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REASONS

The recommendation to the Board and its decision not to renew ~~the a~~ contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of ~~required or assigned~~ duties.
4. Inability to maintain discipline ~~in the classroom or at assigned school-related functions.~~ **in any situation in which the employee is responsible for the oversight and supervision of students.**
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. **Excessive absences.**
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency or program change. [See DFF]
10. Drunkenness or excessive use of alcoholic beverages; ~~illegal use of drugs, hallucinogens, or other substances regulated by the Texas Controlled Substances Act.~~ **or possession, use, or being**

**under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.**

11. The ~~illegal~~ possession, use, ~~or being under the influence of alcohol, alcoholic beverages, or drugs and narcotics as defined by the Texas Controlled Substances Act, while on school property, working in the scope of the employee's duties, or attending any school or District sponsored activity.~~ **manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.**
12. Conviction of felony or any crime involving moral turpitude; **conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony; or deferred adjudication for a felony or any crime involving moral turpitude.** [See DH]
13. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy. [See DH]
14. Failure to meet the District's standards of professional conduct.
15. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
16. Disability, not otherwise protected by law, that ~~impairs performance of required duties.~~ **prevents the employee from performing the essential functions of the job.**
17. ~~Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District. Immorality is not confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, or~~

depravity.

18. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
19. ~~Reasons specified in individual employment contracts reflecting special conditions of employment.~~ **Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.**
20. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
21. A significant lack of student progress **attributable to the educator.**
22. **Behavior that presents a danger of physical harm to a student or to other individuals.**
23. ~~Assault on an employee or student~~ **on a person on school property or at a school related function, or on an employee, student, or student's parent regardless of time or place.**
24. **Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.**
25. Falsification of records or other documents related to the District's activities.
26. Falsification **or omission** of required information on an employment application.
27. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
28. Failure to fulfill requirements for certification, including passing ~~the TECAT or ExCet.~~

**certification examinations required by state law for the employee's assignment.**

**29. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.**

30. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.

31. Any attempt to encourage or coerce a child to withhold information from the child's parent **or from other District personnel.**

**32. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.**

~~33. Reasons constituting good cause for dismissing the employee during the contract term.~~ **Any reason constituting good cause for terminating the contract during its term.**

RECOMMENDATIONS  
FROM ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of contracts of professional employees of **professional employee contracts** shall be submitted to the Superintendent. The Superintendent shall require ~~that~~ **copies of all pertinent information necessary to a decision to recommend proposed nonrenewal be submitted with each administrator's recommendation. that each administrator's recommendation for non-renewal be accompanied by copies of all pertinent information necessary to a decision to recommend proposed nonrenewal.** The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

SUPERINTENDENT'S  
RECOMMENDATION

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Copies of written evaluations, other supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal.

The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations. If the Board votes to propose nonrenewal for any employees, it shall also decide whether any requested hearing will be conducted by the Board or by an independent hearing examiner.

NOTICE OF PROPOSED  
RENEWAL OR  
NONRENEWAL

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed renewal or nonrenewal not later than the 45th day before the last day of instruction required in the contract. If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal, a reasonable time before the hearing.

An employee who requests a hearing shall also receive notice of the hearing procedures including a statement of whether the hearing will be conducted by an independent hearing examiner [see HEARING BY AN INDEPENDENT HEARING EXAMINER, below] or by the Board [see HEARING BY THE BOARD, below].

HEARING BY AN  
INDEPENDENT HEARING EXAMINER

If the Board has determined that the nonrenewal hearing will be conducted by an independent hearing examiner, the employee must file a written request with the Commissioner of Education not later than the 15th day after receiving the notice of the proposed nonrenewal. The employee must provide a copy of this request to the Board.

HEARING  
PROCEDURE

The hearing shall be conducted in accordance with the independent hearing procedures detailed at DFD(~~LEGAL~~).

BOARD DECISION

Following the hearing, the Board shall take appropriate action in accordance with DFD(~~LEGAL~~).

HEARING BY THE  
BOARD

If the Board has chosen to conduct the nonrenewal hearing rather than use an independent hearing examiner, and the employee desires a hearing, the employee shall notify the Board in writing not later than the 15th day after receiving the notice of proposed nonrenewal. The hearing shall be held not later than the 15th day after receipt of the employee's request for a hearing, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.

HEARING  
PROCEDURE

The hearing shall be conducted in closed meeting unless the employee requests that it be open, with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until it is their turn to present evidence. The employee and the administration may each be represented by a representative of each party's choice. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the Board President's control and in general shall follow the steps listed below:

1. **After consultation with the parties, the Board President shall impose reasonable time limits for presentation of evidence and closing arguments.**
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

BOARD DECISION

The Board may consider only such evidence as is presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the

employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

NO HEARING

If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

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DATE ISSUED: ~~02/05/2001~~ **04/26/2005**

UPDATE ~~65-73~~

DFBB(LOCAL)

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**This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]**