PREAMBLE: TRANSFORMATION OF POLICY REGARDING CONTRACT RENEWALS

In accordance with its data-driven culture, the District is including as a reason for nonrenewal insufficient student academic growth as reflected by value-added data.

Research has reinforced the significant influence teachers have on student achievement. Specifically, research shows that a significant percent of the variance in student academic progress levels is attributed to the classroom teacher (Ballou, D., Sanders, W., and Wright, P. "Controlling for Student Background in Value-Added Assessment of Teachers." *Journal of Educational and Behavioral Statistics,* Spring 2004, Vol. 29, No. 1, pp. 37-65). Furthermore, in a comprehensive study on teacher impact, data indicate that students who start third grade at about the same level of mathematics achievement finish fifth grade mathematics at dramatically different levels depending on the quality of their teachers. (Haycock, Kati. "Good Teaching Matters… A Lot." *Education Trust*. Thinking K–16, Vol. 3 Issue 2: 1998).

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, 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 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.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency.
10. Reduction in force because of a program change.

11. Termination of a term contract employee resulting from being displaced by a continuing contract employee, when that employee has been identified for reduction in force.

12. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, 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.

13. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.

14. Conviction of a felony or of 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]

15. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy. [See DH]

16. Failure to meet the District's standards of professional conduct.

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. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

19. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.

20. 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.

21. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.

22. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.

23. A significant lack of student progress attributable to the educator.

24. Behavior that presents a danger of physical harm to a student or to other individuals.

25. Assault 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.

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.

27. Falsification of records or other documents related to the District's activities.

28. Falsification or omission of required information on an employment application.

29. Intentional or deliberate misrepresentation of facts to a supervisor or other District official in the conduct of District business.

30. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.

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

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

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

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

35. Insufficient student academic growth as reflected by value-added scores.

36. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS FROM ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee 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 identify employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. The Board shall consider the reasons in support of the proposed nonrenewal and shall then act on all recommendations. [See DFBB(LEGAL)]

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.

Upon receiving notice of proposed nonrenewal for any reason, an employee on a performance contract shall not request a hearing or contest the proposed nonrenewal in any administrative or judicial forum. [See DCE(LOCAL)]

If the notice of proposed nonrenewal of a Chapter 21 term contract 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 in a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

REQUEST FOR HEARING

An eligible employee who desires a hearing after receiving the notice of proposed nonrenewal shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed nonrenewal.

HEARING PROCEDURES

The hearing shall be conducted by an independent hearing examiner in accordance with the process described at DFD(LEGAL).

BOARD DECISION

Following the hearing, the Board shall take appropriate action in accordance with Chapter 21 of the Education Code and policy DFD.

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.