

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1322\*

Short Title: Probationary Teacher Appeals. (Public)

Sponsors: Representatives Jeffus; and Parmon.

Referred to: Education, if favorable, Judiciary III.

April 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY  
3 TEACHERS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-325 reads as rewritten:

6 "**§ 115C-325. System of employment for public school teachers.**

7 ...

8 (m) Probationary Teacher.

9 (1) The board of any local school administrative unit may not discharge a  
10 probationary teacher during the school year except for the reasons for and by  
11 the procedures by which a career employee may be dismissed as set forth in  
12 subsections (e), (f), (f1), and (h) to (j3) above.

13 (2) The board, upon recommendation of the superintendent, may refuse to renew  
14 the contract of any probationary teacher or to reemploy any teacher who is  
15 not under contract for any cause it deems sufficient: Provided, however, that  
16 the cause may not be arbitrary, capricious, discriminatory or for personal or  
17 political reasons.

18 (3) If a superintendent intends to recommend to the local board of education that  
19 a probationary teacher be offered a new or renewed probationary contract, or  
20 a career status contract, the superintendent shall submit the recommendation  
21 to the local board for action. The local board may approve the  
22 superintendent's recommendation or decide not to offer the probationary  
23 teacher a new or renewed probationary contract, or a career status contract.

24 If a superintendent decides not to recommend that the local board of  
25 education offer a new or renewed probationary contract, or a career status  
26 contract, to the probationary teacher, the superintendent shall give the  
27 probationary teacher written notice of his or her decision and the reasons for  
28 his or her decision no later than May 1 of the final year of the contract. The  
29 superintendent's reasons may not be arbitrary, capricious, discriminatory,  
30 personal, or political. No action by the local board or further notice to the  
31 probationary teacher shall be necessary unless the probationary teacher files  
32 with the superintendent a written request, within 10 days of receipt of the  
33 superintendent's decision, for a hearing before the local board. Failure to file  
34 a timely request for a hearing shall result in a waiver of the right to appeal  
35 the superintendent's decision. If a probationary teacher files a timely request  
36 for a hearing, the local board shall conduct a hearing pursuant to the  
37 provisions of G.S. 115C-45(c) and make a final decision on whether to offer



1 the probationary teacher a new or renewed probationary contract, or a career  
2 status contract.

3 If a local board decides not to offer the probationary teacher a new or  
4 renewed probationary contract, or a career status contract, the local board  
5 shall notify the probationary teacher of its decision by June 15 of the final  
6 year of the contract. A decision not to offer the probationary teacher a new  
7 or renewed probationary contract, or a career status contract, may be for any  
8 cause that is not arbitrary, capricious, discriminatory, personal, or political.  
9 The local board's decision not to offer the probationary teacher a new or  
10 renewed probationary contract, or a career status contract is subject to  
11 judicial review in accordance with Article 4 of Chapter 150B of the General  
12 Statutes.

13 If the superintendent or the local board of education fails to notify a  
14 probationary teacher by June 15 that the probationary teacher will not be  
15 offered a new or renewed probationary contract, or a career status contract,  
16 the probationary teacher shall be entitled to 30 days of additional  
17 employment or severance pay beyond the date the probationary teacher  
18 receives written notice that a new contract will not be offered.

19 ...

20 (o) Resignation; Nonrenewal of Contract. – A teacher, career or probationary, should  
21 not resign without the consent of the superintendent unless he has given at least 30 days' notice.  
22 If the teacher does resign without giving at least 30 days' notice, the board may request that the  
23 State Board of Education revoke the teacher's certificate for the remainder of that school year.  
24 A copy of the request shall be placed in the teacher's personnel file.

25 ~~A probationary teacher whose contract will not be renewed for the next school year shall be~~  
26 ~~notified of this fact by June 15.~~

27 ...."

28 **SECTION 2.** This act is effective when it becomes law and applies to proceedings  
29 initiated after August 31, 2009.