

March 26, 2009

S 962. PROBATIONARY TEACHER APPEALS. Filed 3/25/09. *TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS.*

Amends GS 115C-325 to establish a new process that must be followed when a superintendent and local board of education are considering whether a probationary teacher should be offered another probationary contract, a career status contract, or no contract at all. Outlines a timeline that applies when the superintendent decides not to offer another contract. Provides that the decision of the superintendent must not be arbitrary, capricious, discriminatory, personal, or political. Allows the probationary teacher to request a hearing before the local board of education. Provides that the decision of the local board is subject to judicial review. If, after the hearing, the local board fails to notify the probationary teacher of a negative decision by June 15, the teacher is entitled to 30 days of additional employment or severance pay. Effective when it becomes law and applies to proceedings initiated after August 31, 2009.

Intro. by Nesbitt.

GS 115C

May 13, 2009

S 962. PROBATIONARY TEACHER APPEALS. Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition.

Amends GS 115C-325 to provide that a teacher has a right to notice and hearing prior to the local school board's (board) vote as provided in GS 115C-325(m)(7) on whether to grant the teacher career status. Directs the board to provide the written notice by June 15 or by a later date as provided in GS 115C-325(m)(7). Provides that if the board does not vote on granting career status the teacher is entitled to an additional month's pay for every 30 days or portion thereof after June 16 or a later date as provided in GS 115C-325(m)(7) if a majority of the board belatedly votes against granting career status.

Requires the superintendent of the local school administrative unit to provide written notice to a probationary teacher no later than May 15 (was, May 1) that includes the superintendent's intent to recommend non-renewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, (1) to request and receive written notice of the reasons for the superintendent's recommendation for non-renewal and the information that the superintendent may share with the board in support of the recommendation and (2) to request a hearing if the teacher is eligible for a hearing under GS 115C-325(m)(4). Provides that failure to make a timely request within 10 days results in a waiver of the right to the information and any right to a hearing. Provides additional guidelines regarding the hearing process.

Provides that if the superintendent recommends not to give career status to a probationary teacher, eligible for career status pursuant to GS 115C-325(c)(1) and (2), then the probationary teacher has the right to a hearing before the board unless the reason for the recommendation is a justifiable board or superintendent approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding. Applies to proceedings initiated after August 31, 2010.

Provides that if a probationary teacher recommended for non-renewal submits a request for a hearing or information, the board is to provide the notification of non-renewal by July 1 or a later date with the written consent of the probationary teacher and the superintendent.

Permits a probationary teacher whose probationary contract is not in the final year before the probationary teacher becomes eligible for career status and who has been recommended for non-renewal to petition the local board for a hearing. Provides that the local board may choose to grant a hearing and directs the board to notify the probationary teacher making the petition of its decision as to whether to grant a hearing.

June 23, 2009

S 962. PROBATIONARY TEACHER APPEALS. Filed 3/25/09. House committee substitute makes the following changes to 2nd edition. Amends GS 115C-325(c)(1) to clarify that a teacher under consideration for election to career status has a right to notice and hearing *prior* to the local board of education's vote on the teacher's status, as provided in GS 115C-325(m)(3) and GS

115C-325(m)(4) (was, as provided in GS 115C-325(m)(7), which requires the board to provide the teacher with written notice of its decision).

Amends GS 115C-325(c)(2), which applies to the employment of a teacher who has obtained career status in any North Carolina public school system. Current law does not require a career teacher to serve another probationary period of more than one year and allows the board to grant career status immediately upon employing that teacher or after the first year of employment. Provides that a career teacher has a right to notice and hearing *prior* to the local board of education's vote on the teacher's status, as provided in GS 115C-325(m)(3) and GS 115C-325(m)(4), and that the board must provide the teacher with written notice of its decision by June 15 or at such later date as provided in GS 115C-325(m)(7). Provides that with regards to a career teacher, if the board does not vote on the issue of granting career status, the teacher is entitled to one additional month's pay for every 30 days or portion thereof (was, every 30 days) beyond June 16 *or such later date as provided in GS 115C-325(m)(7) if a majority of the board belatedly voted against granting career status*; also deletes provision prohibiting the reemployment of the teacher for a second consecutive year. Makes conforming changes.

July 6, 2009

S 962. PROBATIONARY TEACHER APPEALS. Filed 3/25/09. House committee substitute makes the following changes to 3rd edition. Deletes provision specifying that all final board decisions to nonrenew a probationary teacher are subject to judicial review pursuant to Article 4 of Chapter 150B of the General Statutes.

July 27, 2009

SL 2009-326 (S 962). PROBATIONARY TEACHER APPEALS. AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS. Summarized in *Daily Bulletin* 3/25/09, 5/13/09, 6/23/09, and 7/6/09. Enacted July 24, 2009. Effective July 24, 2009. GS 115C-325(m)(4), as enacted by Section 1, applies to proceedings initiated after August 31, 2010. The remainder of the act applies to proceedings initiated after August 31, 2009.