

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 599
Committee Substitute Favorable 5/7/91

Short Title: School Tenure/Various Changes.

(Public)

Sponsors:

Referred to:

April 4, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES IN THE PUBLIC SCHOOL TENURE
3 LAW.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-325 reads as rewritten:

6 "**§ 115C-325. System of employment for public school teachers.**

7 (a) Definition of Terms. – As used in this section unless the context requires
8 otherwise:

- 9 (1) 'Career teacher' means a teacher who has obtained career status as
10 provided in G.S. 115C-325(c).
11 (2) 'Committee' means the Professional Review Committee created under
12 G.S. 115C-325(g).
13 (3) 'Day' means calendar day. In computing any period of time, Rule 6 of
14 the North Carolina Rules of Civil Procedure shall apply.
15 (4) 'Demote' means to reduce the compensation of a person who is
16 classified or paid by the State Board of Education as a classroom
17 teacher, or to transfer him to a new position carrying a lower salary, or
18 to suspend him without pay to a maximum of 60 days; provided,
19 however, that a suspension without pay pursuant to the provisions of
20 G.S. 115C-325(f) shall not be considered a demotion. The word
21 'demote' does not include a reduction in compensation that results from
22 the elimination of a special duty, such as the duty of an athletic coach,
23 assistant principal, or a choral director.

1 (5) 'Probationary teacher' means a certificated person, other than a
2 superintendent, associate superintendent, or assistant superintendent,
3 who has not obtained career-teacher status and whose major
4 responsibility is to teach or to supervise teaching.

5 (6) 'Teacher' means a person who holds at least a current, not expired,
6 Class A certificate or a regular, not provisional or expired, vocational
7 certificate issued by the Department of Public Instruction; whose
8 major responsibility is to teach or directly supervise teaching or who is
9 classified by the State Board of Education or is paid as a classroom
10 teacher; and who is employed to fill a full-time, permanent position.

11 (b) Personnel Files. – The superintendent shall maintain in his office a personnel
12 file for each teacher that contains any complaint, commendation, or suggestion for
13 correction or improvement about the teacher's professional conduct. The complaint,
14 commendation, or suggestion shall be signed by the person who makes it and shall be
15 placed in the teacher's file only after five days' notice to the teacher. Any denial or
16 explanation relating to such complaint, commendation, or suggestion that the teacher
17 desires to make shall be placed in the file. Any teacher may petition the local board of
18 education to remove any information from his personnel file that he deems invalid,
19 irrelevant, or outdated. The board may order the superintendent to remove said
20 information if it finds the information is invalid, irrelevant, or outdated.

21 The personnel file shall be open for the teacher's inspection at all reasonable times
22 but shall be open to other persons only in accordance with such rules and regulations as
23 the board adopts. Any preemployment data or other information obtained about a
24 teacher before his employment by the board may be kept in a file separate from his
25 personnel file and need not be made available to him. No data placed in the
26 preemployment file may be introduced as evidence at a hearing on the dismissal or
27 demotion of a teacher.

28 (c) (1) Election of a Teacher to Career Status. – When a teacher
29 will have been employed by a North Carolina public school system
30 for three consecutive years, the board, near the end of the third year,
31 shall vote upon his employment for the next school year. The board
32 shall give him written notice of that decision by June 1 of his third
33 year of employment. If a majority of the board votes to reemploy the
34 teacher, and if it has notified him of the decision, it may not rescind
35 that action but must proceed under the provisions of this section for
36 the demotion or dismissal of a teacher if it decides to terminate his
37 employment. If a majority of the board votes against reemploying
38 the teacher, he shall not teach beyond the current school term. If the
39 board fails to vote on granting career status but reemploys him for
40 the next year, he automatically becomes a career teacher on the first
41 day of the fourth year of employment.

42 A year, for purposes of computing time as a probationary teacher,
43 shall be not less than 120 workdays performed as a full-time,
44 permanent teacher in a normal school year.

- 1 (2) Employment of a Career Teacher. – A teacher who has obtained career
2 status in ~~another~~ any North Carolina public school system need not
3 serve another probationary period of more than two years, and may, at
4 the option of the board, be employed immediately as a career teacher.
5 In any event, if the teacher is reemployed for a third consecutive
6 school year, he shall automatically become a career teacher. A teacher
7 with career status who resigns and within five years ~~seeks to be~~ is
8 reemployed by the same local school administrative unit need not
9 serve another probationary period of more than one school year and
10 may, at the option of the board, be reemployed as a career teacher. In
11 any event, if he is reemployed for a second consecutive school year, he
12 shall automatically become a career teacher.
- 13 (3) Ineligible for Career Status. – No superintendent, associate
14 superintendent, assistant superintendent or other school employee who
15 is not a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain
16 career status or continue in a career status if he no longer performs the
17 responsibilities of a teacher as defined in G.S. 115C-325(a)(6).
- 18 (4) Leave of Absence. – A career teacher who has been granted a leave of
19 absence by a board shall maintain his career status if he returns to his
20 teaching position at the end of the authorized leave.
- 21 (d) Career Teachers.
- 22 (1) A career teacher shall not be subjected to the requirement of annual
23 appointment nor shall he be dismissed, demoted, or employed on a
24 part-time basis without his consent except as provided in subsection
25 (e).
- 26 (2) Whether or not he has previously attained career status as a teacher, a
27 person who has performed the duties of a principal in the school
28 system for three consecutive years or has performed the duties of a
29 supervisor in the school system for three consecutive years shall not be
30 transferred from that position to a lower paying administrative position
31 or to a lower paying nonadministrative position without his consent
32 except for the reasons given in G.S. 115C-325(e)(1) and in accordance
33 with the provisions for the dismissal of a career teacher set out in this
34 section. Transfer of a principal or a supervisor is not a transfer to a
35 lower paying position if the principal's or supervisor's salary is
36 maintained at the previous salary amount.
- 37 When a teacher has performed the duties of supervisor or principal
38 for three consecutive years, the board, near the end of the third year,
39 shall vote upon his employment for the next school year. The board
40 shall give him written notice of that decision by June 1 of his third
41 year of employment as a supervisor or principal. If a majority of the
42 board votes to reemploy the teacher as a principal or supervisor, and it
43 has notified him of that decision, it may not rescind that action but
44 must proceed under the provisions of this section. If a majority of the

1 board votes not to reemploy the teacher as a principal or supervisor, he
2 shall retain career status as a teacher if that status was attained prior to
3 assuming the duties of supervisor or principal. A supervisor or
4 principal who has not held that position for three years and whose
5 contract will not be renewed for the next school year shall be notified
6 by June 1 and shall retain career status as a teacher if that status was
7 attained prior to assuming the duties of supervisor or principal.

8 (e) Grounds for Dismissal or Demotion of a Career Teacher.

9 (1) No career teacher shall be dismissed or demoted or employed on a
10 part-time basis except for one or more of the following:

- 11 a. Inadequate performance.
- 12 b. Immorality.
- 13 c. Insubordination.
- 14 d. Neglect of duty.
- 15 e. Physical or mental incapacity.
- 16 f. Habitual or excessive use of alcohol or nonmedical use of a
17 controlled substance as defined in Article 5 of Chapter 90 of the
18 General Statutes.
- 19 g. Conviction of a felony or a crime involving moral turpitude.
- 20 h. Advocating the overthrow of the government of the United
21 States or of the State of North Carolina by force, violence, or
22 other unlawful means.
- 23 i. Failure to fulfill the duties and responsibilities imposed upon
24 teachers by the General Statutes of this State.
- 25 j. Failure to comply with such reasonable requirements as the
26 board may prescribe.
- 27 k. Any cause which constitutes grounds for the revocation of such
28 career teacher's teaching certificate.
- 29 l. A justifiable decrease in the number of positions due to district
30 reorganization, decreased enrollment, or decreased funding,
31 provided that there is compliance with subdivision (2).
- 32 m. Failure to maintain his certificate in a current status.
- 33 n. Failure to repay money owed to the State in accordance with the
34 provisions of Article 60, Chapter 143 of the General Statutes.
- 35 o. Providing false information or knowingly omitting a material
36 fact on an application for employment or in response to a
37 preemployment inquiry.

38 (2) Before recommending to a board the dismissal or demotion of the
39 career teacher pursuant to G.S. 115C-325(e)(1)l., the superintendent
40 shall give written notice to the career teacher by certified mail or
41 personal delivery of his intention to make such recommendation and
42 shall set forth as part of his recommendation the grounds upon which
43 he believes such dismissal is justified. The notice shall include a
44 statement to the effect that if the teacher within 15 days after receipt of

1 the notice requests a review, he shall be entitled to have the proposed
2 recommendations of the superintendent reviewed by the board. Within
3 the 15-day period after receipt of the notice, the career teacher may file
4 with the superintendent a written request for a hearing before the board
5 within 10 days. If the teacher requests a hearing before the board, the
6 hearing procedures provided in G.S. 115C-325(j) shall be followed. If
7 no request is made within the 15-day period, the superintendent may
8 file his recommendation with the board. If, after considering the
9 recommendation of the superintendent and the evidence adduced at the
10 hearing if there is one, the board concludes that the grounds for the
11 recommendation are true and substantiated by a preponderance of the
12 evidence, the board, if it sees fit, may by resolution order such
13 dismissal. Provisions of this section which permit appointment of, and
14 investigation and review by, a panel of the Professional Review
15 Committee shall not apply to a dismissal or demotion recommended
16 pursuant to G.S. 115C-325(e)(1)l.

17 When a career teacher is dismissed pursuant to G.S. 115C-
18 325(e)(1)l. above, his name shall be placed on a list of available
19 teachers to be maintained by the board. Career teachers whose names
20 are placed on such a list shall have a priority on all positions for which
21 they are qualified which become available in that system for the three
22 consecutive years succeeding their dismissal. However, if the local
23 school administrative unit offers the dismissed teacher a position for
24 which he is certified and he refuses it, his name shall be removed from
25 the priority list.

26 (3) In determining whether the professional performance of a career
27 teacher is adequate, consideration shall be given to regular and special
28 evaluation reports prepared in accordance with the published policy of
29 the employing local school administrative unit and to any published
30 standards of performance which shall have been adopted by the board.
31 Failure to notify a career teacher of an inadequacy in his performance
32 shall be conclusive evidence of satisfactory performance.

33 (4) Dismissal under subdivision (1) above, except paragraph g thereof,
34 shall not be based on conduct or actions which occurred more than
35 three years before the written notice of the superintendent's intention to
36 recommend dismissal is mailed to the teacher.

37 (f) Suspension without Pay. – If a superintendent believes that cause exists for
38 dismissing a probationary or career teacher for any reason specified in G.S. 115C-
39 325(e)(1)a. through 115C-325(e)(1)j. and that immediate suspension of the teacher is
40 necessary, the superintendent may suspend him without pay. Before suspending a
41 teacher without pay, the superintendent shall meet with the teacher and give him written
42 notice of the charges against him, an explanation of the bases for the charges, and an
43 opportunity to respond. Within five days after a suspension under this paragraph, the
44 superintendent shall initiate a dismissal as provided in this section. If it is finally

1 determined that no grounds for dismissal exist, the teacher shall be reinstated
2 immediately and shall be paid for the period of suspension.

3 A teacher recommended for suspension without pay pursuant to G.S. 115C-
4 325(a)(4) may request a hearing before the board. If the teacher requests a hearing
5 before the board, the procedures provided in G.S. 115C-325(j) shall be followed. If no
6 request is made within 15 days, the superintendent may file his recommendation with
7 the board. If, after considering the recommendation of the superintendent and the
8 evidence adduced at the hearing if one is held, the board concludes that the grounds for
9 the recommendation are true and substantiated by a preponderance of the evidence, the
10 board, if it sees fit, may by resolution order such suspension. Provisions of this section
11 which permit appointment of, and investigation and review by, a panel of the
12 Professional Review Committee shall not apply to a suspension without pay pursuant to
13 G.S. 115C-325(a)(4).

14 (f1) Suspension with Pay. – If a superintendent believes that cause may exist for
15 dismissing or demoting a probationary or career teacher for any reasons specified in
16 G.S. 115C-325(e)(1)b through 115C-325(e)(1)j, but that additional investigation of the
17 facts is necessary and circumstances are such that the teacher should be removed
18 immediately from his duties, the superintendent may suspend the teacher with pay for a
19 reasonable period of time, not to exceed 90 days. The superintendent shall immediately
20 notify the board of education of his action. If the superintendent has not initiated
21 dismissal or demotion proceedings against the teacher within the 90-day period, the
22 teacher shall be reinstated to his duties immediately and all records of the suspension
23 with pay shall be removed from the teacher's personnel file at his request.

24 (g) Professional Review Committee; Qualifications; Terms; Vacancy; Training.

25 (1) There is hereby created a Professional Review Committee which shall
26 consist of 121 citizens, 11 from each of the State's congressional
27 districts, five of whom shall be lay persons and six of whom shall have
28 been actively and continuously engaged in teaching or in supervision
29 or administration of schools in this State for the five years preceding
30 their appointment and who are broadly representative of the
31 profession, to be appointed by the Superintendent of Public Instruction
32 with the advice and consent of the State Board of Education. Each
33 member shall be appointed for a term of three years. The
34 Superintendent of Public Instruction, with the advice and consent of
35 the State Board of Education, shall fill any vacancy which may occur
36 in the Committee. The person appointed to fill the vacancy shall serve
37 for the unexpired portion of the term of the member of the Committee
38 whom he is appointed to replace.

39 (2) The Superintendent of Public Instruction shall provide for the
40 Committee such training as he considers necessary or desirable for the
41 purpose of enabling the members of the Committee to perform the
42 functions required of them.

43 (3) The compensation of committee members while serving as a member
44 of a hearing panel shall be as for State boards and commissions

1 pursuant to G.S. 138-5. The compensation shall be paid by the State
2 Board of Education.

3 (h) Procedure for Dismissal or Demotion of Career Teacher.

4 (1) A career teacher may not be dismissed, demoted, or reduced to part-
5 time employment except upon the superintendent's recommendation.

6 (2) Before recommending to a board the dismissal or demotion of the
7 career teacher, the superintendent shall give written notice to the career
8 teacher by certified mail or personal delivery of his intention to make
9 such recommendation and shall set forth as part of his
10 recommendation the grounds upon which he believes such dismissal is
11 justified. The notice shall include a statement to the effect that if the
12 teacher within 15 days after the date of receipt of the notice requests a
13 review, he shall be entitled to have the proposed recommendations of
14 the superintendent reviewed by a panel of the Committee. A copy of
15 G.S. 115C-325 and a current list of the members of the Professional
16 Review Committee shall also be sent to the career teacher. If the
17 teacher does not request a panel hearing within the 15 days provided,
18 the superintendent may submit his recommendation to the board.

19 (3) Within the 15-day period after receipt of the notice, the career teacher
20 may file with the superintendent a written request for either (i) a
21 review of the superintendent's proposed recommendation by a panel of
22 the Professional Review Committee or (ii) a hearing before the board
23 within 10 days. If the teacher requests an immediate hearing before the
24 board, he forfeits his right to a hearing by a panel of the Professional
25 Review Committee. A hearing conducted by the board pursuant to this
26 subdivision shall be conducted pursuant to G.S. 115C-325(j) and (l). If
27 no request is made within that period, the superintendent may file his
28 recommendation with the board. The board, if it sees fit, may by
29 resolution dismiss such teacher. If a request for review is made, the
30 superintendent shall not file his recommendation for dismissal with the
31 board until a report of a panel of the Committee is filed with the
32 superintendent.

33 (4) If a request for review is made, the superintendent, within five days of
34 filing such request for review, shall notify the Superintendent of Public
35 Instruction who, within seven days from the time of receipt of such
36 notice, shall designate a panel of five members of the Committee, at
37 least two of whom shall be lay persons, who shall not be employed in
38 or be residents of the county in which the request for review is made,
39 to review the proposed recommendations of the superintendent for the
40 purpose of determining whether in its opinion the grounds for the
41 recommendation are true and substantiated. The teacher or principal
42 making the request for review shall have the right to require that at
43 least two members of the panel shall be members of his professional
44 peer group.

1 (i) ~~Investigation-Hearing~~ by Panel of Professional Review Committee; Report;
2 Action of Superintendent; Review by Board.

3 (1) The career teacher and superintendent will each have the right to
4 designate not more than 30 of the 121 members of the Professional
5 Review Committee as not acceptable to the teacher or superintendent
6 respectively. No person so designated shall be appointed to the panel.
7 The career teacher shall specify to the superintendent those Committee
8 members who are not acceptable in his request for a review of the
9 superintendent's proposed recommendations provided for in
10 subdivision (h)(3) above. The superintendent's notice to the
11 Superintendent of Public Instruction provided for in subdivision (h)(4)
12 above shall contain a list of those members of the Committee not
13 acceptable to the superintendent and the teacher respectively. Failure
14 to designate nonacceptable members in accordance with this
15 subsection shall constitute a waiver of that right.

16 (2) As soon as possible after the time of its designation, the panel shall
17 elect a chairman and shall conduct ~~such investigation as it may consider~~
18 ~~necessary~~ a hearing in accordance with G.S. 115C-325(j) for the
19 purpose of determining whether the grounds for the recommendation
20 are true and substantiated. The panel shall be furnished assistance
21 reasonably required to conduct its ~~investigation-hearing~~ and shall be
22 empowered to subpoena and swear witnesses and to require them to
23 give testimony and to produce books and papers relevant to its
24 investigation. ~~If the panel holds a hearing, the provisions of G.S. 115C-~~
25 ~~325(j) shall apply.~~

26 (3) The career teacher and superintendent involved shall each have the
27 right to meet with the panel accompanied by counsel or other person of
28 his choice and to present any evidence and arguments which he
29 considers pertinent to the considerations of the panel and to cross-
30 examine witnesses.

31 (4) When the panel has completed its ~~investigation-hearing~~, it shall prepare
32 a written report and send it to the superintendent and teacher. The
33 report shall contain ~~an outline of the scope of its investigation~~, its findings
34 as to whether or not the grounds for the recommendation are true and
35 substantiated by a preponderance of the evidence, and a statement of
36 the reasons for its findings. The panel shall complete its ~~investigation~~
37 hearing and prepare the report within 20 days from the time of its
38 designation, except in cases in which the panel finds that justice
39 requires that a greater time be spent in connection with the
40 investigation and the preparation of such report, and reports that
41 finding to the superintendent and the teacher: Provided, that such
42 extension does not exceed 10 days.

43 (5) Within five days after the superintendent receives the report of the
44 panel, the superintendent shall decide whether or not to submit a

1 written recommendation for dismissal to the board or to drop the
2 charges against the teacher and shall notify the teacher, in writing, of
3 the decision. Within five days after receiving the superintendent's
4 notice of his intent to recommend the teacher's dismissal to the board,
5 the teacher shall decide whether to request a hearing before the board
6 and shall notify the superintendent, in writing, of the decision. If the
7 teacher requests a hearing before the board, the superintendent shall
8 submit his written recommendation to the board with a copy to the
9 teacher within five days after receiving the teacher's request. The
10 superintendent's recommendation shall state the grounds for the
11 recommendation and shall be accompanied by a copy of the report of
12 the panel of the Committee.

- 13 (6) Within seven days after receiving the superintendent's
14 recommendation and before taking any formal action, the board shall
15 set a time and place for the hearing and notify the teacher by certified
16 mail of the date, time and place of the hearing. The time specified shall
17 not be less than seven nor more than 20 days after the board has
18 notified the teacher. If the teacher did not request a hearing, the board
19 may, by resolution, dismiss the teacher. If the teacher can show that his
20 request for a hearing was postmarked within the time provided, his
21 right to a hearing is not forfeited.

22 (j) Hearing Procedure. – The following provisions shall be applicable to any
23 hearing conducted pursuant to G.S. 115C-325(k) or (l) or to any hearing conducted by a
24 board pursuant to G.S. 115C-325(h)(3).

- 25 (1) The hearing shall be private.
26 (2) The hearing shall be conducted in accordance with such reasonable
27 rules and regulations as the board may adopt consistent with G.S.
28 115C-325, or if no rules have been adopted, in accordance with
29 reasonable rules and regulations adopted by the State Board of
30 Education to govern such hearings.
31 (3) At the hearing the teacher and the superintendent shall have the right
32 to be present and to be heard, to be represented by counsel and to
33 present through witnesses any competent testimony relevant to the
34 issue of whether grounds for dismissal or demotion exist or whether
35 the procedures set forth in G.S. 115C-325 have been followed.
36 (4) Rules of evidence shall not apply to a hearing conducted pursuant to
37 this act and boards and panels of the Professional Review Committee
38 may give probative effect to evidence that is of a kind commonly
39 relied on by reasonably prudent persons in the conduct of serious
40 affairs.
41 (5) At least five days before the hearing, the superintendent shall provide
42 to the teacher a list of witnesses the superintendent intends to present,
43 a brief statement of the nature of the testimony of each witness and a
44 copy of any documentary evidence he intends to present. At least three

1 days before the hearing, the teacher shall provide to the superintendent
2 a list of witnesses the teacher intends to present, a brief statement of
3 the nature of the testimony of each witness and a copy of any
4 documentary evidence he intends to present. Additional witnesses or
5 documentary evidence may not be presented except upon consent of
6 both parties or upon a majority vote of the board or panel.

7 (k) Panel Finds Grounds for Superintendent's Recommendation True and
8 Substantiated.

9 (1) If the panel found that the grounds for the recommendation of the
10 superintendent are true and substantiated, at the hearing the board shall
11 consider the recommendation of the superintendent, the report of the
12 panel, including any minority report, and any evidence which the
13 teacher or the superintendent may wish to present with respect to the
14 question of whether the grounds for the recommendation are true and
15 substantiated. The hearing may be conducted in an informal manner.

16 (2) If, after considering the recommendation of the superintendent, the
17 report of the panel and the evidence adduced at the hearing, the board
18 concludes that the grounds for the recommendation are true and
19 substantiated, by a preponderance of the evidence, the board, if it sees
20 fit, may by resolution order such dismissal.

21 (l) Panel Does Not Find That the Grounds for Superintendent's Recommendation
22 Are True and Substantiated.

23 (1) If the panel does not find that the grounds for the recommendation of
24 the superintendent are true and substantiated, at the hearing the board
25 shall determine whether the grounds for the recommendation of the
26 superintendent are true and substantiated upon the basis of competent
27 evidence adduced at the hearing by witnesses who shall testify under
28 oath or affirmation to be administered by any board member or the
29 secretary of the board.

30 (2) The procedure at the hearing shall be such as to permit and secure a
31 full, fair and orderly hearing and to permit all relevant competent
32 evidence to be received therein. The report of the panel of the
33 committee shall be deemed to be competent evidence. A full record
34 shall be kept of all evidence taken or offered at such hearing. Both
35 counsel for the local school administrative unit and the career teacher
36 or his counsel shall have the right to cross-examine witnesses.

37 (3) At the request of either the superintendent or the teacher, the board
38 shall issue subpoenas requiring the production of papers or records or
39 the attendance of persons residing within the State before the board.
40 Subpoenas for witnesses to testify at the hearing in support of the
41 recommendation of the superintendent or on behalf of the career
42 teacher shall, as requested, be issued in blank by the board over the
43 signature of its chairman or secretary. The board shall pay witness fees
44 for up to five witnesses subpoenaed on behalf of the teacher, except

1 that it shall not pay for any witness who resides within the county in
2 which the dismissal originates or who is an employee of the board.
3 However, no employee of the board shall suffer any loss of
4 compensation because he has been subpoenaed to testify at the
5 hearing. These payments shall be as provided for witnesses in G.S.
6 7A-314.

7 (4) At the conclusion of the hearing provided in this section, the board
8 shall render its decision on the evidence submitted at such hearing and
9 not otherwise. The board's decision shall be based on a preponderance
10 of the evidence.

11 (5) Within five days following the hearing, the board shall send a written
12 copy of its findings and order to the teacher and superintendent. The
13 board shall provide for making a transcript of its hearing. If the teacher
14 contemplates an appeal to a court of law, he may request and shall
15 receive at no charge a transcript of the proceedings.

16 (m) Probationary Teacher.

17 (1) The board of any local school administrative unit may not discharge a
18 probationary teacher during the school year except for the reasons for
19 and by the procedures by which a career teacher may be dismissed as
20 set forth in subsections (e) and (h) to (l) above.

21 (2) The board, upon recommendation of the superintendent, may refuse to
22 renew the contract of any probationary teacher or to reemploy any
23 teacher who is not under contract for any cause it deems sufficient:
24 Provided, however, that the cause may not be arbitrary, capricious,
25 discriminatory or for personal or political reasons.

26 (n) Appeal. – Any teacher who has been dismissed or demoted pursuant to G.S.
27 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of this section, or who has been
28 suspended without pay pursuant to G.S. 115C-325(a)(4), shall have the right to appeal
29 from the decision of the board to the superior court for the superior court district or set
30 of districts as defined in G.S. 7A-41.1 in which the teacher is employed. This appeal
31 shall be filed within a period of 30 days after notification of the decision of the board.
32 The cost of preparing the transcript shall be borne by the board. A teacher who has been
33 demoted or dismissed and who has not requested a hearing before the board of
34 education pursuant to this section shall not be entitled to judicial review of the board's
35 action.

36 (o) Resignation; Nonrenewal of Contract. – A teacher, career or probationary,
37 should not resign without the consent of the superintendent unless he has given at least
38 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the
39 board may request that the State Board of Education revoke the teacher's certificate for
40 the remainder of that school year. A copy of the request shall be placed in the teacher's
41 personnel file.

42 A probationary teacher whose contract will not be renewed for the next school year
43 shall be notified of this fact by June 1.

1 (p) Section Applicable to Certain Institutions. – Notwithstanding any law or
2 regulation to the contrary, this section shall apply to all persons employed in teaching
3 and related educational classes in the schools and institutions of the Departments of
4 Human Resources and Correction regardless of the age of the students."

5 Sec. 2. This act becomes effective October 1, 1991.