

EPISODE 323

Distinguishing Between Teacher Misconduct and Performance Issues



INSTRUCTIONAL
LEADERSHIP SHOW



Essential Question



How can I disentangle misconduct and performance issues when a teacher is struggling?

Different Recourse



- Many teachers who are struggling have an overlapping combination of misconduct and performance issues
- Misconduct needs to be handled very differently from performance—it has separate HR processes & timeframes
- We may choose to address one or other other, or one and then the other, or both simultaneously

Identifying Misconduct



Misconduct involves unacceptable behavior or instances of poor judgment that are NOT adequately addressed by evaluation criteria, and thus cannot be addressed through the performance evaluation process.

There's Not Always A Policy



- Policy cannot address every potential instance of poor judgment
- As professionals, educators are expected to exercise good judgment and common sense
- Poor judgment that creates risk/liability should be addressed, even if it doesn't violate policy

Misconduct—Two Questions



1. Did the behavior in question violate any policies, and was the staff member made aware of those policies?
2. Did the behavior in question place anyone at risk or otherwise create liability for the organization?

If "Yes" to either, consider a LoR.

Example: Unprepared for Math



- Teacher did not prepare at all for lesson
- Lesson was disjointed and unproductive
- Teacher did not lack necessary skills
- Recourse: Letter of Direction » Letter of Reprimand

Trying But Not Good Enough



- The teacher may plan, but poorly
- This can be addressed as a performance issue
- No reason to treat as misconduct, but...
- May be both performance *and* misconduct

Letter of Direction



- Prior to letter of reprimand
- Less formal, but still creates a paper trail
- Not in the teacher's file
- Regular email OK; no signature needed

Letter of Direction Example



Mike, I noticed when I came in during math today that you hadn't really prepared at all for the lesson. It was clear that you were reading out of the teacher's guide and seeing what the content was for the first time.

As I'm sure you could tell, the lesson did not go well as a result, and this is not acceptable. It's my expectation that you are prepared every day. Please let me know if there's anything I can do to support you.

—Justin



Why LoD Before LoR?



- A formal Letter of Reprimand is a serious escalation
- It may not be necessary—use Progressive Documentation
- It's professional courtesy to give teachers a chance to correct unacceptable behavior before they face real consequences
- People deserve forthright clarity about expectations



Other Approaches



- Warning (verbal or written, but always documented via email)
- Memo clarifying expectations for all staff
- Policy change

Whole-Staff Memo



- When it's a widespread problem
- When any one person would feel unfairly singled out
- When an expectation needs to be re-established
- NOT to avoid singling out someone who needs to be

Whole-Staff Memo



Hi everyone,

I am noticing that we frequently have gaps in supervision when the staff on duty are late.

We've committed to families that we'll provide supervision during these times, so please be sure to be on time when you have duty, and let me know if anything comes up so we can get it covered.

Thanks!

—Justin

8 Steps to Effective LoRs

1. Identify the unacceptable behavior
2. Give specific evidence
3. State the impact of the misconduct
4. Cite applicable policies
5. Cite related past incidents, if any
6. State the consequences of recurrence
7. State what action will be taken
8. Offer the chance to be heard/appeal

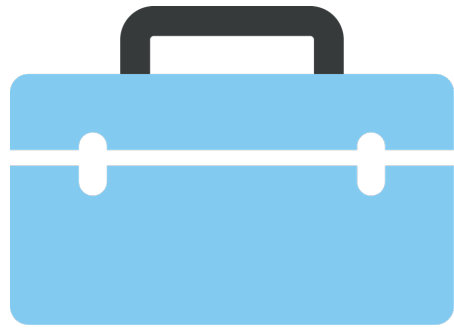


HOW TO WRITE EFFECTIVE LETTERS OF REPRIMAND



 THE PRINCIPAL CENTER





Principal's **HR** TOOLKIT

