How to determine if the Between and Within Terms Denial (BTWD) Applies

Are the three prerequisites met?

- Is there a genuine offer (oral, written, or implied)?
- Is the employment in the same capacity (professional vs. non-professional)?
- Are the economic conditions not considerably less than those of the first academic year or term (10% less)?

If yes to all, then continue analysis
If no to any, BTWD does not apply.

Contract Test

- Enforceable?
- Non-contingent?
- Academic year or annual basis?

If no to any, use the Reasonable Assurance Test.
If yes to all, it is a contract and the BTWD applies.

Reasonable Assurance Test

- There are no contingencies within the employers control?
- Totality of the circumstances shows it is highly probable there is a job available in the next term or year?
- Is it highly probable that the contingencies will be met?

If no to any, there is no Reasonable Assurance and the BTWD does not apply.
If yes to all, then a Reasonable Assurance exists and the BTWD applies.