

TEXAS SCHOOL FOR THE DEAF

PROBATIONARY CONTRACTS: SUSPENSION/TERMINATION DURING CONTRACT

DFAA

DISCHARGE Any probationary contract employee 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 the state.

[Education Code 21.104\(a\)](#)

NOTICE TO THE SBEC See Policy DF regarding circumstances in which a certified employee's dismissal must be reported to the State Board for Educator Certification (SBEC).

SUSPENSION WITHOUT PAY The School may, for good cause as defined above, suspend an employee without pay in lieu of discharge or pending discharge. The period of suspension may not extend beyond the end of the current school year.

[Education Code 21.104\(b\)](#)

SUSPENSION WITH PAY A probationary contract employee may be suspended with pay and placed on administrative leave by the Superintendent or designee during an investigation of alleged misconduct by the employee or at any time the Superintendent or designee determines that the School's best interest will be served by the suspension.

NOTICE Before any probationary contract employee is dismissed or suspended without pay for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of the School's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist.

Cleveland Bd. of Educ. v. Loudermill, 105 S.Ct. 1487 (1985), 470 U.S. 532 (1985) [See DF(EXHIBIT)]

HEARING If a probationary contract employee who has received notice of proposed termination desires a hearing before an independent hearing examiner, the employee must file a written request with the commissioner not later than the 15th day after the date the employee receives notice of the proposed termination. The employee must provide the School with a copy of the request.

[Education Code 21.251, 21.253](#) [See DFD(LEGAL)]

EXCEPTION If the employee is protesting proposed action to terminate a probationary contract before the end of the contract period on the basis of a financial exigency declared under Education Code 44.011 [see CEA], the employee is entitled to 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.

[Education Code 21.1041](#)

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