

REASONS

The recommendation to the Board and its decision not to renew 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, AGE, sex, religion, NATIONAL ORIGIN, MARITAL STATUS, CITIZENSHIP, MILITARY STATUS, disability, GENETIC INFORMATION, GENDER STEREOTYPING AND PERCEIVED SEXUALITY, PERCEIVED OR ACTUAL SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION, or ANY OTHER BASIS PROHIBITED BY LAW. Reasons for proposed nonrenewal of a professional certified 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 duties.
4. Inability to maintain discipline 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 not covered by approved leave. [See DEC]
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency. [See DFFA]
10. Reduction in force because of a program change. [See DFFB]
- ~~11. A decision by a campus intervention team that the employee not be retained at a reconstituted campus. [See AIC]~~
- ~~12.11.~~ The employee is not retained at a campus ~~that has been repurposed~~ in accordance with THE PROVISIONS OF A CAMPUS TURNAROUND PLAN.Law. [See AIC]
- ~~13.12.~~ Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on Districtschool property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.

- ~~14-13.~~ The illegal possession, use, manufacture, or distribution of a controlled substance, A drug, A dangerous drug, HALLUCINOGENS~~hallucinogen~~, or other SUBSTANCES~~substance~~ regulated by state statutes.
- ~~15-14.~~ Failure to meet the District's standards of professional conduct.
- ~~16-15.~~ Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
- ~~17-16.~~ Being formally charged with any felony or any crime involving moral turpitude or the possession, transfer, sale, or distribution of a controlled substance.
- ~~18-17.~~ Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH (LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
- ~~19-18.~~ Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
- ~~20-19.~~ Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
- ~~21-20.~~ Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, or the~~and~~ community, impairs or diminishes the employee's effectiveness in the District.
- ~~22-21.~~ Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
- ~~23-22.~~ Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
- ~~24-23.~~ A significant lack of student progress attributable to the educator utilizing federal, state, or locally adopted academic performance standards. [See AIA, AIB, AID, and EKB]
- ~~25-24.~~ Behavior that presents a danger of physical harm to a student or to other individuals.

- ~~26-25.~~ Assault on a person on DISTRICT school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
- ~~27-26.~~ 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. "Profanity" includes language that is harshly, coarsely, or irreverently vulgar or insulting; curse words in any language; ethnic, racial, or religious slurs; and language that is clearly sexually offensive.
- ~~28-27.~~ Falsification of records or other documents related to the District's activities.
- ~~29-28.~~ Falsification or omission of required information on an employment application.
- ~~30-29.~~ Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
- ~~31-30.~~ The illegal transfer, appropriation, or expenditure of school property or funds.
- ~~32-31.~~ Failure to fulfill requirements for STATE LICENSURE OR certification, including passing certification OR LICENSING examinations required by state OR FEDERAL law OR BY THE DISTRICT, for the employee's assignment.
- ~~33-32.~~ Failure to ~~achieve or~~ maintain LICENSING AND CERTIFICATION REQUIREMENTS, INCLUDING THE COMPLETION OF "highly qualified" status as required CONTINUING EDUCATION HOURS, FOR by the employee's assignment. ~~[See DBA]~~
- ~~34-33.~~ Failure to COMPLETE CERTIFICATION OR PERMIT RENEWAL REQUIREMENTS, OR FAILURE TO fulfill the requirements of a deficiency plan, under an Emergency Permit, ~~a Special Assignment Permit,~~ or a Temporary Classroom Assignment Permit.
- ~~35-34.~~ Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
- ~~36-35.~~ Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
- ~~37-36.~~ Any reason constituting good cause for terminating the contract during its term.

TERM CONTRACTS  
NONRENEWAL

DFBB  
(LOCAL)

RECOMMENDATIONS  
FROM  
ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional CERTIFIED employee TERM contracts shall be submitted to the Superintendent. A recommendation for proposed nonrenewal shall be supported by any relevant documentation. 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. 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, to the extent relevant, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.

NOTICE OF  
PROPOSED  
NONRENEWAL

After the Board votes to propose nonrenewal, the Superintendent or designee shall deliver written notice of proposed nonrenewal in accordance with law.

The notice of proposed nonrenewal shall contain a statement of the procedures for conducting a hearing. 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 at a reasonable time before the hearing.

In the notice of proposed nonrenewal, the employee shall receive notice of whether the Board [see REQUEST TO THE BOARD, below] or an independent hearing examiner appointed by the COMMISSIONER OF EDUCATION Commissioner [see REQUEST TO THE COMMISSIONER HEARING EXAMINER, below] will conduct the hearing.

DIRECT  
COMMUNICATION  
WITH BOARD  
MEMBERS

Employees are generally not prohibited from communicating with Board members regarding District operations, except when direct communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal relating to the employee. Such direct communications are prohibited in connection with any proceeding under this policy, until after a final decision in the matter has been reached by the Board.

REQUEST  
TO REQUEST TO THE  
COMMISSIONER  
COMMISSIONER

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

HEARING  
~~PROCEDURES~~  
~~PROCEDURES~~  
BOARD DECISION

nonrenewal. The employee must provide a copy of this request to the Board.

The hearing shall be conducted in accordance with the independent hearing procedures detailed at DFD.

Following the hearing, the Board shall take appropriate action in accordance with DFD.

REQUEST TO THE BOARD

If an independent hearing examiner will not conduct the nonrenewal hearing 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.

REQUEST TO THE BOARD

HEARING PROCEDURES

When a timely request for a hearing on a proposed nonrenewal is received by the presiding officer, the Board shall notify the employee whether the hearing will be conducted by the Board [see HEARING BY THE BOARD, below] or an attorney designated by the Board [see HEARING BY AN ATTORNEY DESIGNATED BY THE BOARD, below].

The hearing shall be held not later than the 15th day after receipt of the request, 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 BY THE BOARD

Unless the employee requests that the hearing be open, the hearing shall be conducted in closed meeting 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 called to present evidence. The employee and the administration may choose a representative. 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.

HEARING BY THE BOARD

HEARING PROCEDURES

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer 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 evidence 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.

HEARING BY AN ATTORNEY DESIGNATED BY THE BOARD

HEARING BY AN ATTORNEY DESIGNATED BY THE BOARD

The hearing must be private unless the employee requests in writing that the hearing be public, except that the attorney may close the hearing to maintain decorum. If the employee does not request a public hearing, only the attorney designated by the Board, the employee, the Superintendent, their representatives, and witnesses will be permitted to be in attendance, and witnesses may be excluded from the hearing until called to present evidence. The employee and the administration may choose a representative. 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 control of the attorney designated by the Board and shall generally follow the steps listed below:

1. After consultation with the parties, the attorney 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.

Not later than the 15th day after the completion of the hearing, the attorney shall provide to the Board a record of the hearing and his or her recommendation on renewal.

BOARD REVIEW  
BOARD REVIEW

The Board shall consider the record of the hearing and the attorney's recommendation at the first Board meeting for which notice can be posted, unless the parties agree in writing to a different date. The Board shall notify the employee of the meeting date as soon as it is set. At the meeting, the Board shall allow each party an equal amount of time to present oral arguments. The Board shall notify the employee in writing of the Board's decision on renewal not later than the 15th day after the date of the meeting.

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.