

## **DHHS POLICIES AND PROCEDURES**

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<b>Section V:</b>	<b>Human Resources</b>
<b>Title:</b>	<b>Employee Relations</b>
<b>Chapter:</b>	<b>Disciplinary Action and Grievance Procedures for DHHS Educators</b>
<b>Current Effective Date:</b>	<b>8/1/04</b>
<b>Revision History:</b>	<b>7/1/03</b>
<b>Original Effective Date:</b>	<b>3/1/98</b>

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### **Purpose**

The purpose of this policy is to provide guidance to managers, supervisors and human resources staff members in appropriately responding to educators' performance, conduct and reduction in force (RIF) issues and related grievances.

### **Policy**

It is the department's policy to establish and implement a system of human resources administration, including disciplinary and grievance procedures for its educators consistent with the provisions in Articles 21A and 22 of Chapter 115C of the North Carolina General Statutes.

### **Implementation**

For the purposes covered in these guidelines, the "Superintendent" is the Department of Health and Human Services (DHHS) Director of the Office of Education Services as appointed by the Secretary of DHHS.

1. Personnel Files
  - A. The education program administrator shall maintain a personnel file for each educator. The file shall be under the control and custody of the program human resources manager. Except as stated below, educator personnel files shall be organized and maintained in form and fashion similar to the personnel files of other agency employees.
  - B. The education program administrator and the program human resources manager shall comply with the requirements of N.C.G.S. Chapter 115C, Article 21A, and Privacy of Employee Personnel Records.
  - C. Any complaint, commendation, or suggestion for correction or improvement about the educator's professional conduct shall be placed in the educator's file only after five (5) days notice to the educator. The complaint, commendation,

or suggestion shall be signed by the person who makes it. Any denial or explanation relating to such complaint, commendation or suggestion that the educator desires to make shall be placed in the educator's personnel file. There is no time limit on the educator's right to present a denial or explanation for placement in the file.

- D. A written warning to an educator based on inadequate performance or other grounds for possible subsequent dismissal or demotion is a complaint about the educator's professional conduct.
- E. The education program administrator, by their own initiative or at the request of an educator, may elect not to place in the educator's personnel file (i) a letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue. The administrator's election not to place material in a personnel file is not subject to review or appeal.

2. Petition to Remove Information from a Personnel File

An educator may petition the secretary (as the Board of Education for the Department) to remove any information from the educator's personnel file that the educator deems invalid, irrelevant, or outdated. Such a petition shall be filed and processed as follows:

- A. The educator shall file the petition, in writing, with the program human resources manager.
- B. The petition must be signed and dated and include the following information:
  - 1. Identification of the specific information or document(s) requested to be removed;
  - 2. The basis(es) for the request (i.e., that the information is invalid, irrelevant and/or outdated); and
  - 3. The particulars in support of the request.
- C. The human resources manager shall refer the petition to the director of the division in which the educator is employed, or the director's designee, for review and action. A written decision on the request shall be issued to the educator, through the human resources manager, on a timely basis and not later than 20 work days from the date the petition is received by the human resources manager.
- D. If the matter is not resolved to the satisfaction of the educator, the educator may direct the human resources manager to forward the petition to the superintendent for presentation to the secretary. The secretary may order the

removal of the information under review if the secretary finds it is invalid, irrelevant, or outdated. The decision by the secretary shall be final.

3. Disciplinary Action, Suspension, and Dismissal

- A. Disciplinary Action - An educator may be disciplined by management for cause related to work performance deficiencies and/or work rule or conduct violations. The kind and degree of disciplinary action taken shall be determined by management based on sound and considered judgment. Disciplinary action may be in the form of a written warning. A record of such action shall be prepared setting forth the specific acts or omissions that are the reasons for the disciplinary action. A copy of the record shall be placed in the educator's personnel file in accordance with the procedures specified in the Personnel Files section of these procedures.
- B. Grounds for Disciplinary Action, Dismissal, and Demotion. A career educator may be disciplined, dismissed, or demoted for one (1) or more of the following causes:
1. Inadequate performance
  2. Immorality
  3. Insubordination
  4. Neglect of duty
  5. Physical or mental incapacity
  6. Habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes
  7. Conviction of a felony or a crime involving moral turpitude
  8. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means
  9. Failure to fulfill the duties and responsibilities imposed upon educators by the General Statutes of the state
  10. Failure to comply with such reasonable requirements as the secretary, superintendent, or division/facility/school/program may prescribe
  11. Any cause which constitutes grounds for the revocation of a career educator's certificate
  12. A justifiable decrease in the number of positions due to reorganization, decreased enrollment, or decreased funding
  13. Failure to maintain his/her certificate in a current status
  14. Failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes
  15. Providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry

- Demote, as defined in G.S. 115C-325(a) (4), means to reduce an educator’s salary. Demote does not include a suspension without pay, the elimination or reduction of a bonus payment or supplement, or a reduction in pay that results from elimination of a special duty, i.e., athletic coach or choral director.
- A probationary educator may be dismissed during the term of the probationary educator's contract for any of the above reasons. In such an instance, the probationary educator has the same right of review as is enjoyed by a career educator.
- In determining whether the performance of a career educator is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with established policy. Failure to notify a career educator of an inadequacy in performance shall be conclusive evidence of satisfactory performance. Dismissals and demotions, except for reasons under (7) and (15) above, or for sexual misconduct involving students or staff under (2), shall not be based on conduct or actions which occurred more than three (3) years before the written notice of intention to recommend dismissal or demotion is provided to the educator.

C. Suspension Without Pay

1. Pre-disciplinary Suspension - If the superintendent believes that cause exists for dismissing an educator for any reason specified in (1) through (15) above, and that immediate suspension of the educator is necessary, the superintendent may suspend the educator without pay. Before suspending an educator without pay, the superintendent, or designee, shall meet with the educator and give written notice of the charges against the educator, an explanation of the bases for the charges, and an opportunity to respond. A pre-disciplinary suspension without pay is not grievable. Within five (5) calendar days after the suspension, the superintendent shall either initiate a dismissal, demotion, or disciplinary suspension without pay (see below) or, if no grounds for disciplinary action are found to exist, reinstate the educator with pay for the period of suspension and remove all records of the suspension from the educator’s personnel file.
2. Disciplinary Suspension. The superintendent may recommend to the secretary that an educator be suspended without pay for disciplinary reasons for a maximum of 60 calendar days pursuant to G.S. 115C-325(a) (4a). In such case, the educator is entitled to notice and may request a hearing by a department hearing officer (but not a review by a case manager). If no request for a hearing is made by the educator

within 15 days, the superintendent may file a recommendation with the Secretary. After considering the superintendent's recommendation, and the evidence adduced at a hearing (if one is held), the secretary will approve or disapprove the suspension.

D. Investigatory Suspension with Pay

1. If the superintendent believes that cause may exist for disciplining, dismissing, or demoting an educator for any reason specified in (1) through (15) of the Grounds for Disciplinary Action, Dismissal, and Demotion, but that additional investigation of the facts is necessary and circumstances are such that the educator should be removed immediately from their duties, the superintendent may suspend the educator with pay for a reasonable time, not to exceed 90 calendar days, unless both the superintendent and educator agree to an extension.
2. The superintendent shall notify the secretary of such action and the educator within two (2) days of the action and the reasons for it.
3. If the superintendent has not initiated disciplinary, dismissal, or demotion proceedings against the educator within the 90-day or extended period, the educator shall be reinstated to their duties immediately and all records of the suspension with pay shall be removed from the educator's personnel file upon request.

E. Procedures for Dismissal, Demotion, and Disciplinary Suspension

1. A career educator (and probationary educator during the term of their contract) may not be dismissed, demoted, or placed on disciplinary suspension without pay except upon the superintendent's recommendation. Before recommending the dismissal, demotion, or disciplinary suspension of an educator to the secretary, the superintendent or designee shall give written notice to the educator of the superintendent's intention to make such a recommendation. The notice shall include the following:
  - a. A statement of the grounds upon which the dismissal/demotion/suspension recommendation is based;
  - b. A copy of G. S. 115C-325;
  - c. A current list of case managers (not included in a disciplinary suspension, demotion of a School Administrator, or RIF) with a notice that the educator may eliminate up to one third of the case managers from the list, if a case manager hearing is requested;

- d. A statement that the educator may do one of the following within 14 calendar days (15 days for a disciplinary suspension, demotion of a school administrator, or reduction-in-force) of the employee's receipt of the notice:
  - Submit a written request for a hearing by a case manager (this option is not available in a disciplinary suspension, demotion of a school administrator, or RIF);
  - Submit a written request to the superintendent for a hearing within 10 days by a department hearing officer;
  - Submit a written resignation to the superintendent, to be effective as the superintendent may determine necessary; or
  - Take no action.
2. The superintendent or designee shall also meet with the educator and give the educator an explanation of the reasons for the proposed action and an opportunity to respond, if this has not already been done as a result of the educator having been placed on pre-disciplinary suspension without pay.
3. If the educator fails to respond in writing within the 14 (or 15) day period, the superintendent may submit a recommendation to the secretary for action.
4. If the educator files a timely request for a review of the superintendent's proposed recommendation by a case manager, the superintendent shall immediately notify the Employee Relations Section of the Division of Human Resources and shall also immediately forward a copy of the request to the Employee Relations Section. The staff of the Employee Relations Section shall provide assistance to the superintendent in complying with the statutory requirements and procedures for review and hearing by a case manager.
5. If the educator elects to request a hearing by a case manager, the educator and superintendent shall each have the right to eliminate up to one-third of the names on the approved list of case managers. The superintendent and educator may, instead, jointly select a person to serve as a case manager. The person need not be on the master list of case managers maintained by the Superintendent of Public Instruction. The superintendent shall notify the Superintendent of Public Instruction within two (2) days of receipt of the request. The notice shall contain a list of the case managers the educator and the superintendent have eliminated from the master list or the name of a

person, if any, jointly selected. Failure to eliminate names waives this right.

6. The Superintendent of Public Instruction shall select a case manager within three (3) days of receiving notice from the superintendent.
7. The superintendent or superintendent's designee and educator shall provide each other with copies of all documents submitted to the Superintendent of Public Instruction or to the designated case manager.

4. Hearing by a Case Manager

- A. The hearing shall be private.
- B. The hearing shall be conducted in accordance with reasonable rules and regulations adopted by the State Board of Education to govern case manager hearings.
- C. At the hearing, the educator and the superintendent or superintendent's designee shall have the right to be present and to be heard, to be represented by counsel, and to present through witnesses any competent testimony relevant to the issue of whether grounds for dismissal or demotion exist or whether proper procedures have been followed.
- D. Rules of evidence shall not apply and the case manager may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- E. At least five (5) days before the hearing, the superintendent or superintendent's designee shall provide to the educator a list of witnesses the superintendent intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the superintendent intends to present. At least three (3) days before the hearing, the educator shall provide to the superintendent or superintendent's designee a list of witnesses the educator intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the educator intends to present. Additional witnesses or documentary evidence may not be presented except upon a finding by the case manager that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule set forth herein.
- F. The case manager may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for dismissal or demotion.

- G. The case manager shall decide all procedural issues necessary for a fair and efficient hearing.
  - H. The superintendent shall provide for making a transcript of the hearing. If the educator contemplates a hearing before the department hearing officer or an appeal from the secretary's decision to a court of law, the educator may request and shall receive at no charge a transcript of the proceedings before the case manager.
5. Report of Case Manager; Superintendent's Recommendation
- A. The case manager shall complete the hearing and prepare the report within ten days of their selection or designation by the Superintendent of Public Instruction. The case manager may extend the period by up to five (5) additional days if the case manager informs the superintendent or superintendent's designee and the educator that justice requires that a greater time be spent in connection with the investigation and preparation of the report. Also, the superintendent or superintendent's designee and the educator may agree to an extension of more than five (5) days.
  - B. The case manager shall make all necessary findings of fact, based upon the preponderance of the evidence. The case manager also shall make a recommendation as to whether the findings of fact substantiate the superintendent's recommendation. The case manager shall deliver copies of the report to the superintendent or superintendent's designee and the educator.
  - C. If the superintendent concludes that dismissal or demotion is justified, the superintendent shall submit a written recommendation to the secretary for dismissal or demotion and provide the educator a copy of the recommendation within two (2) days after receiving the case manager's report. The recommendation shall state the grounds therefore and shall be accompanied by a copy of the case manager's report and a copy of the transcript of the case manager's hearing.
6. Hearing by Department Hearing Officer and Determination by Secretary
- A. Within two (2) days after receiving the superintendent's written recommendation to the secretary for dismissal or demotion, the educator shall decide whether to request a hearing before a department hearing officer and shall notify the superintendent, in writing, of such request. The superintendent shall immediately notify the DHHS General Counsel's office of the request and the General Counsel's office shall appoint a hearing officer. Within two (2) days after receiving the educator's request for a hearing by a hearing officer, the superintendent shall submit a copy of the recommendation, the

case manager's report and a copy of the hearing transcript to the hearing officer.

- B. Within two (2) days after receiving the superintendent's recommendation, the hearing officer shall set a time and place for the hearing and shall notify the educator by certified mail or personal delivery of the date, time, and place of the hearing. The time specified shall not be less than seven (7) nor more than 10 days after the hearing officer has notified the educator, unless the superintendent or designee and educator agree to an extension. If the educator did not request a hearing, the secretary may, by resolution, reject the superintendent's recommendation, or accept or modify the recommendation.
  - C. Within two (2) days following the hearing, the hearing officer shall submit a written report to the secretary and the secretary shall send by certified mail a written copy of the final findings and decision to the educator and the superintendent, along with the educator's appeal rights.
7. Hearing For the Following Procedures Shall Apply to Dismissals, Demotions, and Disciplinary Suspensions without Pay (10 Days or Less and Not for Intentional Misconduct) Conducted by the Hearing Officer, Except for RIF Separations and Demotions of School Administrators
- A. The hearing shall be private.
  - B. If the educator requested a hearing by a case manager, the hearing officer shall consider the following:
    - 1. The whole record from the hearing held by the case manager, including a transcript of the hearing, as well as any other records, exhibits, and documentary evidence submitted to the case manager at the hearing.
    - 2. The case manager's findings of fact.
    - 3. The case manager's recommendation as to whether the grounds submitted by the superintendent are substantiated.
    - 4. The superintendent's recommendation and the grounds therefore.
  - C. If the educator did not request a hearing by a case manager, the hearing officer shall consider the following:
    - 1. Any documentary evidence the superintendent or designee intends to use to support the recommendation. The superintendent or designee shall provide the documentary evidence to the educator and hearing officer seven (7) days before the hearing.
    - 2. Any documentary evidence the educator intends to use to rebut the superintendent's recommendation. The educator shall provide the

- superintendent or designee and the hearing officer with the documentary evidence three (3) days before the hearing.
3. The superintendent's recommendation and the grounds therefore.
    - D. The superintendent or designee and educator may submit a written statement not less than three (3) days before the hearing.
    - E. The superintendent or designee and educator or their attorneys shall be permitted to make oral arguments to the hearing officer based on the record before the hearing officer.
    - F. No new evidence may be presented at the hearing except upon a finding by the hearing officer that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence within the previously required time frames.
    - G. The hearing officer shall accept the case manager's findings of fact unless it is determined that the findings of fact are not supported by substantial evidence when reviewing the record as a whole. In such an event, the hearing officer shall make alternative findings of fact. The hearing officer's determination shall be based upon a preponderance of the evidence.
    - H. The department is not required to make a transcript of the hearing. If the department elects to make a transcript and if the educator contemplates an appeal to a court of law, the educator may request and shall receive at no charge a transcript of the proceedings. If the department elects not to make a transcript, the educator may have the hearing transcribed by a court reporter at the educator's expense.
  8. Hearing for Disciplinary Suspensions (More than 10 Days or for Intentional Misconduct), Demotions of School Administrators, RIF, and Non-renewals of Contracts of School Administrators Subject to GS 115C-287.1.
    - A. The hearing shall be a private hearing conducted by a department hearing officer.
    - B. At the hearing, the educator and the superintendent or superintendent's designee shall have the right to be present and to be heard, to be represented by counsel, and to present through witnesses any competent testimony relevant to the issues of whether grounds exist for a disciplinary suspension without pay, a demotion of a School Administrator, or a separation due to RIF, or a non-renewal of a School Administrator's contract.

- C. Rules of evidence shall not apply and the hearing officer may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- D. At least eight (8) days before the hearing, the superintendent or designee shall provide to the educator and hearing officer a list of witnesses the superintendent or designee intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the superintendent or designee intends to present.
- E. At least six (6) days before the hearing, the educator shall provide the superintendent or designee and hearing officer a list of witnesses the educator intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the educator intends to present.
- F. Additional witnesses or documentary evidence may not be presented at the hearing except upon a finding by the hearing officer that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the above time frames.
- G. The hearing officer may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for a disciplinary suspension, a demotion of a School Administrator, or a RIF, or non-renewal of a School Administrator's contract.
- H. The hearing officer shall decide all procedural issues necessary for a fair and efficient hearing.
- I. The superintendent shall provide for making a transcript of the hearing. If the educator contemplates an appeal of the secretary's decision to a court of law, the educator may request and shall receive at no charge a transcript of the proceedings.

9. Resignation

A career or probationary educator shall give the superintendent at least 30 days notice of resignation. Failure to do so may result in the superintendent requesting that the State Board of Education revoke the educator's certificate for the remainder of the school year. Such a request may be placed in the educator's personnel file.

10. RIF Policy and Guidelines

- A. G.S. 115C-325(e)(1) provides for the dismissal or demotion of educators as a result of a justifiable decrease in the number of positions due to reorganization, decreased enrollment, or decreased funding. Department policy and guidelines for the fair and systematic administration of such RIF separations and demotions are as follows:
- B. It is department policy that management will consider all feasible alternatives to an involuntary RIF separation or demotion of a career educator.

A. Reduction Plan

When a RIF occurs, other than a reduction of specific positions mandated by the N.C. General Assembly, appropriate management shall develop a reduction plan. The plan shall document the reason(s) for the RIF, the factors considered in deciding on a particular course of action, and the specific positions scheduled for abolishment or redesign.

The following factors shall be considered in developing a reduction plan:

1. Applicable laws and regulations
  2. Funding sources and budget guidelines
  3. Impact on program objectives
  4. Possible redistribution of staff and other resources
  5. Composition of the affected work force
  6. Potential adverse impact on employees protected under equal employment opportunity provisions
  7. Economy and efficiency
- B. When the reduction plan will result in the probable separation or demotion of one or more career educators, it shall include the designation of a layoff unit for the purpose of handling such separations/demotions. The layoff unit is the organizational unit from which educators in the classifications specified for abolishment or redesign will be separated/demoted. It may be an entire school or institution or any organizational, geographical, or program unit within a division/facility/school/program. The layoff unit need not coincide with the program or activity that is the cause of the reduction.
  - C. When management reassigns or transfers a position to another program and/or location, without a change in the classification or salary grade, the incumbent educator shall be reassigned or transferred with the position, if the educator has the certification appropriate to the new assignment. A qualified career educator who elects not to accept such a reassignment/transfer is not accorded priority reemployment rights as defined in this policy.

11. Separation/Demotion Plan

When the implementation of a reduction plan requires the involuntary separation or demotion of educators, such separations/demotions shall be made in accordance with the policy and guidelines specified below:

- A. The type of appointment shall be the first determinant in separating educators under a RIF. No full time career educator in an affected classification shall be separated/demoted while there are part-time or probationary educators working in the same classification in the division/facility/school/program effecting the reduction, if the career educator has the requisite knowledge, skills, abilities, and certification for the classification and is agreeable to reassignment.
- B. The separation or demotion of career educators from positions in the affected classifications in the layoff unit shall be made upon systematic consideration of length of service and relative efficiency.
- C. For purposes of this policy, length of service shall be defined as total state service according to policy approved by the State Personnel Commission. A less senior educator shall be separated or demoted before a more senior educator in the same classification unless there is a documented material difference in the educators' relative efficiency.
- D. For purposes of this policy, relative efficiency shall be determined from the review and comparison of the educator's written performance evaluations on record the date the reduction plan is approved and from any disciplinary actions brought against the educator during the preceding 12 months.
- E. When service standing is equal between two (2) or more career educators in the affected classification in the layoff unit, the separation/demotion decision shall be based on relative efficiency.

12. Notice and Hearing Requirements

After the superintendent makes the necessary separation/demotion decisions through application of the above criteria, the superintendent or designee shall do the following:

- A. Submit the separation/demotion recommendations to the Director of the Division of Human Resources. The recommendations shall include a copy of the reduction plan, a list of the educators recommended for separation/demotion and the anticipated effective date(s) of such separation/demotion.

- B. Give written notice by certified mail or in person to any educator proposed to be separated/demoted. The notice shall set forth the grounds upon which the superintendent believes such separation/demotion is justified. The notice also shall include a statement that the educator is entitled to have the superintendent's proposed recommendations reviewed by the secretary and that a request for such review must be received by the superintendent within 15 calendar days of the educator's receipt of the superintendent's notice.

13. Review and Implementation Procedures

- A. Timely requests for review shall be heard by a department hearing officer acting for the secretary. The hearing shall be held within 10 calendar days of receipt of the request and shall be conducted in accordance with the procedures specified for hearings for disciplinary suspensions (more than ten days or for intentional misconduct), demotions of School Administrators, RIF, and non-renewals of contracts of School Administrators. An educator is not entitled to a review by a case manager in a RIF separation/demotion recommendation.
- B. If no educator requests for review are received within the 15 day filing period, the superintendent shall forward the recommendations to the secretary, together with appropriate comments and information. If an educator has requested a review, the Director of the Division of Human Resources will forward the superintendent's recommendations, and comments thereon, to the secretary with the hearing officer's report(s). After considering the superintendent's recommendations and the hearing officer's report(s), the secretary will decide if the grounds for the recommendation are true and substantiated by a preponderance of the evidence. If the secretary adopts the superintendent's recommendations and orders an educator's separation or demotion, the secretary shall inform the affected educator(s) of the decision by certified mail within two (2) days of either the receipt of the superintendent's recommendation where no hearing is requested, or the date of the hearing where a hearing is requested. The secretary's decision notice shall include information on the educator's priority reemployment status and appeal rights. The superintendent shall receive a copy of the decision. The secretary's decision is the final administrative review step for educators who appeal a RIF separation/demotion recommendation.

14. Priority Reemployment Status

- A. When a career educator is separated through a RIF, the educator's name shall be placed on a list of available educators to be maintained by the Director of the Division of Human Resources. Current copies of the priority list shall be distributed to all education program administrators and their supporting human resources managers. Career educators whose names appear on such a list shall

have a priority on all education positions for which they are qualified which become available in the department for the three (3) consecutive years following their RIF separation.

- B. All reemployment offers shall be in writing to the educator's address of record. The educator must respond in writing within 15 calendar days of receipt of an offer.
- C. If an educator refuses an offer of reemployment in a position for which the educator is qualified and the position offered is not more than 35 miles from the educator's original work station, the educator's name shall be removed from the priority list. However, if the job offered is more than 35 miles from the educator's original work station, acceptance of the offer will terminate priority reemployment eligibility but refusal of the offer will not terminate eligibility.
- D. If a career educator does not wish to be placed on the priority reemployment list, the educator shall notify the Director of the Division of Human Resources in writing.

15. Non-Renewal of Contracts of School Administrators Subject to GS 115C-287.1  
(Includes Principals and Assistant Principals)

If the superintendent decides not to recommend that the secretary offer a school administrator a new, renewed or extended contract, the superintendent shall give the school administrator written notice of the decision no later than May 1<sup>st</sup> of the final year of the contract. The superintendent's reasons may not be arbitrary, capricious, discriminatory, personal or political. No further action shall be necessary unless the school administrator files with the superintendent within 10 days of receipt of the superintendent's decision, a written request for a hearing by a department hearing officer. If a timely request for hearing is filed, the hearing shall be held in accord with #8 on pages 10 and 11 herein. Within two (2) days following the hearing, the hearing officer shall submit a written report to the secretary and the secretary shall send by certified mail a written copy of the final findings and decision to the school administrator, along with the school administrator's appeal rights.

*For questions or clarification on any of the information contained in this policy, please contact [Human Resources](#). For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).*