

Fort Bend ISD  
079907

SUPERINTENDENT  
NONRENEWAL

BJCF  
(EXHIBIT)

The notices on the following pages are provided to meet requirements established by law or policy:

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EXHIBIT A

NOTICE OF PROPOSED CONTRACT NONRENEWAL

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Dear \_\_\_\_\_:

YOU ARE HEREBY NOTIFIED that a majority of the Board of Trustees of \_\_\_\_\_ ISD has determined at a lawfully called meeting of the Board of Trustees on (date) \_\_\_\_\_, that your employment contract as Superintendent in the District should not be renewed for the succeeding school year, and the Board voted to propose nonrenewal.

This notice is given pursuant to the provisions of Section 21.212 of the Texas Education Code.

The recommendation not to renew your contract is being made for the following reasons:

[List all reasons in detail]

If you desire a hearing, you must file a written request with the commissioner of education not later than the 15th day after the date you receive this notice and provide the Board with a copy of that request. The commissioner will assign a hearing examiner not later than the 10th business day after receiving your written request. Such hearing will be closed unless you request an open hearing. If you fail to make a timely request for a hearing, the Board may proceed and make a determination not later than the 30th day after the date the notice of proposed nonrenewal was sent to you.

If you have any questions concerning any of the reasons supporting the proposed action to nonrenew your contract, please advise me in writing.

Attached to this notice is a copy of the District's policy on nonrenewal of the Superintendent's term contract and an exhibit on the procedures for a hearing by the hearing examiner.

This notice dated at (City/State/Zip): \_\_\_\_\_,

Date: \_\_\_\_\_ BY: \_\_\_\_\_  
President, Board of Trustees

\_\_\_\_\_ ISD



EXHIBIT B

PROCEDURE FOR USE OF AN INDEPENDENT HEARING EXAMINER  
NONRENEWAL OF THE SUPERINTENDENT

The hearing and any depositions must be held within the geographical boundaries of the District or at the regional education service center that serves the District. *Education Code 21.255(a)*

A hearing before a hearing examiner shall be private unless the Superintendent makes a written request for a public hearing.

If necessary to maintain decorum, the hearing examiner may close a hearing that a Superintendent has requested be public.

To protect the privacy of a witness who is a child, the hearing examiner may close the hearing to receive the testimony or order that the testimony be presented by procedures in Article 38.071, Code of Criminal Procedure.

At the hearing, the Superintendent has the right to:

1. Be represented by a representative of the Superintendent's choice;
2. Hear the evidence on which the charges are based;
3. Cross-examine each adverse witness; and
4. Present evidence.

The hearing is not subject to the Administrative Procedure Act.

The hearing shall be conducted in the same manner as a trial without a jury in state district court. A certified shorthand reporter shall record the hearing.

The Texas Rules of Civil Evidence shall apply at the hearing. An evaluation or appraisal of the Superintendent is presumed to be admissible at the hearing. The hearing examiner's findings of fact and conclusions of law shall be presumed to be based only on admissible evidence.

The District has the burden of proof by a preponderance of the evidence at the hearing.

*Education Code 21.256 (a)-(h)*

The District shall bear the cost of the services of the hearing examiner and certified shorthand reporter and the production of any original hearing transcript. Each party shall bear its costs of discovery, if any, and its attorney's fees. *Education Code 21.255(e)*

Not later than the 45th day after the date on which the commissioner receives a request for a hearing before a hearing examiner, the hearing examiner shall complete the hearing and make a written recommendation. The recommendation must include findings of fact and conclusions of law. The recommendation may include a proposal for granting relief, including reinstatement, back pay, or employment benefits. However, the proposal for relief may not include attorney's fees or other costs associated with the hearing or appeals from the hear-

ing. The hearing examiner shall send a copy of the recommendation to each party, the Board President, and the commissioner.

The parties may agree in writing to waive the right to a recommendation by the date specified above.

*Education Code 21.257*

The Board or a designated subcommittee of the Board shall consider the hearing examiner's record and recommendation at the first Board meeting after the recommendation is issued for which notice can be posted in compliance with the open meetings laws. The meeting must be held not later than the 20th day after the date that the Board President receives the hearing examiner's recommendation and record.

At the meeting, the Board or subcommittee shall consider the hearing examiner's recommendation and allow each party to present an oral argument to the Board or subcommittee. The Board may, by written policy, limit the amount of time for oral argument, provided equal time is allotted each party. A certified shorthand reporter shall record any such oral argument and the District shall pay the cost.

The Board or subcommittee may obtain advice from an attorney who has not been involved in the proceedings.

*Education Code 21.258, 21.260*

Not later than the 10th day after the date on which the meeting to consider the hearing examiner's recommendation is held, the Board or subcommittee shall announce its decision, which must include findings of fact and conclusions of law, and may include a grant of relief.

The Board or subcommittee may adopt, reject, or change the hearing examiner's conclusions of law or proposal for granting relief. The Board may reject or change a finding of fact made by the hearing examiner:

1. Only after reviewing the record of the proceedings; and
2. Only if the finding of fact is not supported by substantial evidence.

The Board or subcommittee shall state in writing the reason for and legal basis for a change to or rejection of the hearing examiner's recommendation.

A certified shorthand reporter shall record the announcement of the decision. The District shall bear the cost of the reporter's services.

*Education Code 21.259, 21.260*