**NONRENEWAL OF PROBATIONARY CONTRACT TEACHERS** 5303

~~Nonrenewal Procedure for Probationary Teachers~~

1. Notice of Nonrenewal Recommendation and ~~Right to~~ Requests For Information and a Hearing

(a) The superintendent shall provide written notice ~~to a probationary teacher of the~~

~~superintendent’s recommendation not to renew the teacher’s contract by May 15~~

b y May 15 to a teacher on a probationary contract of a recommendation to not renew his or her contract. The notice shall inform the teacher of the ~~teacher’s~~ right to file a written request to the superintendent within 10 calendar days for (1) the reasons and documents in support of the ~~superintendent’s~~ nonrenewal recommendation and (2) a hearing before the Board. If the teacher does not file a request to the superintendent within ~~the required~~ 10 calendar days, the teacher waives ~~both~~ the right to receive the reasons and documents in support of the nonrenewal recommendation ~~and any right to request a discretionary hearing~~ and no hearing will be granted.

If the teacher files a timely request for the reasons and documentation in support of the nonrenewal recommendation, the superintendent shall provide the

requested information and the teacher shall be given 10 calendar days to submit supplemental information to the superintendent and Board for consideration prior to the Board making a decision. ~~or holding any hearing.~~ ~~If no~~ ~~hearing is requested or allowed, the teacher shall submit the supplemental~~ ~~information in accordance with instructions from the superintendent or Board for~~ ~~this information to be considered. In the case where a hearing is granted, the~~ ~~information shall be submitted as set forth below (see “Hearing Procedure”).~~

(b) ~~The teacher may file a petition to the superintendent for a discretionary hearing~~

~~before the board. To be considered, the petition must be filed within 10 days after~~

~~the notice of the superintendent’s nonrenewal recommendation.~~ If the teacher files a timely request for a hearing, the written request, at a minimum,

~~the petition~~ shall state with particularity the reasons why a hearing is necessary

and why the Board could not adequately review the superintendent’s nonrenewal

recommendation based on the documents provided by the superintendent and

teacher. The superintendent will forward any timely ~~petitions~~ requests to the Board Chair and Vice Chair who will ~~meet to~~ determine whether a ~~discretionary~~ hearing shall be granted. The Chair and the Vice Chair of the Board shall review the request and notify the teacher whether the Board will grant a hearing. If both the Chair and Vice Chair vote in favor of granting a ~~discretionary~~ hearing, then the teacher will be afforded a hearing; otherwise, the teacher will be notified in writing of the denial of petition. The decision of the Board Chair and Vice Chair on whether to grant a ~~discretionary~~ hearing shall be

final.

2. Hearing Procedure

~~If a probationary teacher is granted a discretionary hearing following~~

~~the filing of a timely petition, the following procedure shall apply:~~ The following procedures shall apply to any hearing granted in accord with Section 1 of this policy:

(a) The Board of Education may designate a hearing panel of at least three Board

members to hear the appeal. The decision of a Board panel shall be final.

(b) The teacher and superintendent will be notified of the time, date, and place of the

hearing. At least two work days before the day of the hearing, the teacher and

superintendent will provide to the Board and to one another copies of all

documents to be presented at the hearing. Documents not exchanged in advance

of the hearing may not be used as evidence without the consent of both parties or

by a majority vote of the Board or Board panel. The teacher shall include with

these documents a statement of the specific reasons for challenging the

superintendent’s recommendation.

(c) A record of the hearing shall be made and maintained by the Board.

(d) The hearing shall be informal. Formal rules of evidence will not apply. The

teacher and the superintendent may be represented by legal counsel and may

present witnesses. Unless otherwise modified by the Board or Board panel, each

side will be allowed 30 minutes to make a presentation. The superintendent shall

make his/her presentation first, followed by the teacher. Either party may reserve

time for rebuttal. The Board or Board panel may limit or exclude duplicative or

irrelevant evidence.

3. Board Decisions on Teacher Nonrenewal

(a) The Board or Board panel may uphold the superintendent’s recommendation if it

finds that the reason(s) for the recommendation is not arbitrary, capricious,

discriminatory, personal, or political.

(b) The Board must notify the ~~probationary~~ teacher whose contract will not be

renewed for the next school year of its decision by June 15. However, if the

teacher submits a formal request for information as specified in this policy or for a

hearing, the Board shall provide the nonrenewal notification by July 1 or such

later date upon written consent of the superintendent and the teacher. The Board’s

decision is subject to judicial review in accordance with Article 4 of Chapter 150

B of the North Carolina General Statutes.

~~4. The right to request a hearing as set forth in this policy applies to~~

~~proceedings initiated after August 31, 2010.~~

Legal Ref.: G.S. 115C-45, ~~G.S. 115C-276, G.S. 115C-278, G.S. 115C-278.1, and~~ G.S. 115C-325, SB 402 (2013)

Adopted: 1/1/10

Revised: