DISCHARGE

An employee employed under a continuing contract may be discharged at any time for good cause as determined by the Board. “Good cause” is the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state.

SUSPENSION

For good cause as defined above, the District may suspend an employee without pay and for a period not to extend beyond the end of the current school year in lieu of discharge or pending discharge.

Education Code 21.156

REDUCTION IN FORCE

Continuing contract employees may be released from employment by the District at the end of a school year because of a necessary reduction of personnel.

A necessary reduction of personnel shall be made primarily based upon teacher appraisals administered under Education Code 21.352 in the specific teaching fields and other criteria as determined by the Board.

Education Code 21.157

NOTICE

Before any employee under a continuing contract is discharged, suspended without pay in lieu of discharge, or released because of a necessary reduction in personnel, the employee shall be notified in writing by the Board of the proposed action and the grounds for the action. *Education Code 21.158(a)*

An employee who is discharged or suspended without pay for actions related to the inability or failure of the employee to perform assigned duties is entitled, as a matter of right, to a copy of each evaluation report or any other written memorandum that concerns the fitness or conduct of the employee, by requesting in writing a copy of these documents. *Education Code 21.158(b)*

HEARING

An employee who desires to protest a proposed suspension or contract termination under Education Code 21.156 or 21.157 must notify the Board in writing not later than the tenth day after the date the employee receives notice of the proposed action.

An employee who notifies the Board within the time prescribed is entitled to:

1. A hearing before an independent hearing examiner under Education Code Chapter 21, Subchapter F [see DFD], if the employee is protesting proposed action to suspend or terminate the employee’s continuing contract under Education Code 21.156; or

2. A hearing in the manner provided under Education Code 21.207 for nonrenewal of a term contract [see DFBB] or a hearing under Education Code Chapter 21, Subchapter F, as determined by the Board, if the employee is protesting proposed action under Education Code 21.157 on the basis of a financial exigency declared under Section 44.011 [see CEA] that requires a reduction in personnel.

Education Code 21.159

HEARING NOT REQUESTED

If the employee does not request a hearing within the time prescribed, the Board shall take the appropriate action and notify the employee in writing of the action not later than the 30th day after the date the Board sent the notice of the proposed action. *Education Code 21.159(c)*

Note: See DF regarding circumstances under which a certified employee's termination during the year shall be reported to the State Board for Educator Certification (SBEC).