

**Non-Chapter 21  
Contracts**

Employees in categories specified below shall, upon completion of a probationary period, be offered a "performance contract" or other contract for a one-year term, unless otherwise determined by the Superintendent. These contracts, which are not governed by Chapter 21 of the Education Code, represent an alternative to "term contracts" as established in DCB(LEGAL) and (LOCAL). Dispute resolution procedures are not available for contesting nonrenewal of these contracts.

**Grandfather Clause**

~~However, an administrator employed by the District before the time lines established below for his or her category, and who declined an alternative contract shall be grandfathered and continue to receive term contracts as governed by Chapter 21 of the Education Code. [See DCB(LOCAL)]~~

**Types Of  
Performance  
Contracts Prior To  
August 31, 2001**

~~Prior to August 31, 2001, performance contracts and other alternative contracts were available for specific categories of employees, as follows:~~

~~Superintendent's Administrator Contract: for district superintendents and employees reporting directly to the Superintendent who were hired between December 15, 1994 and August 31, 2001; and employees in pay grades 18 and above hired between August 24, 1995 and August 31, 2001.~~

~~Principal/Executive Director Contract: for employees assigned as principals or district directors between August 24, 1995 and August 31, 2001.~~

~~Assistant Principal or Dean of Instruction Contract: for persons employed or assigned to those positions between February 23, 2000 and August 31, 2001.~~

~~Administrator's Contract: for administrators employed between February 23, 2000 and August 31, 2001 and assigned to pay grades 17 and below, as approved by the Superintendent.~~

~~Non-Certified Administrator's Contract: for non-certified administrators employed between December 15, 1994 and August 31, 2001.~~

~~Other Alternative Contracts: for employees as designated by the Superintendent.~~

**Phasing Out  
Performance  
Contracts Issued  
Prior To  
September 1, 2001**

~~Performance contracts issued with expiration dates after August 31, 2001 will continue in force until their expiration date. Upon expiration of his or her performance contract, an employee shall be offered either a Certified Administrator Performance Contract or a Non-Certified Administrator Performance Contract based on eligibility criteria, as determined by the Superintendent.~~

**Non-Chapter 21  
Performance  
Contracts As Of  
September 1, 2001**

**Certified  
Administrator  
Performance  
Contract**

~~Effective September 1, 2001 employees on performance contracts will be transitioned to one of two contracts, as indicated below.~~

A Certified Administrator Performance Contract shall be offered to employees required to have certification by law, board policy, and/or job description previously covered under a Superintendent's Administrator Contract, a Principal/Executive Director Contract, an Assistant Principal or Dean of Instruction Contract, or a District Superintendent Contract.

**Non-Certified  
Administrator  
Performance  
Contract**

A Non-Certified Administrator Performance Contract shall be offered to employees whose positions do not require certification by law, board policy, and/or job description previously covered under a Non-Certified Administrator Contract, an Alternative Administrator Contract, or one of the Alternative Administrator Contract derivatives offered to the various chief officers within the District (i.e. Chief Academic Officer, Chief Business Officer, Chief Financial Officer, or Chief of Staff).

**Termination And  
Nonrenewal**

Performance contracts may be terminated for cause, without cause, or by nonrenewal.

In the event of a proposed termination for cause, the holder of a performance contract is eligible for a due process hearing under the same procedures applicable to probationary and term contracts. [See DFD(LEGAL)] shall be entitled to a grievance pursuant to the DGBA series.

In the event of a proposed termination without cause, the holder of a performance contract is not eligible for a hearing but, based on the contract specifications, is entitled to a contractually established buyout amount. In the alternative, the holder of a performance contract may be reassigned to another administrative or classroom position in accordance with contractually established terms.

Contract nonrenewal does not entitle a holder of a performance contract to a nonrenewal hearing because employees on such contracts have waived those rights.

**Noncontract  
Employment**

A professional educator who accepts a position that does not require certification, or is not statutorily entitled to a contract, must relinquish his or her contract and accept employment under the terms and conditions of the noncontract employment relationship. [See DCD(LEGAL) and (LOCAL)]