

TEX.

North East Independent School District and Texas Commissioner of Education v. Dehann Riou

No. 18-0986, Tex. (March 27, 2020)

SUMMARY

The Texas Supreme Court held that a school district may terminate a teacher's continuing contract for "good cause" under Education Code § 21.156(a) based on evidence that the teacher failed to comply with district policies implementing state and federal grading and testing requirements, without needing specific evidence from similarly situated districts. The court rejected the "good cause per se" exception as having no statutory basis, but found that state and federal laws themselves establish generally recognized professional standards. The teacher preserved her challenge by arguing insufficient evidence at the local level. Substantial evidence supported termination where the teacher failed to record grades or assess student progress for half the school year.

CASE DETAILS

COURT	Tex.
WRITING FOR THE COURT	Jane N. Bland
JURISDICTION	Texas
DECIDED	March 27, 2020
DOCKET	18-0986
DISPOSITION	reversed
PROCEDURAL POSTURE	On petition for review from the court of appeals for the Fourth District of Texas.
STANDARD OF REVIEW	Substantial evidence rule for the Commissioner's decision; de novo review for statutory interpretation.
PRECEDENTIAL VALUE	Published
PARTIES	North East Independent School District and Texas Commissioner of Education v. Dehann Riou

TOPICS

administrative law

standard of review

statutory interpretation

employment law

appellate procedure

PRACTICE AREAS

Education Law

Employment Law

Administrative Law

QUESTIONS PRESENTED

1. Whether Riou preserved her challenge to the 'good cause per se' exception used by the hearing examiner and Commissioner.
2. Whether the Commissioner's 'good cause per se' exception is permissible under Education Code section 21.156(a).
3. Whether the statute always requires evidence from similarly situated school districts to establish good cause.
4. Whether substantial evidence supports the board's decision to terminate Riou's contract.

KEY QUOTATIONS

“The statute defines 'good cause' as 'the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state.’” (2)

“Like the court of appeals, we find no support for the Commissioner's 'good cause per se' exception to section 21.156(a)'s requirements.” (15)

“When state or federal law provides a standard, specific evidence from other school districts is unnecessary to establish that the standard is one 'generally recognized and applied' in all school districts.” (17)

“The wholesale failure to properly grade and test students, as required under state and federal law, is some evidence demonstrating a failure to comply with a generally applicable standard of professional conduct for any school district.” (19)

FACTUAL BACKGROUND

Dehann Riou was a kindergarten teacher with a continuing contract. During the 2014-2015 school year, she failed to record grades electronically after October 24, 2014, and did not conduct benchmark reading assessments for the second and third nine-week grading periods. The principal discovered blank assessment records and that grades from the first nine weeks had rolled over. Riou disputed the allegations, claiming she handwrote grades and sent them home. The hearing examiner found that Riou violated district grading policies, which implement state and federal law requiring grading and assessment of students.

PROCEDURAL HISTORY

The school board terminated Riou's continuing contract after a hearing examiner found good cause. Riou appealed to the Commissioner of Education, who affirmed. Riou sought judicial review; the trial court reversed the Commissioner's decision, and the court of appeals affirmed the trial court. The Supreme Court granted review.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The court reversed the court of appeals' judgment and reinstated the Commissioner's decision; no remand.

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