

EMPLOYMENT PRACTICES  
OTHER TYPES OF CONTRACTS

DCE  
(LOCAL)

**Non-Chapter 21  
Contracts**

Non-Chapter 21 contracts shall be provided for positions included on the list approved by the Board. A non-Chapter 21 contract shall not be governed by Chapter 21 of the Education Code. All other employees, not provided a non-Chapter 21 contract or a Chapter 21 contract, shall be hired on an at-will basis. [For information regarding contractual employment, see DCA, DCB, and DCC. For information regarding at-will employment, see DCD.]

**Termination During  
Contract Term**

An employee may be terminated or suspended without pay for good cause before the completion of the term fixed in the contract. "Good cause" shall include, but not necessarily be limited to, those acts or omissions enumerated in DFBB (LOCAL) or a finding that the employee's performance or conduct is detrimental to students, other employees, or the interests of the District. "Good cause" under this policy is not defined as good cause necessary to terminate a contract governed by Chapter 21 of the Education Code.

Notice

Before a non-Chapter 21 contract employee is dismissed for good cause, the employee shall be given reasonable notice, in writing, of the charges and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. The employee shall be given an opportunity to request a hearing to contest the charges.

Hearing

Within five business days after receiving notice of intent to terminate, an employee, upon written request made to the Superintendent or designee, may request a hearing before the Superintendent or designee to hear the issues and evidence and develop a written record of the case.

During the hearing, the employee has the right to present evidence and witnesses, the right to an attorney or representative, and the right to cross examine adverse witnesses. The Superintendent or designee may set reasonable time limits and other restrictions on the conduct of the hearing.

Failure to Request  
Hearing

Should an employee fail to make a timely request for hearing, the Superintendent or designee may proceed to dismiss the employee and notify the employee in writing of that decision.

Hearing Decision

The Superintendent or designee shall make a decision within five business days of closure of the employee's hearing.

If the Superintendent or designee concludes that good cause exists, the Superintendent may dismiss the employee.

If the Superintendent or designee does not find good cause for dismissal, the employee shall return to work.

Appeal

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In accordance with DCE(LEGAL), an employee may request a hearing before the Board to appeal discharge during the contract period. A request for hearing must be filed in writing with the Superintendent within five business days of being notified of his or her dismissal and/or the decision concerning his or her suspension without pay. The employee shall be notified of the date of the meeting at which the Board shall consider the appeal.

The record of the employee's hearing shall be available to the Board for its review prior to rendering a decision on the appeal. The appeal shall be limited to the issues and documents considered at the hearing. The presiding officer may set reasonable time limits and guidelines, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board.

After any deliberation deemed necessary, the Board shall reach its decision. The Board shall communicate its decision orally or in writing to the employee before the next regularly scheduled Board meeting. Announcing a decision in the employee's presence constitutes communication of the decision.

If the Board determines that the decision is supported by substantial evidence, and is not arbitrary or capricious, it shall uphold the dismissal and provide written notice of its action to the employee.

If the Board determines the decision is not supported by substantial evidence or is arbitrary or capricious, it shall reverse the decision and order the employee to be reinstated.

Contract Expiration

An employee whose contract is not reissued at the end of the contract period may appeal in accordance with DGBA(LOCAL).