

PROBATIONARY TEACHERS: NONRENEWAL

Policy Code:

7950

The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient, so long as the cause is not arbitrary, capricious or discriminatory or for personal or political reasons. Probationary teachers during the term of their contract will be demoted or dismissed only in accordance with policy 7930, Professional Employees: Demotion and Dismissal.

A. TEACHER RIGHTS UPON NONRENEWAL

By no later than May 15, the superintendent shall provide written notice to the probationary teacher of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal. The failure to file a timely request within 10 days shall result in a waiver of the right to this information. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board's decision.

A probationary teacher, whose contract is not in the final year before the probationary teacher is eligible for career status, has the right to petition the board for a hearing regarding the superintendent's recommendation for nonrenewal. The board will notify the probationary teacher of its decision whether to grant a hearing. For all proceedings initiated after August 31, 2010, teachers eligible for career status have the right to a hearing before the board if the superintendent recommends that the board not grant the teacher career status for any reason other than a reduction in force (see policy 7410, Career Status).

The board will notify the probationary teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher submitted a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or a later date upon the written consent of the superintendent and teacher.

B. NONRENEWAL DUE TO REDUCTION IN FORCE: PROBATIONARY STATUS

The provisions in this section apply to full-time permanent probationary teachers who (1) are non-renewed because of a decrease in the number of school system positions resulting from decreased funding, decreased enrollment or school system reorganization and (2) are subsequently rehired by the board within three years of their nonrenewal.

The provisions in this section also apply to full-time permanent probationary teachers

who (1) resign in good standing effective at the end of the school year after receiving documentation that their position may be eliminated because of a decrease in the number of school system positions resulting from decreased funding, decreased enrollment or school system reorganization and (2) are subsequently rehired by the board.

1. Teachers Not Eligible for Career Status at the Time of Nonrenewal

The intervening years when the teacher was not employed by the board shall not be deemed to constitute either a break in continuity of years of service or a consecutive year of service for purposes of determining eligibility for career status, provided the teacher gives notice as required in subsection B.3, below.

2. Teachers Eligible for Career Status at the Time of Nonrenewal

Teachers who have met all service requirements to be eligible for career status pursuant to policy 7410 at the time of their nonrenewal shall be eligible for a career status decision after one additional year of employment upon being rehired, provided the teacher gives notice as required in subsection B.3, below.

3. Required Notice

a. Within 60 calendar days of the teacher's first day of employment upon being rehired, the teacher must:

(1) give written notice to the assistant superintendent for human resources that the teacher's nonrenewal did not constitute a break in service because it was pursuant to policy 7920, Professional Personnel Reduction in Force; and

(2) provide information establishing to the satisfaction of the superintendent that the teacher was non-renewed because of a decrease in the number of positions triggered by decreased funding or enrollment or due to school system reorganization.

b. The superintendent or designee shall notify the teacher in writing of the 60-day deadline. If the superintendent or designee fails to provide notice within 30 calendar days after the teacher's first day of employment upon rehiring, the teacher's obligation to provide notice shall not commence until such time that the teacher is notified by the superintendent or designee of the 60-day deadline.

c. The superintendent is not authorized to waive the notice required from the teacher by this subsection without the prior approval of the board.

4. Superintendent's Decision and Board Review

- a. The superintendent shall issue a written decision to the teacher within a reasonable period of time upon receiving the information required by this section.
- b. Within 10 calendar days of receipt, the teacher may petition the board in writing for review of the superintendent's decision.
- c. The board will review the matter on the written record in closed session and issue a written decision.

Legal References: G.S. 115C-45(c), -325

Cross References: Career Status (policy 7410), Professional Personnel Reduction in Force (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: March 1, 2011