

TERM CONTRACTS:  
SUSPENSION/TERMINATION DURING CONTRACT

DFBA (REGULATION)  
(EXHIBIT)

The following pages include forms that have been designed to assist administrators in the termination process related to term contracts:

Exhibit A: Recommendations for Termination of Term Contracts Checklist –2 pages

Exhibit B: Recommendations for Termination of Term Contracts Worksheet – 1 page

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EXHIBIT A

Northwest Independent School District

## Recommendations for Termination of Term Contracts Checklist

### Process to initiate and process a recommendation for termination:

- Principal/Supervisor identifies an employee for whom there is good cause to be dismissed before the completion of term fixed in the contract. [DFBA (LEGAL)]
- Principal/Supervisor contacts the Assistant Superintendent for Administrative Services regarding an employee being recommended for termination and the documented reasons for proposed actions.
- Principal/Supervisor reviews documentation with the Assistant Superintendent for Administrative Services and/or designee.
- Principal/Supervisor submits copies of employee's evaluations and supporting documentation to the Assistant Superintendent for Administrative Services.
- Assistant Superintendent for Administrative Services notifies the Superintendent that there is documentation to support a recommendation for proposed termination.
- The Superintendent notifies the employee of the proposed recommendation for termination. The employee shall be given reasonable notice in writing of the charges against him/her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. [DFBA (LEGAL)]
- Determine if the employee plans to request a hearing or not before proceeding with the next step.
- If no hearing is requested or following the hearing, the Superintendent proposes recommendation for termination to Board at a properly posted Board meeting.  
Wording for the agenda for the executive session shall read: "Deliberate superintendent's recommendation to propose termination of teacher's term contract for good cause."  
Wording for the agenda so the Board can take action after the executive session shall read: "Consider proposing termination of a teacher's term contract for good cause."  
NOTE: If the position proposed for termination is likely to have high public interest (i.e. principal, coach, central administrator), the posted agenda must identify the position being considered for termination.
- Board adopts or rejects the proposed termination based upon the documentation.

### If the employee desires a hearing:

- The employee must file a written request with the commissioner not later than the 15<sup>th</sup> day after the date the employee receives notice of the proposed termination. [DFBA (LEGAL)]
- The employee must provide the District with a copy of the request for a hearing. [DFBA (LEGAL)]
- The parties may agree to select a person who is not certified to serve as a hearing officer. [DFD (LEGAL)]

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**If the employee desires a hearing (cont.):**

- If the parties do not agree on a hearing examiner, the Commissioner shall assign the hearing officer not later than the 10<sup>th</sup> workday after the date on which the commissioner receives the request for a hearing. Not later than the 3<sup>rd</sup> day, after the date of the notification of the hearing examiner's assignment, either party is entitled to reject in writing a hearing examiner for good cause.
- District must provide a certified shorthand reporter for the hearing. (District must bear the cost of the services of the hearing examiner, certified shorthand reporter and the production of any original hearing transcript.)
- Such hearing shall be closed to the public unless the employee requests an open hearing and must be held within the geographical boundaries of the District or the regional education service center which serves the District.
- Not later than the 45<sup>th</sup> 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 and send it to each of the two parties
- The Board shall consider the hearing examiner's record and recommendation at the first Board meeting for which notice can be posted in compliance with open meetings laws. Meeting must be held no later than the 20<sup>th</sup> day after the date that the Board President receives the hearing examiner's recommendation and record.
- At the meeting, the Board shall allow each party 10 minutes to present an oral argument to the Board. At the Board's discretion, the Board reserves the right to grant additional time in equal amount to both parties. [DFD (LEGAL)]
- The District must provide a certified reporter to record any oral arguments.
- The Board may obtain the legal advice from an attorney who has not been involved in the proceedings. The Board may make a decision the night of the oral arguments or hold another meeting not later than 10 days.
- Not later than the 10<sup>th</sup> day after the date on which the meeting to consider the hearing examiner's recommendation is held, the Board shall announce its decision which must include findings of fact and conclusions of law, and may include a grant of relief. The Board may adopt, reject, or change the hearing examiner's conclusions. The Board shall state in writing the reason for and legal basis for a change or rejection. (Decision has to be made in open session.)
- A certified shorthand reporter shall record the announcement of the decision.
- The Board notifies the employee in writing.

**If the employee does not request a hearing:**

- Board takes vote on termination proposed by Superintendent in open session.
- Board notifies the employee in writing not later than the 30<sup>th</sup> day after the date the notice of proposed termination was sent.

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EXHIBIT B

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## Recommendations for Termination of Term Contracts Worksheet

An administrator or supervisor recommending termination of a term contract employee should complete the following chart to establish appropriate rationale and documentation to support the recommendation for termination. For each specific reason listed in the left-hand column, complete the remaining two (2) columns based on that reason.

<b>Specific Reason(s) for Termination, as listed in Board Policy DFBA (LEGAL)</b>	<b>Supporting Reason(s) from Code of Ethics, as listed in Board Policy DH (EXHIBIT)</b>	<b>Supporting Document(s)</b>

(Use additional pages if necessary.)