

## ABSTRACT

Valdez, Sofia Annette Adams, Stakeholder Perceptions of Hearing Examiner Legislation in Texas Teacher Dismissal Cases. Doctor of Education (EdD), March 2005, 244 pages, 8 tables, 4 figures, 54 matrices, 122 references.

As of January 1996 a new process has been implemented in teacher dismissal cases in Texas public schools. In the new process a hearing examiner is assigned by the Texas Education Agency to oversee fact-finding duties in mid-contract teacher dismissals thereby circumventing the previously exclusive adjudicative role of school board members in dismissal cases.

This study explores the implementation of the 1995 legislation that resulted in major changes to the teacher dismissal process in Texas, an important component of the larger and broader educational reform mandates that have been gradually introduced by the Texas legislature over the last decade.

Qualitative methodology was used to obtain data to address four research questions:

1. What are the stakeholder perceptions of the new hearing examiner process in teacher dismissal cases?

2. Since the enactment of the new law (1996), have the number of teacher dismissals increased or decreased?

3. To what extent are teacher dismissal hearings in the Lower Rio Grande Valley area adhering to procedural and substantive due process requirements?

4. What are the implications of overall research findings from the Lower Rio Grande Valley region for legislators, boards of education, administrators, and educators in Texas with regard to dismissal policies and procedures?

A triangulation of data collection was employed in this study. Sixteen stakeholders were interviewed with protocol questions developed for each group of hearing examiners, school superintendents, educators, and attorneys. An examination of twenty-seven teacher dismissal cases held in the Lower Rio Grande Valley area of South Texas was conducted to determine adherence to due process of law requirements, both procedural and substantive. A comparison analysis of cases held in the Lower Rio Grande Valley area and other parts of the state was also conducted to determine differences in the number of hearings held or dismissed as well as the number of hearings where the school administration's recommendation to dismiss an educator were upheld or rejected by the certified hearing examiner.

The research findings indicated support for the new process over the previous one by most of the stakeholders interviewed with a few dissenting comments. Results also showed that a greater number of cases have had the district administration's recommendation for dismissal rejected by the certified hearing examiner in the Lower

Rio Grande Valley area when compared to other regions in the state, namely Dallas and San Antonio as well as the entire state.

The researcher offers four recommendations for improvement of the implementation of the new hearing examiner process: 1) strengthen educator's knowledge of due process of law and rules of civil procedure; 2) strengthen administrators' and school boards understanding of what constitutes good cause for dismissal; 3) provide training for administrators so that they understand the importance of and are competent in collecting proper documentation in teacher dismissal cases; and 4) provide in-service training for educators that will reinforce their skills of remediation of teachers' performances when possible and feasible.