

NONRENEWAL OF PROBATIONARY TEACHERS

5303

Nonrenewal Procedure for Probationary Teachers

1. Notice of Nonrenewal Recommendation and Right to Request 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. The notice shall inform the teacher of the teacher's right to file a written request to the superintendent within 10 days for (a) the reasons and documents in support of the superintendent's recommendation and (b) a hearing before the board if the teacher is eligible at the time for a career status decision (however, there is no right to a hearing if the reason for the recommended nonrenewal is a decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding). If the teacher does not file a request to the superintendent within the required 10 days, the teacher waives both the right to receive the reasons and documents in support of the recommendation and any right to a hearing. If the teacher files a timely request, the superintendent shall provide the requested information and arrange for a hearing, if allowed, and the teacher shall be given an opportunity to submit supplemental information to the superintendent and board 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) A teacher who is not eligible for a career status decision, and thus not entitled to hearing, 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. 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 to the Board Chair and Vice Chair who will meet to determine whether a discretionary hearing shall be granted. 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 eligible for a career status decision files a timely request for a hearing, or if any other probationary teacher is granted a discretionary hearing following the filing of a timely petition, the following procedure shall apply:

- (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 and/or receive 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

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