

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  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S962-PCS75287-RF-68

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.



\* S 9 6 2 - P C S 7 5 2 8 7 - R F - 6 8 \*

1 (2) Employment of a Career Teacher. – A teacher who has obtained career  
2 status in any North Carolina public school system need not serve another  
3 probationary period of more than one year. The board may grant career  
4 status immediately upon employing the teacher, or after the first year of  
5 employment. The teacher has a right to notice and hearing prior to the  
6 board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4).  
7 The board shall give the teacher written notice of that decision by June 15 or  
8 such later date as provided in G.S. 115C-325(m)(7). If a majority of the  
9 board votes against granting career status, the teacher shall not teach beyond  
10 the current term. If after one year of employment, the board fails to vote on  
11 the issue of granting career status:

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

21 ...

22 (m) Probationary Teacher.

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

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

32 (3) The superintendent shall provide written notice to a probationary teacher no  
33 later than May 15 of the superintendent's intent to recommend nonrenewal  
34 and the teacher's right, within 10 days of receipt of the superintendent's  
35 recommendation, to (i) request and receive written notice of the reasons for  
36 the superintendent's recommendation for nonrenewal and the information  
37 that the superintendent may share with the board to support the  
38 recommendation for nonrenewal; and (ii) request a hearing for those teachers  
39 eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely  
40 request within the 10 days shall result in a waiver of the right to this  
41 information and any right to a hearing. If a teacher files a timely request, the  
42 superintendent shall provide the requested information and arrange for a  
43 hearing, if allowed, and the teacher shall be permitted to submit  
44 supplemental information to the superintendent and board prior to the board  
45 making a decision or holding a hearing as provided in this section. The board  
46 shall adopt a policy to provide for the orderly exchange of information prior  
47 to the board's decision on the superintendent's recommendation for  
48 nonrenewal.

49 (4) If the probationary teacher is eligible for career status pursuant to  
50 G.S. 115C-325(c)(1) and (c)(2) and the superintendent recommends not to  
51 give the probationary teacher career status, the probationary teacher has the

1 right to a hearing before the board unless the reason is a justifiable board- or  
2 superintendent-approved decrease in the number of positions due to district  
3 reorganization, decreased enrollment, or decreased funding.

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

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

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

18 ...

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

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

26 ...."

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