

EMPLOYMENT PRACTICES
PROBATIONARY CONTRACTS

DCA

PERSONS UNDER
PROBATIONARY
CONTRACTS

Except as provided below, each of the following persons shall be employed under a probationary contract when the person is employed by the School for the first time or if the person has not been employed by the School for two consecutive school years subsequent to August 28, 1967.

1. Principal.
2. Supervisor.
3. Classroom teacher.
4. School Counselor.
5. Other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B. [see DK(EXHIBIT)]
6. Nurse

Education Code 21.101, 21.102(a), Education Code 30.055(a)

TSD may employ counselors; nurses and other full time professional employees under required licenses rather than certifications and these employees may be employed in classified positions under the State Auditor's classification system or as non-Chapter 21 contract staff.

EXCLUSIONS

Education Code Chapter 21, Subchapter C (relating to probationary contracts) does not apply to the Superintendent or a person who is not entitled to a probationary, continuing, or term contract under Education Code 21.002 [see DC at CONTRACT EMPLOYEES]. Education Code 21.101, .102(a)

EXCEPTIONS

REHIRES

A person who previously was employed as a teacher by the School, and after at least a two-year lapse in employment returns to school employment may be employed under a probationary contract.

Education Code 21.102(a)

PRINCIPAL OR
CLASSROOM
TEACHER

The School may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public-school principal or classroom teacher, respectively, regardless of whether the person is being employed by the School for the first time or whether a probationary contract would otherwise be required under Section 21.102. *Education Code 21.202(b)*

CHANGE IN
PROFESSIONAL
CAPACITY

A person may be employed under a probationary contract if the person voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate than the class of certificate under Education Code Chapter 21, Subchapter B

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than the class of certificate held by the person in the professional capacity in which the person was previously employed.

This provision does not apply to a person who is returned by the School to their previous professional capacity. The person is entitled to be employed under the contractual status held during the previous employment in that capacity.

Education Code 21.102(a-1), 19 TAC 232.2

REQUIREMENT TO
ENTER A
CERTIFICATION
PROGRAM

All newly hired teachers who do not hold certification and are not enrolled in a certification program at the beginning of their employment must enter a certification program within the first three months of employment as a teacher at TSD.

TERM OF CONTRACT

A probationary contract may not be for a term exceeding one school year.

ADDITIONAL
PROBATIONARY
CONTRACTS

A probationary contract may be issued for two additional one-year periods, for a maximum permissible of three probationary contract periods, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by a district.

EXCEPTION

The Superintendent may recommend to the Board that the teacher be provided one additional probationary contract, not to exceed a total of four probationary contracts, when a teacher:

- Has made every effort to complete their certification requirements during the three previous years; and
- Has a reasonable expectation of completion of their certification requirements during the 4th year.

TERMINATION

Education Code 21.102

A teacher will not be eligible for a probationary contract if:

- The teacher has made no effort to meet certification requirements;
- The teacher's efforts toward certification would not allow him or her to receive full certification within the allotted time period; or
- The principal has documented professional concerns about the teacher's ability to perform effectively.

The Human Resources Director and legal counsel will determine if documentation is sufficient to support the recommendation for termination.

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