

SUPERINTENDENT
NONRENEWAL

BJCF
(LEGAL)

A board may choose to not renew the employment of a superintendent employed under a term contract, effective at the end of the contract period. *Education Code 21.212(a)*

Reasons

A board shall adopt policies that establish reasons for nonrenewal. *Education Code 21.212(d)*

Notice

If a majority of the board determines that the superintendent's contract should be considered for nonrenewal, the board shall give the superintendent written notice, containing reasonable notice of the reason for the proposed nonrenewal, not later than the 30th day before the last day of the contract term. *Education Code 21.212(a)*

If the board fails to give notice of proposed nonrenewal within the time specified above, the board shall employ the superintendent in the same professional capacity for the following school year. *Education Code 21.212(b)*

Hearing

If the superintendent desires a hearing after receiving notice of the proposed nonrenewal, the superintendent shall notify the board in writing not later than the 15th day after receiving the notice. The board shall provide for a hearing to be held not later than the 15th day after the date the board receives the request for a hearing unless the parties agree in writing to a different date. The hearing must be closed unless the superintendent requests an open hearing. The hearing must be conducted in accordance with rules adopted by the board. The board may use the process described at DFD(LEGAL) pertaining to hearings before a hearing examiner. At the hearing, the superintendent may:

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

Education Code 21.207

Board Decision

Hearing

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)*

If the superintendent requests a hearing, following the hearing the board shall take the appropriate action to renew or nonrenew the contract and notify the superintendent in writing of that action not later than the 15th day following the conclusion of the hearing. *Education Code 21.208(b)*

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No Hearing

If the superintendent does not request a hearing, the board shall take the appropriate action and notify the superintendent in writing of that action not later than the 30th day after the date the board sends the notice of proposed nonrenewal. *Education Code 21.212(c)*