

Policy Code: 7950 Non-Career Status Teachers: Nonrenewal

I. Standard for Nonrenewal

The board, upon recommendation of the superintendent, may refuse to renew the contract of any non-career status teacher for any cause it deems sufficient, so long as the cause is not arbitrary, capricious, discriminatory, prohibited by state or federal law, or for personal or political reasons. However, the board desires to attract and retain high performing teachers by providing additional job protection. Therefore, a non-career status teacher in at least the fifth year of consecutive service as a teacher on a renewable contract, who meets the following criteria: (1) has demonstrated proficient or better performance in all standards on any three consecutive annual evaluations and who was rated as accomplished on at least one element of any standard on the third consecutive annual evaluation and (2) who has not received a rating less than proficient on any standard on more than one annual evaluation during the most recent five (5) annual evaluations, may be only non-renewed for one or more of the following reasons:

- a. Inadequate performance.
- b. Immorality.
- c. Insubordination.
- d. Neglect of duty.
- e. Physical or mental incapacity.
- f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in [Article 5 of Chapter 90 of the General Statutes](#).
- g. Conviction of a felony or a crime involving moral turpitude.
- h. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
- i. Failure to fulfill the duties and responsibilities imposed upon teachers by the General Statutes of this State.
- j. Failure to comply with such reasonable requirements as the Board may prescribe.
- k. Any cause which constitutes grounds for the revocation of the teacher's teaching license.
- l. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.
- m. Failure to maintain his or her license in a current status.
- n. Failure to repay money owed to the State in accordance with the provisions of [Article 60, Chapter 143 of the General Statutes](#).
- o. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.

II. Nonrenewal Recommendation and Hearing Procedures

If a superintendent decides to recommend nonrenewal of a non-career status teacher, the

superintendent shall provide written notice of the recommendation no later than June 1. The teacher may, within 10 days of receipt of the superintendent's recommendation, request 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. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher will be permitted to submit supplemental information to the superintendent and board prior to the board's decision. Additionally, non-career status teachers who believe they are entitled to the additional job protection outlined in section I, above, must notify the superintendent in writing within ten (10) days of receipt of the superintendent's nonrenewal recommendation in order for the Board to consider the additional job protection.

A non-career status teacher has the right to petition the board for a hearing no later than 10 days after receiving notice of the superintendent's recommendation for nonrenewal. If a teacher recommended for nonrenewal makes a timely hearing request, the teacher and superintendent will be notified of the time, date, and place of the hearing. At least two work days before the hearing, the teacher and superintendent shall 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. The teacher shall include with these documents a statement of the specific reasons for challenging the superintendent's recommendation. The Board will make and maintain a record of the hearing.

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, 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 may limit or exclude duplicative or irrelevant evidence.

In considering a recommendation of the superintendent to offer a teacher a new, renewed, or extended contract, the board may review any information that was in the teacher's personnel file at the time of the superintendent's recommendation. If the board determines that it needs additional information to reach a decision, it will notify the teacher of the board's concerns and of the additional information that it is considering and provide an opportunity for the teacher to respond to the additional information.

The board will notify the non-career status teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher is granted a hearing, the board will provide the nonrenewal notification within 10 days of the hearing or such later date upon the written consent of the superintendent and teacher.

Non-career status teachers may be demoted or dismissed during the terms of their contracts only in accordance with policy [7930](#), Professional Employees: Demotion and Dismissal.

Legal References: [G.S. 115C-45\(c\)](#), [325.1](#) *et seq.*

Cross References: Hearings Before the Board (policy [2500](#)), Teacher Contracts (policy [7410](#)), Reduction in Force: Teachers and School Administrators (policy [7920](#)), Professional Employees: Demotion and Dismissal (policy [7930](#))

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