

Descriptor Term:  
PROFESSIONAL EMPLOYEES - DISMISSAL, DEMOTION  
AND NONRENEWAL

Descriptor Code:  
7.4400

Legal References: G.S. 90 art. 5; 143 art. 60; 115C-287.1, -307, -325; 16 N.C.A.C. 6C .0502

Cross References:

The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. When a licensed employee is unable or unwilling to meet performance expectations, the supervisor and superintendent shall consider whether dismissal or demotion is appropriate.

Evaluators of licensed employees shall comply with policy 7.3900, Evaluation of Licensed Employees, and policy 7.2100, Personnel Files. Evaluators shall provide the superintendent with carefully documented evidence concerning a person's inadequacies and lack of competencies when such deficiencies have led to the recommendation and contemplation of dismissal or demotion. These documents shall also show ways in which the evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school system, dismissal or demotion may be pursued regardless of whether the evaluator has met these expectations, so long as the legal grounds for seeking dismissal or demotion can be sufficiently demonstrated.

All legally required or contractually agreed-upon procedures, including those prescribed in G.S. 115C-325, shall be followed in the dismissal or demotion of employees. Career employees, probationary employees during the term of their contracts, and school administrators during the term of their contracts may be dismissed for the following reasons as outlined in G.S. 115C-325(e)(1):

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, Chapter 90 of the General Statutes;
7. conviction of a felony or 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 teachers by the General Statutes;
10. failure to comply with such reasonable requirements as the board may prescribe;
11. any cause that constitutes grounds for the revocation of a career teacher's teaching certificate;

12. a justifiable decrease in the number of positions due to school system reorganization or decreased enrollment provided that there is full compliance with other statutory requirements;
13. failure to maintain one's certificate in 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; and
15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.