GROUNDS FOR NONRENEWAL

The Board may terminate a term contract for a financial exigency that requires a reduction in personnel. *Education Code 21.211(a)* [See CEA]

REASONS

The Board shall establish by policy reasons for nonrenewal at the end of a school year. *Education Code 21.203(b)*

EVALUATIONS

Before making a decision not to renew a term contract, the Board shall consider the most recent evaluations if the evaluations are relevant to the reason for the Board's action. *Education Code 21.203(a)* [See DNA and DNB]

NOTICE

Not later than the tenth day before the last day of instruction in a school year, the Board shall notify in writing each employee whose contract is about to expire whether the Board proposes to renew or not renew the contract.

The notice must be delivered personally by hand delivery to the employee on the campus at which the employee is employed. If the employee is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the employee's address of record with the District. Notice that is postmarked on or before the tenth day before the last day of instruction is considered timely for these purposes.

FAILURE TO PROVIDE TIMELY NOTICE

The Board's failure to give timely notice of a proposed renewal or nonrenewal constitutes an election to employ the contract employee in the same professional capacity for the following school year.

Education Code 21.206

REQUEST FOR HEARING

If the employee desires a hearing after receiving notice of the proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after:

1. The date the employee receives hand delivery of the notice of proposed nonrenewal; or
2. The date the notice is delivered to the employee's address of record with the District, if the notice is mailed by prepaid certified mail or delivered by express delivery service.

The Board shall provide for a hearing to be held not later than the 15th day after receiving written notice from the employee requesting a hearing unless the parties agree in writing to a different date. The hearing shall be closed unless the employee requests an open hearing and shall be conducted in accordance with rules adopted by the Board.

Education Code 21.207(a)

LARGE DISTRICT OPTION

In a district with an enrollment of at least 5,000 students, the Board may designate an attorney licensed to practice law in this state to hold the hearing on behalf of the Board, to create a hearing record for the Board's consideration and action, and to recommend an action to the Board.

The designee may not be employed by the District and neither the designee nor a law firm with which the designee is associated may be serving as an agent or representative of the District, an employee in a dispute between the District and an employee, or an organization of school employees, school administrators, or school boards.

Not later than the 15th day after completion of the hearing, the designee shall provide to the Board a record of the hearing and the designee's recommendation of whether the contract should be renewed or not renewed.

The Board shall consider the record of the hearing and the designee's recommendation at the first Board meeting for which notice can be posted, in compliance with the Texas Open Meetings Act, following the receipt of the record and recommendation from the designee, unless the parties agree in writing to a different date.

At the meeting, the Board shall consider the hearing record and the designee's recommendation and allow each party to present an oral argument to the Board. The Board by written policy may limit the amount of time for oral argument. The policy must provide equal time for each party. The Board may obtain advice concerning legal matters from an attorney who has not been involved in the proceedings. The Board may accept, reject, or modify the designee's recommendation.

The Board shall notify the employee in writing of the Board's decision not later than the 15th day after the date of the meeting.

Education Code 21.207(b-1)

BOARD HEARING

At the hearing before the Board or the Board's designee, the employee may:

1. Be represented by a representative of the employee's choice;
2. Hear the evidence supporting the reason for nonrenewal;
3. Cross-examine adverse witnesses; and
4. Present evidence.

Education Code 21.207(c)

BOARD DECISION	To evaluate the evidence put before it, the Board shall use the preponderance of the evidence standard of review. *Whitaker v. Marshall Indep. Sch. Dist., Comm. Ed. Dec. No. 112-R1-598 (1998)*
	Following the hearing, the Board shall take the appropriate action and notify the employee in writing of that action within 15 days following the conclusion of the hearing. *Education Code 21.208*
HEARING EXAMINER	The Board may use the process described at DFD. *Education Code 21.207(b)*
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. *Education Code 21.208*
APPEALS	An employee aggrieved by a decision of the Board to nonrenew a term contract may appeal to the Commissioner for a review of the Board's decision. *Education Code 21.209*