

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 962

Short Title: Probationary Teacher Appeals. (Public)

Sponsors: Senator Nesbitt.

Referred to: Education/Higher Education.

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 (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.