

**Recommendations
from Administration**

Administrative recommendations for proposed nonrenewal of contract employees shall be submitted to the Superintendent of Schools. The Superintendent of Schools shall require that each administrator's recommendation for nonrenewal be accompanied by documentation aligned to the decision to recommend nonrenewal.

**Superintendent of
Schools'
Recommendation**

The Superintendent of Schools shall make an administrative recommendation for nonrenewal of an employee's contract to the Board.

The Superintendent of Schools or designee shall prepare lists of employees whose contracts are being proposed for nonrenewal to the Board. Copies of written evaluations, any other supporting documentation, and reasons for the recommendation shall be submitted for each employee recommended for nonrenewal. The Board shall consider the information in support of the recommendations for nonrenewal. The Board shall act on all the recommendations.

**Reasons for
Nonrenewal**

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, gender, national origin, age, disability, genetic information, gender identity, gender expression, and/or sexual orientation or any other basis prohibited by law.

Reasons for proposed nonrenewal of an employee's contract shall be:

1. Failure to comply with District policies.
2. Failure to meet the District standards of conduct. [See DH]
3. Insubordination or failure to comply with directives from the immediate supervisor.
4. Failure to fulfill job duties, incompetency, or inefficiency in the performance of duties.
5. Pattern of absences and/or tardiness. [See DEC]
6. Job abandonment. [See DEC]
7. Conduct on District property, a school-sponsored or school-related activity that is indecent, obscene, cruel, or abusive. [See DH]
8. Failure to maintain effective working relationships with the supervisor, colleagues, parents, and community.
9. Deficiencies pointed out in observation reports, appraisals, supplemental memoranda, and/or other communications.

- a. Failure to meet the expectations of the supervisor on an intervention plan.
 - b. Failure to comply with requirements regarding professional development.
 - c. Neglect of duty and oversight that constitutes any degree of peril to students.
 - d. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
10. Failure to obtain or retain certification and/or license.
 11. Conducting personal business during work hours when it results in neglect of duties.
 12. Child abuse/corporal punishment. [See FO and DHB]
 13. Failure to report or timely report suspected child abuse. [See FFG and DHB]
 14. Profanity, lewd, obscene, offensive, or derogatory language.
 15. Making a false accusation. [See DH]
 16. Public lewdness or other acts of moral turpitude. [See DBAA]
 17. Use or be under the influence or in possession of alcoholic beverages while on District property or at a school-sponsored or school-related activity. [See DHE and DH]
 18. Use or be under the influence, manufacture, distribute, dispense, or possess illegal drugs, hallucinogens, or controlled substances. [See DHE and DH]
 19. Failure to provide the District with updates on any arrest, indictment, conviction, nolo contendere (no contest) or guilty plea, or other adjudication for any felony or any crime involving moral turpitude. [See DBAA and DH]
 20. Criminal conviction or deferred adjudication of a felony or misdemeanor crime of moral turpitude. [See DBAA and DH]
 21. Conduct that adversely affects the District. [See DH]
 22. Conduct that could be a danger to District staff, students, or the general public. [See DBAA]
 23. Conduct that impairs or diminishes the employee's effectiveness in the District.

24. Use, possession, or display of a prohibited weapon or firearm while on District property. [See DH]
25. Stealing or misappropriation of District property. [See DBAA and CAA]
26. Abuse, misuse, or deliberate damage of property or equipment.
27. Falsification of records or documents. Altering, tampering, or falsely presenting or using documents or records.
28. Misrepresentation of facts or providing untruthful statements. [See DH]
29. Threats, harassment, bullying, or physical or verbal abuse. [See DH and DIA]
30. Physical or mental incapacity not protected by law that prevents the employee from performing the essential functions of the job. [See DEC]
31. Violation of federal or state law.
32. Failure to return to duty from a leave or abuse of leave. [See DEC]
33. Abuse of leave [See DEC]
34. Assault on a person on District property, school-sponsored or school-related activity. [See DH]
35. Placement in the excess pool. [See DK]
36. Lack of funding for a federally or categorically funded position.
37. Not retained at a campus in accordance with the provisions of a campus turnaround plan. [See AIC]
38. Reduction in force. [See DFFA and DFFB]
39. Any other reason determined to be in the best interest of the District.

**Notice of
Nonrenewal**

If the Board votes to nonrenew, the Superintendent of Schools or designee shall deliver to the employee written notice in accordance with the law.

If the notice of proposed nonrenewal does not contain a statement of the reason or all the reasons for the proposed action and the employee requests a hearing, the District shall give the employee notice of all reasons for nonrenewal in a reasonable time before the hearing.

**Request for
Appointment of
Hearing Examiner**

If the notice of proposed nonrenewal states that the nonrenewal hearing will be conducted by an independent hearing examiner, the employee may request a hearing by filing a written request with the commissioner, and providing the Board and Employee Relations a copy of the request, not later than the 15th day after the date the employee received hand delivery of the notice of proposed nonrenewal or, if the notice was sent via certified and regular mail, 15 days after the date of delivery of the notice to the employee's address of record.

Hearing Procedures

The Board may choose to designate the type of hearing for proposed nonrenewals on a case-by-case basis. In the notice of proposed nonrenewal, the employee shall receive notice of whether:

1. The Board will hear the nonrenewal;
2. An independent hearing examiner appointed by the commissioner of education will hear the nonrenewal; or
3. An attorney designated by the Board will hear the nonrenewal.

**Adoption or Last
Amendment Date**

This policy was last amended on February 27, 2020.