

TEXAS SCHOOL FOR THE DEAF

**PROBATIONARY CONTRACTS:
RETURN TO PROBATIONARY STATUS**

DFAC

UPON CHANGE IN
PROFESSIONAL
CAPACITY

An employee may be employed under a probationary contract if the employee voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Education Code Chapter 21, Subchapter B than the class of certificate held by the employee in the professional capacity in which the employee was previously employed.

This provision does not apply to an employee who is returned by the School to a professional capacity in which the employee was employed by the School before the School employed the employee in the new professional capacity. The employee is entitled to be employed in the original professional capacity under the same contractual status as the status held by the employee during the previous employment by TSD in that capacity.

Education Code 21.102(a-1) [See 19 TAC 230.33(b) for list of certificate classes]

IN LIEU OF DISCHARGE,
TERMINATION OR
NONRENEWAL

In lieu of terminating a term contract employee, or not renewing a term contract, TSD may, with written consent of the employee, return the employee to probationary contract status.

Education Code 21.106(a)

AFTER BOARD
PROPOSAL

Except as provided below, an employee may agree to be returned to probationary status only after receiving written notice that the board has proposed discharge, termination, or nonrenewal [See DF series]

Education Code 21.106(b)

AFTER NOTICE
FROM
SUPERINTENDENT

An employee may agree to be returned to probationary contract status after receiving written notice of the superintendent's intent to recommend discharge, termination, or nonrenewal.

Education Code 21.106(d)

NOTICE

TSD shall notify the employee of the School's offer to return the employee to probationary contract status, the period during which the employee may consider the offer, and the employee's right to seek counsel. TSD shall provide the employee at least three business days after the employee receives the notice to agree to be returned to probationary contract status. This provision does not require a superintendent to provide notice of intent to recommend discharge, termination, or nonrenewal.

Education Code 21.106(d)

NEW PROBATIONARY
PERIOD

An employee returned to probationary status must serve a new probationary period as provided by Education Code 21.102 as if the employee were employed by TSD for the first time.

Education Code 21.106(c)

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