

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 962
Education/Higher Education Committee Substitute Adopted 5/13/09
House Committee Substitute Favorable 6/23/09
House Committee Substitute #2 Favorable 7/6/09

Short Title: Probationary Teacher Appeals.

(Public)

Sponsors:

Referred to:

March 26, 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 (c) (1) Election of a Teacher to Career Status. – Except as otherwise provided in
9 subdivision (3) of this subsection, when a teacher has been employed by a
10 North Carolina public school system for four consecutive years, the board,
11 near the end of the fourth year, shall vote upon whether to grant the teacher
12 career status. The teacher has a right to notice and hearing prior to the
13 board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4).
14 The board shall give the teacher written notice of that decision by June
15 15 or such later date as provided in G.S. 115C-325(m)(7). If a
16 majority of the board votes to grant career status to the teacher, and if it has
17 notified the teacher of the decision, it may not rescind that action but must
18 proceed under the provisions of this section for the demotion or dismissal of
19 a teacher if it decides to terminate the teacher's employment. If a majority of
20 the board votes against granting career status, the teacher shall not teach
21 beyond the current school term. If the board fails to vote on granting career
22 status:

23 a. ~~It shall not reemploy the teacher for a fifth consecutive year;~~

24 b. ~~As of June 16, the teacher shall be entitled to one month's pay as~~
25 ~~compensation for the board's failure to vote upon the issue of~~
26 ~~granting career status; and~~

27 e. ~~The status, the~~ teacher shall be entitled to an additional month's pay
28 for every 30 days or portion thereof after June 16 ~~that the board fails~~
29 ~~to vote upon the issue of granting career status. or such later date as~~
30 provided in G.S. 115C-325(m)(7) if a majority of the board belatedly
31 votes against granting career status.

32 (2) Employment of a Career Teacher. – A teacher who has obtained career
33 status in any North Carolina public school system need not serve another
34 probationary period of more than one year. The board may grant career
35 status immediately upon employing the teacher, or after the first year of



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1 employment. The teacher has a right to notice and hearing prior to the
 2 board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4).
 3 The board shall give the teacher written notice of that decision by June 15 or
 4 such later date as provided in G.S. 115C-325(m)(7). If a majority of the
 5 board votes against granting career status, the teacher shall not teach beyond
 6 the current term. If after one year of employment, the board fails to vote on
 7 the issue of granting career status:

- 8 a. ~~It shall not reemploy the teacher for a second consecutive year;~~
 9 b. ~~As of June 16, the teacher shall be entitled to one month's pay as~~
 10 ~~compensation for the board's failure to vote upon the issue of~~
 11 ~~granting career status; and~~
 12 e. ~~The status, the~~ teacher shall be entitled to one additional month's pay
 13 for every 30 days or portion thereof beyond June 16 ~~that the board~~
 14 ~~fails to vote upon the issue of granting career status or such later date~~
 15 as provided in G.S. 115C-325(m)(7) if a majority of the board
 16 belatedly voted against granting career status.

17 ...

18 (m) Probationary Teacher.

- 19 (1) The board of any local school administrative unit may not discharge a
 20 probationary teacher during the school year except for the reasons for and by
 21 the procedures by which a career employee may be dismissed as set forth in
 22 subsections (e), (f), (f1), and (h) to (j3) above.
- 23 (2) The board, upon recommendation of the superintendent, may refuse to renew
 24 the contract of any probationary teacher or to reemploy any teacher who is
 25 not under contract for any cause it deems sufficient: Provided, however, that
 26 the cause may not be arbitrary, capricious, discriminatory or for personal or
 27 political reasons.
- 28 (3) The superintendent shall provide written notice to a probationary teacher no
 29 later than May 15 of the superintendent's intent to recommend nonrenewal
 30 and the teacher's right, within 10 days of receipt of the superintendent's
 31 recommendation, to (i) request and receive written notice of the reasons for
 32 the superintendent's recommendation for nonrenewal and the information
 33 that the superintendent may share with the board to support the
 34 recommendation for nonrenewal; and (ii) request a hearing for those teachers
 35 eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely
 36 request within the 10 days shall result in a waiver of the right to this
 37 information and any right to a hearing. If a teacher files a timely request, the
 38 superintendent shall provide the requested information and arrange for a
 39 hearing, if allowed, and the teacher shall be permitted to submit
 40 supplemental information to the superintendent and board prior to the board
 41 making a decision or holding a hearing as provided in this section. The board
 42 shall adopt a policy to provide for the orderly exchange of information prior
 43 to the board's decision on the superintendent's recommendation for
 44 nonrenewal.
- 45 (4) If the probationary teacher is eligible for career status pursuant to
 46 G.S. 115C-325(c)(1) and (c)(2) and the superintendent recommends not to
 47 give the probationary teacher career status, the probationary teacher has the
 48 right to a hearing before the board unless the reason is a justifiable board- or
 49 superintendent-approved decrease in the number of positions due to district
 50 reorganization, decreased enrollment, or decreased funding.

1 (5) For probationary contracts that are not in the final year before the
2 probationary teacher is eligible for career status, the probationary teacher
3 shall have the right to petition the local board of education for a hearing, and
4 the local board may grant a hearing regarding the superintendent's
5 recommendation for nonrenewal. The local board of education shall notify
6 the probationary teacher making the petition of its decision whether to grant
7 a hearing.

8 (6) Any hearing held according to this subsection shall be pursuant to the
9 provisions of G.S. 115C-45(c).

10 (7) The board shall notify a probationary teacher whose contract will not be
11 renewed for the next school year of its decision by June 15; provided,
12 however, if a teacher submits a request for information or a hearing, the
13 board shall provide the nonrenewal notification by July 1 or such later date
14 upon the written consent of the superintendent and teacher.

15 ...

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

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

23 "

24 **SECTION 2.** This act is effective when it becomes law. G.S. 115C-325(m)(4), as
25 enacted by Section 1 of this act, applies to proceedings initiated after August 31, 2010. The
26 remainder of this act applies to proceedings initiated after August 31, 2009.