of the administrator's contract  
27 must:
  - 28           (1) Be sufficient to justify the contemplated nonrenewal;

- 1                   (2)   Relate to the ability, competence, or qualifications of the administrator;
- 2                               and
- 3                   (3)   Originate from specific findings documented in the formal and written
- 4                               evaluations of the administrator's performance required by section
- 5                               15.1-14-13.
- 6               b.    The provisions of this section do not apply if the contemplated nonrenewal is
- 7                               based on a necessary reduction in personnel.

**NOTE:** Present Section 15-47-38.2(13).

8               **15.1-14-20. Multidistrict special education unit - Administrator - Nonrenewal of**  
9 **contract - Hearing.**

- 10           1.   At the hearing required by section 15.1-14-19, the board of the multidistrict special
- 11                   education unit shall present testimony or documentary evidence to substantiate the
- 12                   reasons for the contemplated nonrenewal of an administrator who has been
- 13                   employed by the board in that position for at least two consecutive years.
- 14           2.   The administrator may call witnesses and present evidence necessary to refute the
- 15                   reasons for nonrenewal.
- 16           3.   Each witness appearing on behalf of the board or the administrator may be
- 17                   cross-examined.
- 18           4.   Unless otherwise agreed to by the board and the administrator, the hearing must
- 19                   be conducted as an executive session of the board, except that:
- 20               a.   The administrator may invite to the hearing any two representatives to speak
- 21                   on behalf of the administrator and may invite the administrator's spouse or
- 22                   one other family member.
- 23               b.   The board may invite to the hearing any two representatives to speak on
- 24                   behalf of the board and may invite the unit's business manager.
- 25           5.   If the administrator chooses to be accompanied by an attorney, the legal expenses
- 26                   attributable to that representation are the responsibility of the administrator.
- 27           6.   If the administrator requests a continuance of seven days or fewer, the board shall
- 28                   grant the request.

7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.

8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the administrator, the board shall provide written notice of its decision to the administrator on or before May first.

**NOTE:** Present Section 15-47-38.2(13).

**15.1-14-21. Multidistrict special education unit - Administrator - Contract - Failure to provide notice of nonrenewal.** The contract of a multidistrict special education unit administrator is deemed to be renewed for a period of one year from its termination date if:

1. On or before April fifteenth, the board of the multidistrict special education unit has not provided written notification to the administrator regarding a contemplated nonrenewal of the administrator's contract; and
2. On or before June first, the administrator has not provided to the board a written resignation.

**NOTE:** Present Section 15-47-38.2(14).

**15.1-14-22. Multidistrict special education unit - Administrator - Employed for less than two years - Notification of nonrenewal.** If the board of a multidistrict special education unit elects not to renew the contract of an administrator who has been employed by the board in that position for less than two years, the board shall provide written notice of the nonrenewal to the administrator before May first. The notice must include the reasons for the nonrenewal. At the request of the administrator, the board shall meet with the administrator to discuss the reasons for the nonrenewal.

**NOTE:** Present Section 15-47-38.2(14).

**15.1-14-23. Area vocational and technology center - Administrator - Evaluation.**

1. Before December fifteenth of each year, the board of an area vocational and technology center shall conduct a formative evaluation of the administrator's performance.
2. Before March fifteenth of each year, the board shall conduct a formal evaluation of the administrator's performance and provide a copy of the evaluation report to the administrator.

3. If the board finds the administrator's performance to be unsatisfactory in any area, the board shall detail its findings regarding the administrator's performance in the report and shall make recommendations.
4. Upon receiving the report, the administrator may provide a written response to the board. The board shall place the administrator's written response in the administrator's personnel file.
5. The board shall meet with the administrator to discuss the evaluation.

**NOTE:** Present Section 15-47-38.2(2) and (3).

**15.1-14-24. Area vocational and technology center - Administrator - Grounds for dismissal.** The board of an area vocational and technology center may dismiss an administrator prior to the expiration of the individual's contract for any of the following causes:

1. Immoral conduct.
2. Insubordination.
3. Conviction of a felony.
4. Conduct unbecoming the position of administrator.
5. Failure to perform contracted duties without justification.
6. Gross inefficiency that the administrator has failed to correct after written notice.
7. Continuing physical or mental disability that renders the administrator unfit or unable to perform the administrator's duties.

**NOTE:** Present Section 15-47-38.2(4).

**15.1-14-25. Area vocational and technology center - Administrator - Discharge for cause - Notice of hearing - Legal expenses.**

1. If the board of an area vocational and technology center wishes to discharge an administrator for cause prior to the expiration of the administrator's contract, the board shall:
  - a. Provide the administrator with a written description of the reasons for the proposed discharge;
  - b. Provide the administrator with written notice specifying the date and time at which the board will conduct a hearing regarding the proposed discharge; and
  - c. Conduct the hearing within ten days of the notice date.

- 1           2.    If the administrator chooses to be accompanied by an attorney, the legal expenses  
2                   attributable to that representation are the responsibility of the administrator.

**NOTE:** Present Section 15-47-38.2(5).

3           **15.1-14-26. Area vocational and technology center - Administrator - Discharge for**  
4 **cause - Hearing.**

- 5           1.    At the hearing, the administrator may produce evidence and witnesses to rebut any  
6                   reasons given by the board of the area vocational and technology center for its  
7                   proposed discharge of the administrator.
- 8           2.    The hearing must be conducted in accordance with chapter 28-32.
- 9           3.    All witnesses are subject to cross-examination.
- 10          4.    Unless otherwise agreed to by the board and the administrator, the hearing must  
11               be conducted as an executive session of the board, except that:
- 12               a.   The administrator may invite to the hearing any two representatives to speak  
13                   on behalf of the administrator and may invite the administrator's spouse or  
14                   one other family member.
- 15               b.   The board may invite to the hearing any two representatives to speak on  
16                   behalf of the board and may invite the center's business manager.
- 17          5.    If the administrator requests a continuance of seven days or fewer, the board shall  
18               grant the request. If the administrator requests a continuance of more than seven  
19               days, the board may require that the administrator show cause for the additional  
20               days.
- 21          6.    No cause of action for libel or slander may be brought regarding any  
22               communication made at an executive session held by the board for the purposes  
23               provided in this section.

**NOTE:** Present Section 15-47-38.2(6) - (11).

24           **15.1-14-27. Area vocational and technology center - Administrator - Discharge for**  
25 **cause - Report to the education standards and practices board.** If the board of an area  
26 vocational and technology center discharges an administrator for cause, the board shall report  
27 the discharge to the education standards and practices board.

**NOTE:** Present Section 15-47-38.2(12).

1           **15.1-14-28. Area vocational and technology center - Administrator - Suspension**  
2 **during discharge proceeding - Compensation.** The board of an area vocational and  
3 technology center may suspend an administrator if, by unanimous vote, the board determines  
4 that suspension is appropriate during the period in which a discharge for cause is pursued. If  
5 the administrator is ultimately discharged for cause, the board may determine the amount of  
6 compensation due the administrator during the period of suspension. If the administrator is  
7 ultimately not discharged, the board may not apply any reduction to the administrator's salary  
8 for the period of suspension.

**NOTE:** Present Section 15-47-38.2(12).

9           **15.1-14-29. Area vocational and technology center - Administrator - Nonrenewal**  
10 **of contract - Reasons - Notice.**

- 11           1. If the board of an area vocational and technology center contemplates not  
12           renewing the contract of an administrator who has been employed by the board in  
13           that position for at least two consecutive years, the board shall on or before April  
14           fifteenth:
  - 15           a. Provide written notification of the contemplated nonrenewal to the  
16           administrator.
  - 17           b. Schedule a hearing to be held on or before April twenty-first for the purpose of  
18           discussing and acting upon the contemplated nonrenewal.
  - 19           c. Provide written notification of the date, time, and place for the hearing to the  
20           administrator.
  - 21           d. Provide written notification of the reasons for the contemplated nonrenewal to  
22           the administrator.
- 23           2. a. The reasons for the contemplated nonrenewal of the administrator's contract  
24           must:
  - 25           (1) Be sufficient to justify the contemplated nonrenewal;
  - 26           (2) Relate to the ability, competence, or qualifications of the administrator;  
27           and
  - 28           (3) Originate from specific findings documented in the formal and written  
29           evaluations of the administrator's performance required by section  
30           15.1-14-23.

- b. The provisions of this section do not apply if the contemplated nonrenewal is based on a necessary reduction in personnel.

**NOTE:** Present Section 15-47-38.2(13).

**15.1-14-30. Area vocational and technology center - Administrator - Nonrenewal of contract - Hearing.**

1. At the hearing required by section 15.1-14-29, the board of the area vocational and technology center shall present testimony or documentary evidence to substantiate the reasons for the contemplated nonrenewal of an administrator who has been employed by the board in that position for at least two consecutive years.
2. The administrator may call witnesses and present evidence necessary to refute the reasons for nonrenewal.
3. Each witness appearing on behalf of the board or the administrator may be cross-examined.
4. Unless otherwise agreed to by the board and the administrator, the hearing must be conducted as an executive session of the board, except that:
  - a. The administrator may invite to the hearing any two representatives to speak on behalf of the administrator and may invite the administrator's spouse or one other family member.
  - b. The board may invite to the hearing any two representatives to speak on behalf of the board and may invite the center's business manager.
5. If the administrator chooses to be accompanied by an attorney, the legal expenses attributable to that representation are the responsibility of the administrator.
6. If the administrator requests a continuance of seven days or fewer, the board shall grant the request.
7. No cause of action for libel or slander may be brought regarding any communication made at an executive session held by the board for the purposes provided in this section.
8. If, after considering the testimony and evidence presented at the hearing, the board chooses not to renew the contract of the administrator, the board shall provide written notice of its decision to the administrator on or before May first.

**NOTE:** Present Section 15-47-38.2(13).

1           **15.1-14-31. Area vocational and technology center - Administrator - Contract -**  
2 **Failure to provide notice of nonrenewal.** The contract of an area vocational and technology  
3 center administrator is deemed to be renewed for a period of one year from its termination date  
4 if:

- 5           1. On or before April fifteenth, the board of the center has not provided written  
6           notification to the administrator regarding a contemplated nonrenewal of the  
7           administrator's contract; and
- 8           2. On or before June first, the administrator has not provided to the board a written  
9           resignation.

**NOTE:** Present Section 15-47-38.2(14).

10           **15.1-14-32. Area vocational and technology center - Administrator - Employed for**  
11 **less than two years - Notification of nonrenewal.** If the board of an area vocational and  
12 technology center elects not to renew the contract of an administrator who has been employed  
13 by the board in that position for less than two years, the board shall provide written notice of the  
14 nonrenewal to the administrator before May first. The notice must include the reasons for the  
15 nonrenewal. At the request of the administrator, the board shall meet with the administrator to  
16 discuss the reasons for the nonrenewal.

**NOTE:** Present Section 15-47-38.2(14).

**NOTE:** Present Section 15-47-38.2 provides for the "[e]valuation, renewal, or discharge of superintendents of school districts." It sets forth the rights and obligations of both a school district superintendent and a school district board in the various scenarios. The section, however, is intended to apply not only to school district superintendents but also to the "chief administrators of multidistrict special education units and multidistrict vocational education centers." (The latter is referred to in the bill draft as an "area vocational and technology center.") When the administrator of a "multidistrict special education unit" is to be evaluated, the evaluation is to be done by the board of the unit, not the board of a school district. When a hearing is to be held for the administrator of an "area vocational and technology center," the hearing is to be conducted by the board of the center, not the board of a school district. Because of non sequiturs such as this, the rewrite provides separate sections to deal with each of the administrative positions. Proposed Sections 15.1-14-01 to 15.1-14-12 pertain to school district superintendents. Proposed Sections 15.1-14-13 to 15.1-14-22 pertain to multidistrict special education unit administrators, and proposed Sections 15.1-14-23 to 15.1-14-32 pertain to area vocational and technology center administrators.