

Pursuant to North Carolina General Statute § 115C-276(j), it shall be the duty of the Superintendent to recommend and the Board of Education ("Board") to elect all principals, teachers, and other school personnel in the administrative unit. Transylvania County Schools shall comply fully with the provisions of N.C.G.S. § 115C-325 and other applicable state statutes governing the employment of probationary teachers.

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: Provided, however, that the cause may not be arbitrary, capricious, discriminatory, or for personal or political reasons.

The Superintendent shall provide written notice to a probationary teacher no later than May 15 of the Superintendent's intent to recommend nonrenewal and the probationary teacher's right, within ten (10) calendar days of receipt of the Superintendent's recommendation, to:

1. 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; and,
2. Request a hearing if that teacher is eligible for career status pursuant to N.C.G.S. § 115C-325(c)(1, 2).

Failure by the probationary teacher to file a timely request within ten (10) calendar days shall result in a waiver of the right to this information and any right to a hearing. If the probationary teacher files a timely request, then the Superintendent shall provide the requested information and arrange for a hearing, if allowed, and the probationary teacher shall be permitted to submit supplemental information to the Superintendent and Board prior to the Board making a decision or holding a hearing as provided in this policy. The Superintendent shall adopt procedures for the orderly exchange of such information prior to the Board's decision on the Superintendent's recommendation for nonrenewal.

#### PROCEDURE FOR PROBATIONARY TEACHERS ELIGIBLE FOR CAREER STATUS

If the probationary teacher is eligible for career status pursuant to N.C.G.S. § 115C-325(c)(1, 2) and the Superintendent recommends not to grant career status to the probationary teacher, then the probationary teacher has the right to a hearing before the Board unless the reason is a justifiable Board- or Superintendent-approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.

The written request for a hearing must state:

1. The basis for the appeal; and,
2. The relevant facts underlying the claim.

The Superintendent shall not file his recommendation with the Board until the ten (10) day notice period has expired.

PROCEDURE FOR PROBATIONARY TEACHERS NOT ELIGIBLE FOR CAREER STATUS

If the probationary teacher is not eligible for career status pursuant to N.C.G.S. § 115C-325(c)(1, 2) and the Superintendent recommends nonrenewal, then the probationary teacher shall have the right to petition the Board for a hearing, and the Board may grant a hearing regarding the Superintendent's recommendation for nonrenewal. The probationary teacher's petition must be in writing and delivered to the Superintendent within ten (10) calendar days of the Superintendent's recommendation for nonrenewal or within ten (10) calendar days of the probationary teacher's receipt of the Superintendent's reasons for recommending nonrenewal, whichever is later. Failure by the probationary teacher to file a timely request within ten (10) calendar days of the Superintendent's recommendation of nonrenewal or within ten (10) calendar days of the employee's receipt of the Superintendent's reasons, whichever is later, shall result in a waiver of the right to petition the Board for a hearing.

The written petition must state:

1. The basis for the appeal; and,
2. The relevant facts underlying the claim.

The Board shall notify the probationary teacher making the petition of its decision whether to grant a hearing. The Board will only grant hearings when the probationary teacher presents evidence of a violation of state law or unlawful discrimination.

Any hearing held pursuant to this policy shall be conducted according to the provisions of N.C.G.S. § 115C-45(c).

The Board shall notify a probationary teacher whose contract will not be renewed for the next school year of its decision by June 15: Provided, however, if a probationary teacher submits a request for information or a hearing, then the Board shall provide the nonrenewal notification by July 1 or such later date upon the written consent of the Superintendent and probationary teacher.

During the term of their contracts, probationary teachers shall be demoted or dismissed only in accordance with N.C.G.S. § 115C-325.

83 Legal References: N. C. Gen. Stat. § 115C-45, § 115C-276, § 115C-287.1, § 115C-325

84

85

86

87 APPROVED BY BOARD

88 AND EFFECTIVE \_\_\_\_\_

DRAFT