

EMPLOYMENT OF TEACHERS WITHOUT CAREER STATUS

Effective July 1st, 2013, the North Carolina Legislature eliminated the category of “probationary teachers” and eliminated the granting of career status (or tenure) to teachers who did not already have career status at that time. The purpose of this Policy is to establish a process for the employment, non-renewal, suspension or dismissal of teachers who do not have career status with the New Hanover County Schools (referred to in this Policy as “non-tenured teachers”). This Policy applies only to “teachers” as defined in N.C.G.S. §325.1(6), which includes those hired to fill a full-time, permanent position, and does not apply to temporary, interim, part-time, foreign exchange, substitute teachers, or to teachers who have career status/tenure.

Non-tenured teachers covered by this Policy shall be employed on a contract for a term of one school year with less than three consecutive years of experience with the New Hanover County Schools and who are in good standing; for a term of two years with three or more consecutive years of experience with the New Hanover County Schools and who are in good standing; for a term of four years with five or more consecutive years of experience with the New Hanover County Schools who are in good standing. The Board expects teachers to meet all performance standards established by the Board, the Superintendent or designee, state law, and State Board of Education policy to determine term of contract as provided in [Policy 6235, Teacher Contracts](#).

A teacher in “Good Standing” for a Two (2) Year Contract

- Shall have been employed by the Board for at least three consecutive years,
- At the end of their third year, received a rating of accomplished on at least two of the standards measured by his or her summative evaluation during the current or previous two school years, and
- Shall not have been placed on an improvement plan or received any type of disciplinary action that is documented in the teacher’s official personnel file during the current or previous two school years.

A teacher in “Good Standing” for a Four (4) Year Contract

- Shall have been employed by the Board as a teacher for at least five consecutive years,
- Received a rating of at least accomplished on the majority of the standards measured by his or her most recent summative evaluation during the current or previous two school years,
- Serving currently in an advanced leadership role, and
- Shall not have been placed on an improvement plan or received any type of disciplinary action that is documented in the teacher’s official personnel file during the current or previous two school years.

Non-tenured teachers shall be employed by the Board upon the recommendation of the Superintendent. Prior to the date set by the Division of Human Resources for each school year, which shall be no later than May 7th, principals shall evaluate all non-tenured teachers assigned to their school and shall recommend to the Superintendent whether the teachers’ contracts should be renewed. The Superintendent shall then make a recommendation to the Board whether to renew or non-renew the teachers’ contracts. The principal and Superintendent shall only recommend teachers for a renewal contract if they have a continuing license, are at the end of at least their second year of teaching for New Hanover County Schools, and if on a full

evaluation cycle have received a rating of “accomplished” on their most recent summative evaluation in two (2) of the five (5) [North Carolina Teaching Standards](#). If on an abbreviated evaluation cycle two (2) of the two (2) standards must be accomplished.

Based on the principal’s recommendations, the Superintendent may decide to recommend a one-year contract to a non-tenured teacher who has not earned at least “accomplished” on two (2) of the five (5) Standards if the teacher has demonstrated significant progress towards meeting the requirement or is an initially licensed teacher. The Board may approve or disapprove the Superintendent’s recommendation. Decisions by the Superintendent not to recommend the renewal of a teacher’s contract, and of the Board not to renew a teacher’s contract, shall not be arbitrary, capricious, and discriminatory, for personal or political reasons or on any basis prohibited by state or federal law.

If the Superintendent recommends the renewal of a teacher’s contract and the Board is not inclined to approve the recommendation at that time, the Board shall make its decision pursuant to procedures developed in consultation with the Board Attorney.

If the Superintendent decides not to recommend that the Board renew a teacher’s contract, the Superintendent shall give written notice to the teacher by June 1st. A teacher shall have the right to petition the Board, in writing, for a hearing no later than ten (10) calendar days after receiving such notice. The Board in its discretion may grant a hearing, or may decline to do so.

The Board shall notify the teacher, in writing, whether it will grant a hearing, the date of any hearing, and the procedure for the hearing. If the Board grants the request for a hearing, the hearing shall be conducted pursuant to N.C.G.S. § 115C-45(c), and any procedures adopted by the Board not inconsistent therewith. If the Board decides not to grant the teacher a hearing, it shall notify the teacher, in writing, of its decision not to grant a hearing, and shall proceed to make its decision following procedures developed in consultation with the Board Attorney, consistent with applicable law.

The Board shall notify a teacher whose contract will not be renewed for the next school year of its decision by June 15th; provided that if a teacher submits a request for a hearing, the Board shall provide the teacher with its decision within ten (10) calendar days of any hearing conducted, or such later date as agreed by the teacher and Superintendent in writing. The failure of the Board to meet this deadline shall not entitle a teacher to an automatic renewal of the contract or to any other remedy except as expressly required by N.C.G.S. §115C-325.4(f).

Non-tenured teachers covered by this Policy may be dismissed, demoted or reduced to employment on a part-time basis during the term of their contract only for cause as provided in N.C.G.S. §115C-325.4. However, the term “demoted” as used in this Policy does not include (i) a suspension without pay pursuant to N.C.G.S. §115C-325.5(a); (ii) the elimination or reduction of bonus payments including merit based supplements or the system-wide modification in the amount of any applicable local supplement; (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach or choral director; or (iv) any reduction of pay as compared to a prior term of contract.

Non-tenured teachers covered by this Policy may be suspended with or without pay during the terms of their contract, pursuant to the provisions of N.C.G.S. §115C-325.5.

LEGAL REF: Section 9.6(a) and (b) of the Current Operations and
Capital Improvements Appropriations Act of 2013,
(Session Laws 2013-360); NCGS §115C-325 & §115C-325.1 *et. seq.*

CROSS REF: Policy 6110 Employment Status
Policy 6235 Teacher Contracts

Adopted: 08/10

Revised: 01/08/13, 02/05/13, 10/14/14, 07/12/16, 04/02/19