

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 351\*  
Committee Substitute Favorable 4/17/97

Short Title: Excellent Schools Act.

(Public)

Sponsors:

Referred to:

February 27, 1997

A BILL TO BE ENTITLED  
AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known as "The Excellent Schools Act".

\*\*\*\*\*

An outline of the provisions of the act follows this section. The outline shows the heading "**CONTENTS/INDEX**", and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act. This outline is designed for reference only, and it in no way limits, defines, or prescribes the scope or application of the text of the act.

**CONTENTS/INDEX**

**I. PURPOSE OF THE EXCELLENT SCHOOLS ACT**

Section 2.

**II. EFFORTS TO RAISE STUDENT PERFORMANCE STANDARDS**

Section 3.

- 1 III. RIGOROUS STANDARDS FOR ENTERING THE TEACHING  
2 PROFESSION
- 3 A. ENHANCED STANDARDS FOR TEACHER PREPARATION  
4 PROGRAMS
- 5 Section 4.
- 6 B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS
- 7 Section 5.
- 8 C. REPORT ON ENHANCEMENT OF INITIAL CERTIFICATION  
9 STANDARDS
- 10 Section 6.
- 11 IV. RIGOROUS STANDARDS FOR CONTINUING  
12 CERTIFICATION
- 13 A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE  
14 YEAR
- 15 Section 7.
- 16 B. ENHANCED STANDARDS FOR CONTINUING  
17 CERTIFICATION
- 18 Section 8.
- 19 V. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT  
20 BEFORE CAREER STATUS IS CONSIDERED
- 21 A. SUPPORT AND MENTORS PROVIDED FOR ALL BEGINNING  
22 TEACHERS
- 23 Section 9.
- 24 B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY  
25 WELL-TRAINED EVALUATORS BEFORE CAREER STATUS  
26 IS CONSIDERED
- 27 Section 10.
- 28 C. CAREER STATUS DECISION TO BE MADE ONE, TWO, OR  
29 THREE YEARS AFTER CONTINUING CERTIFICATION  
30 AWARDED
- 31 Section 11.
- 32 VI. ADDITIONAL PROFESSIONAL DEVELOPMENT  
33 OPPORTUNITIES AND TOUGHER STANDARDS FOR  
34 TEACHERS WITH CAREER STATUS
- 35 A. MEANINGFUL AND CONTINUED PROFESSIONAL  
36 DEVELOPMENT FOR TEACHERS
- 37 Section 12.
- 38 B. TENURE STREAMLINED TO PROVIDE A FAIR AND  
39 EFFICIENT PROCESS FOR REMOVING POOR TEACHERS  
40 FROM THE CLASSROOM
- 41 Section 13.
- 42 C. STUDIES ON MAKING RENEWAL OF TEACHER  
43 CERTIFICATES MORE RIGOROUS

- 1 Section 14.
- 2 Section 15.
- 3 **VII. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY**
- 4 **TEACHERS – HIGHER STARTING SALARY, FEWER STEPS**
- 5 **IN SALARY SCHEDULE, ENHANCED LONGEVITY PAY, AND**
- 6 **SIGNIFICANT BUMPS IN THE SALARY SCHEDULE UPON**
- 7 **ACHIEVING CONTINUING CERTIFICATION AND CAREER**
- 8 **STATUS**
- 9 Section 16.
- 10 **VIII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL**
- 11 **ASSIGNMENTS**
- 12 **A. DEFINITION OF "MASTERS/ADVANCED**
- 13 **COMPETENCIES" BY THE STATE BOARD OF EDUCATION**
- 14 Section 17.
- 15 **B. BONUS FOR "MASTERS/ADVANCED COMPETENCIES" AND**
- 16 **FOR NBPTS CERTIFICATION**
- 17 Section 18.
- 18 **C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM**
- 19 Section 19.
- 20 **D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S**
- 21 **PROGRAM**
- 22 Section 20.
- 23 **E. EXTRA PAY FOR MENTOR TEACHERS**
- 24 Section 21.
- 25 **F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT**
- 26 Section 22.
- 27 **G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT**
- 28 Section 23.
- 29 **H. EXTRA PAY FOR EXTRA DAYS**
- 30 Section 24.
- 31 **I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL**
- 32 **RESPONSIBILITIES**
- 33 Section 25.
- 34 **IX. FUNDS FOR COMPUTER SYSTEMS**
- 35 Section 26.
- 36 Section 27.
- 37 **X. FUNDS FOR TEACHER SUPPLY AND DEMAND STUDY**
- 38 Section 28.
- 39 **XI. FUNDS FOR TRAINING AND COMPENSATING CASE**
- 40 **MANAGERS**
- 41 Section 29.
- 42 **XII. FUNDS FOR DEVELOPING NEW EVALUATIONS**
- 43 Section 30.

**XIII. MISCELLANEOUS PROVISIONS****A. CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT LIMIT TEXT**

Section 31.

**B. NO APPROPRIATIONS REQUIRED BY ACT**

Section 32.

**C. EFFECTIVE DATES**

Section 33.

**I. PURPOSE OF THE EXCELLENT SCHOOLS ACT**

Section 2. The purpose of The Excellent Schools Act is to improve student academic achievement. To accomplish this purpose, it is the goal of the General Assembly to: (i) concentrate student learning in the core academic areas; (ii) improve teacher skills and teacher knowledge as those skills and knowledge relate to improved student academic achievement; and (iii) reward teachers for their improved skills and knowledge and for improved student academic achievement. It is also the goal of the General Assembly to annually review the implementation of the revised and more rigorous teacher preparation, professional development, and certification standards developed by the State Board of Education in compliance with this act. Clear and specific evidence demonstrating identifiable progress toward implementing more rigorous teacher professional standards must exist on an annual basis before the General Assembly may consider continued implementation of this act.

**II. EFFORTS TO RAISE STUDENT PERFORMANCE STANDARDS**

Section 3. (a) Part 3 of Article 8B of Chapter 115C of the General Statutes is amended by adding the following new section to read:

**"§ 115C-105.38A. Teacher competency assurance.**

(a) The State Board of Education shall require all certified staff members working in schools identified as low-performing under this Article and to which the State Board has assigned an assistance team to demonstrate their competency in their certification area. The State Board shall develop and implement a plan to require all certified staff members working in schools identified as low-performing that have not been assigned an assistance team to demonstrate their competency in their certification area. The certified staff members shall acquire a passing score on a test designated by the State Board. Those staff members who fail to meet the competency standard shall engage in a remediation plan as follows:

- (1) Category I. – This category is designated for individuals who score in the bottom quarter on the standardized measure used to demonstrate competency in their certification area. This remediation shall consist of a program of further study as determined by the State Board.

1           (2) Category II. – This category is designated for individuals who fail to  
2           meet the designated standard but score above the bottom quarter on the  
3           standardized measure used to demonstrate competency in their  
4           certification area. This remediation shall consist of a program of further  
5           study as determined by the State Board.

6           Upon completion of their remediation program, certified staff members shall be  
7           retested. Those individuals who fail to meet the competency standard on the retest shall  
8           be required to take an additional semester of training. Those individuals will be retested  
9           following this additional training. If they fail to meet the competency standard at that  
10          time, the State Board shall proceed under G.S. 115C-325(q)(2a) for the dismissal of those  
11          individuals. Individuals who have been dismissed under G.S. 115C-325(q)(2a) may not  
12          thereafter be reemployed by any local board of education.

13          (b) The Board of Governors of The University of North Carolina and the State  
14          Board shall jointly designate the constituent institutions that shall provide the remediation  
15          programs required under this section. Staff members who are required to participate in a  
16          remediation plan under this section will be considered on leave with pay, and the State  
17          shall reimburse the Board of Governors of The University of North Carolina for all  
18          tuition and fees incurred under this section."

19          (b) The State Board of Education shall develop a plan to create rigorous student  
20 academic performance standards for kindergarten through eighth grade and student  
21 academic performance standards for courses in grades 9-12. The performance standards  
22 shall align, whenever possible, with the student academic performance standards  
23 developed for the National Assessment of Educational Progress (NAEP). The plan also  
24 shall include clear and understandable methods of reporting individual student academic  
25 performance to parents.

26          (c) The State Board of Education shall report on the implementation of subsection  
27 (a) of this section to the Joint Legislative Education Oversight Committee as part of its  
28 required reports on the implementation of the School-Based Management and  
29 Accountability Program. The State Board of Education shall report to the Joint  
30 Legislative Education Oversight Committee by March 15, 1998, on the student  
31 performance standards and reports developed under subsection (b) of this section. By  
32 September 1, 1999, the State Board shall adopt and implement a plan requiring all  
33 certified staff members in low performing schools to demonstrate their competency in  
34 their certification area.

### 35 36 **III. RIGOROUS STANDARDS FOR ENTERING THE TEACHING** 37 **PROFESSION**

#### 38 39 **A. ENHANCED STANDARDS FOR TEACHER PREPARATION** 40 **PROGRAMS**

41 Section 4. (a) G.S. 115C-296(b) reads as rewritten:

42 "(b) It is the policy of the State of North Carolina to maintain the highest quality  
43 teacher education programs and school administrator programs in order to enhance the

1 competence of professional personnel certified in North Carolina. To the end that teacher  
2 preparation programs are upgraded to reflect a more rigorous course of study, the State  
3 Board of Education shall submit to the General Assembly not later than November 1, 1994, a  
4 plan to promote this policy. The State Board of Education, as lead agency in coordination  
5 and cooperation with the University Board of Governors, the Board of Community  
6 Colleges and such other public and private agencies as are necessary, shall continue to  
7 refine the several certification requirements, standards for approval of institutions of  
8 teacher education, standards for institution-based innovative and experimental programs,  
9 standards for implementing consortium-based teacher education, and standards for  
10 improved efficiencies in the administration of the approved programs.

11 The State Board of Education, as lead agency in coordination with the Board of  
12 Governors of The University of North Carolina and any other public and private agencies  
13 as necessary, shall continue to raise standards for entry into teacher education programs.

14 The standards for approval of institutions of teacher education shall require that  
15 teacher education programs for students who do not major in special education include  
16 courses demonstrated competencies in the identification and education of children with  
17 learning disabilities. The State Board of Education shall incorporate the criteria  
18 developed in accordance with G.S. 116-74.21 for assessing proposals under the School  
19 Administrator Training Program into its school administrator program approval  
20 standards.

21 All North Carolina institutions of higher education that offer teacher education  
22 programs, masters degree programs in education, or masters degree programs in school  
23 administration shall provide annual performance reports to the State Board of Education.  
24 The annual performance reports shall follow a common format, shall be submitted  
25 according to a plan developed by the State Board and shall include the information  
26 required under the plan developed by the State Board."

27 (b) The State Board of Education shall develop a plan to provide a focused  
28 review of teacher education programs and the current process of accrediting these  
29 programs in order to ensure that the programs produce graduates that are well prepared to  
30 teach. The plan shall include the development and implementation of an annual school of  
31 education performance report for each teacher education program in North Carolina. The  
32 annual report shall include at least the following elements: (i) quality of students entering  
33 the schools of education, including the average grade point average and average score on  
34 preprofessional skills tests that assess reading, writing, math, and other competencies; (ii)  
35 graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on  
36 professional and content area examinations for the purpose of certification; (v)  
37 percentage of graduates receiving initial certification; (vi) percentage of graduates hired  
38 as teachers; (vii) percentage of graduates remaining in teaching for four years; (viii)  
39 graduate satisfaction based on a common survey; and (ix) employer satisfaction based on  
40 a common survey. The performance reports shall follow a common format. The State  
41 Board of Education shall develop a plan to be implemented beginning in the 1998-99  
42 school year to reward and sanction approved teacher education programs and masters of

1 education programs and to revoke approval of those programs based on the annual  
2 performance reports and other criteria established by the State Board of Education.

3 The State Board also shall develop and implement a plan for annual  
4 performance reports for all masters degree programs in education and school  
5 administration in North Carolina. To the extent it is appropriate, the performance report  
6 shall include similar indicators to those developed for the performance report for teacher  
7 education programs. The performance reports shall follow a common format.

8 Both plans for performance reports also shall include a method to provide the  
9 annual performance reports to the Board of Governors of The University of North  
10 Carolina, the State Board of Education, and the boards of trustees of the independent  
11 colleges. The State Board of Education shall review the schools of education  
12 performance reports, and the performance reports for masters degree programs in  
13 education and school administration annually.

14 The State Board of Education shall report to the Joint Legislative Education  
15 Oversight Committee by February 15, 1998, on the plans for schools of education  
16 performance reports and performance reports for masters degree programs in education  
17 and school administration developed under this subsection.

18 (c) The State Board of Education, in coordination with the Board of Governors of  
19 The University of North Carolina, and independent colleges and universities that offer  
20 teacher education programs, shall conduct a comprehensive teacher supply and demand  
21 study. The study shall examine predicted trends over the course of the next decade and  
22 include information regarding the effect of teacher attrition rates on supply and demand.  
23 The study shall include information on characteristics of new teachers hired with teaching  
24 experience in other states and information regarding graduates of North Carolina schools  
25 of education who have not received certification. The survey also shall include school  
26 unit analysis and Southern Regional Education Board comparative analysis where  
27 appropriate. The State Board of Education shall report the results of the supply and  
28 demand study to the Joint Legislative Education Oversight Committee by November 15,  
29 1998.

30 (d) By March 15, 1998, the Board of Governors of The University of North  
31 Carolina shall report to the Joint Legislative Education Oversight Committee on the  
32 efforts to improve teacher preparation through implementation of a second major  
33 requirement. The report shall include recommendations to strengthen the requirement  
34 and provide greater consistency for second majors throughout the system.

## 35 **B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS**

36 Section 5. G.S. 115C-296(a) reads as rewritten:

37  
38 "(a) The State Board of Education shall have entire control of certifying all  
39 applicants for teaching positions in all public elementary and high schools of North  
40 Carolina; and it shall prescribe the rules and regulations for the renewal and extension of  
41 all certificates and shall determine and fix the salary for each grade and type of certificate  
42 which it authorizes: Provided, that the State Board of Education shall require each  
43 applicant for an initial ~~certificate or bachelors degree certificate or graduate degree~~

1 certificate to demonstrate ~~his~~ the applicant's academic and professional preparation by  
2 achieving a prescribed minimum score at least equivalent to that required by the Board on  
3 ~~November 30, 1972,~~ on a standard examination appropriate and adequate for that purpose:  
4 ~~Provided, further, that in the event the Board shall specify the National Teachers Examination for~~  
5 ~~this purpose, the required minimum score shall not be lower than that which the Board required~~  
6 ~~on November 30, 1972: Provided, further, that the State Board of Education shall not decrease~~  
7 ~~the certification standards for physical education teachers or health education teachers below the~~  
8 ~~standards in effect on June 1, 1988.~~ purpose. The State Board of Education shall continue to  
9 make the standard initial certification examination more rigorous and to raise the  
10 prescribed minimum score as necessary to ensure that each applicant has adequate  
11 academic and professional preparation to teach."

### 12 13 C. REPORT ON ENHANCEMENT OF INITIAL CERTIFICATION 14 STANDARDS

15 Section 6. (a) The State Board of Education shall review the admission standards  
16 for teacher education programs and the initial certification requirements that were  
17 adopted by the Board on July 6, 1994. The State Board shall report to the Joint  
18 Legislative Education Oversight Committee by March 15, 1998, on the results of the  
19 review. The State Board may consolidate the report required under this subsection with  
20 the report on continuing certification required under Section 8 of this act and the report  
21 on renewal of teacher certificates required under Section 14 of this act.

22 (b) By March 15, 1999, the State Board shall implement the July 6, 1994,  
23 admission standards for teacher education programs and initial certification requirements  
24 to the extent the State Board determines those standards and requirements are valid and  
25 consistent with the State goal of requiring rigorous professional requirements.

## 26 27 IV. RIGOROUS STANDARDS FOR CONTINUING CERTIFICATION

### 28 29 A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE YEAR

30 Section 7. (a) G.S. 115C-296(b), as rewritten by Section 4(a) of this act, reads  
31 as rewritten:

32 "(b) It is the policy of the State of North Carolina to maintain the highest quality  
33 teacher education programs and school administrator programs in order to enhance the  
34 competence of professional personnel certified in North Carolina. To the end that teacher  
35 preparation programs are upgraded to reflect a more rigorous course of study, the State  
36 Board of Education, as lead agency in coordination and cooperation with the University  
37 Board of Governors, the Board of Community Colleges and such other public and private  
38 agencies as are necessary, shall continue to refine the several certification requirements,  
39 standards for approval of institutions of teacher education, standards for institution-based  
40 innovative and experimental programs, standards for implementing consortium-based  
41 teacher education, and standards for improved efficiencies in the administration of the  
42 approved programs. The certification program shall provide for initial certification after



1 completion of preservice training, continuing certification after three years of teaching  
2 experience, and certificate renewal every five years thereafter.

3 The State Board of Education, as lead agency in coordination with the Board of  
4 Governors of The University of North Carolina and any other public and private agencies  
5 as necessary, shall continue to raise standards for entry into teacher education programs.

6 The standards for approval of institutions of teacher education shall require that  
7 teacher education programs for students who do not major in special education include  
8 competencies in the identification and education of children with learning disabilities.  
9 The State Board of Education shall incorporate the criteria developed in accordance with  
10 G.S. 116-74.21 for assessing proposals under the School Administrator Training Program  
11 into its school administrator program approval standards.

12 All North Carolina institutions of higher education that offer teacher education  
13 programs, Masters degree programs in education, or Masters degree programs in school  
14 administration shall provide annual performance reports to the State Board of Education.  
15 The performance reports shall follow a common format and shall be submitted according  
16 to a plan developed by the State Board."

17 (b) This section applies to teachers who have not received continuing certification  
18 prior to January 1, 1998.

## 19 **B. ENHANCED STANDARDS FOR CONTINUING CERTIFICATION**

20 Section 8. The State Board of Education, in consultation with the Board of  
21 Governors of The University of North Carolina, shall evaluate and develop enhanced  
22 requirements for continuing certification. The new requirements shall reflect more  
23 rigorous standards for continuing certification and to the extent possible shall be aligned  
24 with quality professional development programs that reflect State priorities for improving  
25 student achievement. The State Board shall report to the Joint Legislative Education  
26 Oversight Committee by March 15, 1998, on the results of this evaluation. The State  
27 Board may consolidate the report required under this section with the report on Initial  
28 Certification required under Section 6 of this act and the report on Renewal of Teacher  
29 Certificates required under Section 14 of this act. The State Board of Education shall  
30 adopt new standards for continuing certification by May 15, 1998.

## 31 **V. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT** 32 **BEFORE CAREER STATUS IS CONSIDERED**

### 33 **A. SUPPORT AND MENTORS PROVIDED FOR ALL BEGINNING** 34 **TEACHERS**

35 Section 9. The State Board of Education shall develop a mentor program to  
36 provide ongoing support for teachers entering the profession. In developing the mentor  
37 program, the State Board shall conduct a comprehensive study of the needs of new  
38 teachers and how those needs can be met through an orientation and mentor support  
39 program. For the purpose of helping local boards to support new teachers, the State  
40 Board shall develop and distribute guidelines which address optimum teaching load,  
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42  
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1 extracurricular duties, student assignment, and other working condition considerations.  
2 The State Board also shall develop and coordinate a mentor teacher training program.  
3 The State Board shall develop criteria for selecting excellent, experienced, and qualified  
4 teachers to be participants in the mentor teacher training program. The State Board shall  
5 report to the Joint Legislative Education Oversight Committee prior to February 15,  
6 1998, on its progress in implementing this section.

7  
8 **B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY WELL-**  
9 **TRAINED EVALUATORS BEFORE CAREER STATUS IS**  
10 **CONSIDERED**

11 Section 10. (a) G.S. 115C-326(a) reads as rewritten:

12 "(a) The State Board of Education, in consultation with local boards of education,  
13 shall revise and develop uniform performance standards and criteria to be used in  
14 evaluating professional public school ~~employees.~~ employees, including school  
15 administrators. These standards and criteria shall include improving student achievement  
16 and employee skills and employee knowledge. The standards and criteria for school  
17 administrators also shall include building-level gains in student learning and effectiveness  
18 in carrying out the responsibility of ensuring school safety and enforcing student  
19 discipline. The Board shall develop rules to recommend the use of these standards and  
20 criteria in the employee evaluation process. The performance standards and criteria may  
21 be modified ~~at~~ at the discretion of the Board.

22 The State Board of Education, in collaboration with the Board of Governors of The  
23 University of North Carolina, shall develop training programs for practicing school  
24 administrators to improve their evaluation of professional public school employees based  
25 on the employee's skills and knowledge and student achievement. These programs shall  
26 include evaluative methods to determine whether an employee's performance has  
27 improved student learning, as well as the appropriate process for professional  
28 improvement, contract nonrenewal, and dismissal of school personnel whose  
29 performance is inadequate. The Board of Governors of The University of North Carolina  
30 shall ensure that the subject matter of the training programs is incorporated into the  
31 masters in school administration programs offered by the constituent institutions.

32 Local boards of education shall adopt rules to provide for the evaluation of all  
33 professional employees defined as teachers in G.S. 115C-325(a)(6). All teachers who  
34 have not attained career status shall be observed at least three times annually by a  
35 qualified school administrator or a designee and at least once annually by a teacher, and  
36 shall be evaluated at least once annually by a qualified school administrator. All other  
37 teachers shall be evaluated annually unless a local board adopts rules that allow specified  
38 categories of teachers with career status to be evaluated more or less frequently. Local  
39 boards may also adopt rules requiring the annual evaluation of other school employees  
40 not specifically covered in this section. Local boards may develop and use alternative  
41 evaluation approaches for teachers provided the evaluations are properly validated. Local  
42 boards that do not develop alternative evaluations shall utilize the performance standards

1 and criteria adopted by the State Board of Education, but are not limited to those  
2 standards and criteria."

3 (b) The State Board of Education shall report to the Joint Legislative Education  
4 Oversight Committee by March 15, 1998, on the development of programs to train  
5 administrators to improve the evaluation of professional public school employees.

6 (c) The State Board of Education shall report to the Joint Legislative Education  
7 Oversight Committee by March 15, 1998, on the revision and development of uniform  
8 performance standards and criteria to be used in evaluating professional public school  
9 employees including school administrators. The State Board of Education shall adopt  
10 new performance standards and criteria by May 15, 1998.

11 (d) The State Board of Education shall develop guidelines for evaluating  
12 superintendents. The guidelines shall include criteria for evaluating superintendent  
13 effectiveness in providing safe schools and enforcing student discipline. The State Board  
14 of Education shall report to the Joint Legislative Education Oversight Committee by  
15 April 15, 1998, on the development of the guidelines. The State Board of Education shall  
16 adopt guidelines for evaluating superintendents by July 15, 1998.

17  
18 **C. CAREER STATUS DECISION TO BE MADE ONE, TWO, OR**  
19 **THREE YEARS AFTER CONTINUING CERTIFICATION**  
20 **AWARDED**

21 Section 11. (a) G.S. 115C-325(c) reads as rewritten:

22 "(c) (1) Election of a Teacher to Career Status. – Except as otherwise  
23 provided in subdivision (3) of this subsection, when a teacher ~~will~~  
24 ~~have~~ has been employed by a North Carolina public school system for  
25 ~~three~~ four, five, or six consecutive years, the board, near the end of ~~the~~  
26 ~~third year, shall any of those years, may~~ vote upon his employment for  
27 ~~the next school year. to grant the teacher career status.~~ The board shall  
28 give him the teacher written notice of that decision by June ~~1~~ of his  
29 ~~third year of employment. 15.~~ If a majority of the board votes to  
30 reemploy the teacher, grant career status to the teacher, and if it has  
31 notified ~~him~~ the teacher of the decision, it may not rescind that action  
32 but must proceed under the provisions of this section for the demotion  
33 or dismissal of a teacher if it decides to terminate ~~his~~ the teacher's  
34 employment. If a majority of the board votes against reemploying the  
35 teacher, ~~he~~ the teacher shall not teach beyond the current school term.  
36 ~~If~~ The board shall not reemploy the teacher if after the sixth  
37 consecutive year: (i) the board fails to vote on granting career status  
38 status; but reemploys him for the next year, he automatically becomes a  
39 career teacher on the first day of the fourth ninth year of employment. (ii) a  
40 majority of the board votes against granting career status; or (iii) the  
41 board vote regarding granting the teacher career status results in a tie.

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

4 (2) Employment of a Career Teacher. – A teacher who has obtained career  
5 status in any North Carolina public school system need not serve  
6 another probationary period of more than two years, and may, at the  
7 option of the board, be employed immediately as a career teacher. In  
8 any event, if the teacher is reemployed for a third consecutive school  
9 year, he shall automatically become a career teacher. A teacher with  
10 career status who resigns and within five years is reemployed by the  
11 same local school administrative unit need not serve another  
12 probationary period of more than one school year and may, at the option  
13 of the board, be reemployed as a career teacher. In any event, if he is  
14 reemployed for a second consecutive school year, he shall automatically  
15 become a career teacher.

16 (3) Ineligible for Career Status. – No employee of a local board of  
17 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible  
18 to obtain career status or continue in a career status if he no longer  
19 performs the responsibilities of a teacher as defined in G.S. 115C-  
20 325(a)(6). No person who is working in a principal or supervisor  
21 position who did not acquire career status as a school administrator by  
22 June 30, 1997, shall have career status as an administrator. Further, no  
23 director or assistant principal is eligible to obtain career status as a  
24 school administrator unless he or she has already been conferred that  
25 status by the local board of education.

26 (4) Leave of Absence. – A career teacher who has been granted a leave of  
27 absence by a board shall maintain his career status if he returns to his  
28 teaching position at the end of the authorized leave."

29 (b) This section applies to teachers, as defined in G.S. 115C-325(a)(6), who have  
30 not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1998.

31  
32 **VI. ADDITIONAL PROFESSIONAL DEVELOPMENT**  
33 **OPPORTUNITIES AND TOUGHER STANDARDS FOR**  
34 **TEACHERS WITH CAREER STATUS**

35  
36 **A. MEANINGFUL AND CONTINUED PROFESSIONAL**  
37 **DEVELOPMENT FOR TEACHERS**

38 Section 12. (a) G.S. 115C-12 is amended by adding a new subdivision to read:

39 "(25) Duty to Monitor and Make Recommendations Regarding Professional  
40 Development Programs. – The State Board of Education, in  
41 collaboration with the Board of Governors of The University of North  
42 Carolina, shall identify and make recommendations regarding  
43 meaningful professional development programs for professional public

1 school employees. The programs shall be aligned with State education  
2 goals and directed toward improving student academic achievement.  
3 The State Board shall annually evaluate and make recommendations  
4 regarding professional development programs based upon reports  
5 submitted by the Board of Governors under G.S. 116-11(12a)."

6 (b) G.S. 116-11 is amended by adding a new subdivision to read:

7 "(12a) The Board of Governors of The University of North Carolina shall  
8 implement, administer, and revise programs for meaningful professional  
9 development for professional public school employees based upon the  
10 evaluations and recommendations made by the State Board of Education  
11 under G.S. 115C-12(25). The programs shall be aligned with State  
12 education goals and directed toward improving student academic  
13 achievement. The Board of Governors shall submit to the State Board  
14 of Education an annual report evaluating the professional development  
15 programs administered by the Board of Governors."

16 (c) The State Board of Education shall report to the Board of Governors of The  
17 University of North Carolina by January 15, 1998, on its initial recommendations for  
18 implementation of subsection (a) of this section.

19 (d) The Board of Governors of The University of North Carolina shall report to  
20 the Joint Legislative Education Oversight Committee by April 1, 1998, on a plan to  
21 coordinate and align professional development programs for professional public school  
22 employees. This report may include recommendations for statutory changes,  
23 consolidation, or other organizational changes.

24  
25 **B. TENURE STREAMLINED TO PROVIDE A FAIR AND EFFICIENT**  
26 **PROCESS FOR REMOVING POOR TEACHERS FROM THE**  
27 **CLASSROOM**

28 Section 13. (a) G.S. 115C-325, as rewritten by Section 11(a) of this act, reads  
29 as rewritten:

30 "**§ 115C-325. System of employment for public school teachers.**

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

33 (1a) 'Career employee' as used in this section means:

- 34 a. An employee who has obtained career status with that local  
35 board as a teacher as provided in G.S. 115C-325(c);  
36 b. An employee who has obtained career status with that local  
37 board in an administrative position as provided in G.S. 115C-  
38 325(d)(2);  
39 c. A probationary teacher during the term of the contract as  
40 provided in G.S. 115C-325(m); and  
41 d. A school administrator during the term of a school administrator  
42 contract as provided in G.S. 115C-287.1(c).

- 1           (1b) 'Career school administrator' means a school administrator who has  
2           obtained career status in an administrative position as provided in G.S.  
3           115C-325(d)(2).
- 4           (†)
- 5           (1c) 'Career teacher' means a teacher who has obtained career status as  
6           provided in G.S. 115C-325(c).
- 7           (1d) 'Case manager' means a person selected under G.S. 115C-325(h)(7).
- 8           (2) ~~'Committee' means the Professional Review Committee created under~~  
9           ~~G.S. 115C-325(g).~~
- 10          (3) 'Day' means calendar day. In computing any period of time, Rule 6 of  
11          the North Carolina Rules of Civil Procedure shall apply.
- 12          (4) 'Demote' means to reduce the ~~compensation~~ salary of a person who is  
13          classified or paid by the State Board of Education as a classroom  
14          ~~teacher, teacher or as a school administrator. or to transfer him to a new~~  
15          ~~position carrying a lower salary, or to suspend him without pay to a maximum~~  
16          ~~of 60 days; provided, however, that a suspension without pay pursuant to the~~  
17          ~~provisions of G.S. 115C-325(f) shall not be considered a demotion.—The~~  
18          ~~word 'demote' does not include a reduction in compensation that results~~  
19          ~~from the elimination of a special duty, such as the duty of an athletic coach,~~  
20          ~~assistant principal, or a choral director. include: (i) a suspension without~~  
21          pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction  
22          of bonus payments, including merit-based supplements, or a systemwide  
23          modification in the amount of any applicable local supplement; (iii) any  
24          reduction in salary that results from the elimination of a special duty,  
25          such as the duty of an athletic coach or a choral director; or (iv) the  
26          transfer of a career school administrator from one position to another  
27          position regardless of whether the transfer results in a reduction of the  
28          career administrator's compensation or the transfer is to a  
29          nonadministrative position.
- 30          (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or  
31          school administrator without pay for no more that 60 days under G.S.  
32          115C-325(f)(2).
- 33          (5) 'Probationary teacher' means a certificated person, other than a  
34          superintendent, associate superintendent, or assistant superintendent,  
35          who has not obtained career-teacher status and whose major  
36          responsibility is to supervise teaching.
- 37          (6) 'Teacher' means a person who holds at least a current, not provisional or  
38          expired, Class A certificate or a regular, not provisional or expired,  
39          vocational certificate issued by the Department of Public Instruction;  
40          whose major responsibility is to teach or directly supervises teaching or  
41          who is classified by the State Board of Education or is paid as a  
42          classroom teacher; and who is employed to fill a full-time, permanent  
43          position.

1           (7) 'School administrator' means a principal, assistant principal, supervisor,  
2 or director; whose major function includes the direct or indirect  
3 supervision of teaching or any other part of the instructional program as  
4 provided in G.S. 115C-287.1(a)(3).

5           (8) 'Year' for purposes of computing time as a probationary teacher shall be  
6 not less than 120 workdays performed as a probationary teacher in a  
7 full-time permanent position in a school year.

8           (b) Personnel Files. – The superintendent shall maintain in his office a personnel  
9 file for each teacher that contains any complaint, commendation, or suggestion for  
10 correction or improvement about the teacher's professional conduct, except that the  
11 superintendent may elect not to place in a teacher's file (i) a letter of complaint that  
12 contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint  
13 when there is no documentation of an attempt to resolve the issue. 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 but  
22 shall be open to other persons only in accordance with such rules and regulations as the  
23 board adopts. Any preemployment data or other information obtained about a teacher  
24 before his employment by the board may be kept in a file separate from his personnel file  
25 and need not be made available to him. No data placed in the preemployment file may be  
26 introduced as evidence at a hearing on the dismissal or demotion of a teacher, except the  
27 data may be used to substantiate G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as  
28 grounds for dismissal or demotion.

29           (c)           (1) Election of a Teacher to Career Status. – Except as otherwise  
30 provided in subdivision (3) of this subsection, when a teacher has  
31 been employed by a North Carolina public school system for four,  
32 five, or six consecutive years, the board, near the end of any of those  
33 years, may vote to grant the teacher career status. The board shall  
34 give the teacher written notice of that decision by June 15. If a  
35 majority of the board votes to grant career status to the teacher, and if  
36 it has notified the teacher of the decision, it may not rescind that  
37 action but must proceed under the provisions of this section for the  
38 demotion or dismissal of a teacher if it decides to terminate the  
39 teacher's employment. If a majority of the board votes against  
40 reemploying the teacher, the teacher shall not teach beyond the  
41 current school term. The board shall not reemploy the teacher if after  
42 the sixth consecutive year: (i) the board fails to vote on granting  
43 career status; (ii) a majority of the board votes against granting career

1 status; or (iii) the board vote regarding granting the teacher career  
2 status results in a tie.

3 ~~A year, for purposes of computing time as a probationary teacher,~~  
4 ~~shall be not less than 120 workdays performed as a full-time, permanent~~  
5 ~~teacher in a normal school year.~~

6 (2) Employment of a Career Teacher. – A teacher who has obtained career  
7 status in any North Carolina public school system need not serve  
8 another probationary period of more than two years, and may, at the  
9 option of the board, be employed immediately or after one year as a  
10 career teacher. In any event, if the teacher is reemployed for a third  
11 consecutive school year, he shall automatically become a career teacher.  
12 ~~A teacher with career status who resigns and within five years is reemployed~~  
13 ~~by the same local school administrative unit need not serve another~~  
14 ~~probationary period of more than one school year and may, at the option of~~  
15 ~~the board, be reemployed as a career teacher. In any event, if he is reemployed~~  
16 ~~for a second consecutive school year, he shall automatically become a career~~  
17 ~~teacher.~~

18 (3) Ineligible for Career Status. – No employee of a local board of  
19 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible  
20 to obtain career status or continue in a career status as a teacher if he no  
21 longer performs the responsibilities of a teacher as defined in G.S.  
22 115C-325(a)(6). No person who is ~~working in a principal or supervisor~~  
23 ~~position employed as a school administrator~~ who did not acquire career  
24 status as a school administrator by June 30, 1997, shall have career  
25 status as an administrator. Further, no director or assistant principal is  
26 eligible to obtain career status as a school administrator unless he or she  
27 has already been conferred that status by the local board of education.

28 (4) Leave of Absence. – A career teacher who has been granted a leave of  
29 absence by a board shall maintain his career status if he returns to his  
30 teaching position at the end of the authorized leave.

31 (d) Career Teachers and Career School Administrators.

32 (1) A career teacher or career school administrator shall not be subjected to  
33 the requirement of annual appointment nor shall he be dismissed,  
34 demoted, or employed on a part-time basis without his consent except as  
35 provided in subsection (e).

36 (2) a. The provisions of this subdivision do not apply to a person who is  
37 ineligible for career status as provided by G.S. 115C-325(c)(3).

38 ~~b. Whether or not he has previously attained career status as a~~  
39 ~~teacher, a person who has performed the duties of a principal in~~  
40 ~~the school system for three consecutive years or has performed~~  
41 ~~the duties of a supervisor in the school system for three~~  
42 ~~consecutive years shall not be transferred from that position to a~~  
43 ~~lower paying administrative position or to a lower paying~~



1           ~~nonadministrative position without his consent except for the~~  
2           ~~reasons given in G.S. 115C-325(e)(1) and in accordance with the~~  
3           ~~provisions for the dismissal of a career teacher set out in this~~  
4           ~~section. Transfer of a principal or a supervisor is not a transfer to~~  
5           ~~a lower paying position if the principal's or supervisor's salary is~~  
6           ~~maintained at the previous salary amount.~~

7           c. Subject to G.S. 115C-287.1, when ~~When~~ a teacher has performed  
8           the duties of supervisor or principal for three consecutive years,  
9           the board, near the end of the third year, shall vote upon his  
10          employment for the next school year. The board shall give him  
11          written notice of that decision by June 1 of his third year of  
12          employment as a supervisor or principal. If a majority of the  
13          board votes to reemploy the teacher as a principal or supervisor,  
14          and it has notified him of that decision, it may not rescind that  
15          action but must proceed under the provisions of this section. If a  
16          majority of the board votes not to reemploy the teacher as a  
17          principal or supervisor, he shall retain career status as a teacher if  
18          that status was attained prior to assuming the duties of supervisor  
19          or principal. A supervisor or principal who has not held that  
20          position for three years and whose contract will not be renewed  
21          for the next school year shall be notified by June 1 and shall  
22          retain career status as a teacher if that status was attained prior to  
23          assuming the duties of supervisor or principal.

24          A year, for purposes of computing time as a probationary  
25          principal or supervisor, shall not be less than 145 workdays  
26          performed as a full-time, permanent principal or supervisor in a  
27          contract year.

28          A principal or supervisor who has obtained career status in  
29          that position in any North Carolina public school system may be  
30          required by the board of education in another school system to  
31          serve an additional three-year probationary period in that position  
32          before being eligible for career status. However, he may, at the  
33          option of the board of education, be granted career status  
34          immediately or after serving a probationary period of one or two  
35          additional years. A principal or supervisor with career status  
36          who resigns and within five years is reemployed by the same  
37          school system need not serve another probationary period in that  
38          position of more than two years and may, at the option of the  
39          board, be reemployed immediately as a career principal or  
40          supervisor or be given career status after only one year. In any  
41          event, if he is reemployed for a third consecutive year, he shall  
42          automatically become a career principal or supervisor.

43          (e)    Grounds for Dismissal or Demotion of a Career ~~Teacher~~Employee.

- 1           (1) Grounds. – No career ~~teacher~~employee shall be dismissed or demoted or  
2 employed on a part-time basis except for one or more of the following:  
3           a. Inadequate performance.  
4           b. Immorality.  
5           c. Insubordination.  
6           d. Neglect of duty.  
7           e. Physical or mental incapacity.  
8           f. Habitual or excessive use of alcohol or nonmedical use of a  
9 controlled substance as defined in Article 5 of Chapter 90 of the  
10 General Statutes.  
11           g. Conviction of a felony or a crime involving moral turpitude.  
12           h. Advocating the overthrow of the government of the United States  
13 or of the State of North Carolina by force, violence, or other  
14 unlawful means.  
15           i. Failure to fulfill the duties and responsibilities imposed upon  
16 teachers or school administrators by the General Statutes of this  
17 State.  
18           j. Failure to comply with such reasonable requirements as the board  
19 may prescribe.  
20           k. Any cause which constitutes grounds for the revocation of ~~such~~  
21 the career teacher's teaching certificate ~~certificate~~ or the career  
22 school administrator's administrator certificate.  
23           l. A justifiable decrease in the number of positions due to district  
24 reorganization, decreased enrollment, or decreased funding,  
25 provided that there is compliance with subdivision (2).  
26           m. Failure to maintain his certificate in a current status.  
27           n. Failure to repay money owed to the State in accordance with the  
28 provisions of Article 60, Chapter 143 of the General Statutes.  
29           o. Providing false information or knowingly omitting a material fact  
30 on an application for employment or in response to a  
31 preemployment inquiry.
- 32           (2) Reduction in Force. – Before recommending to a board the dismissal or  
33 demotion of the career ~~teacher~~employee pursuant to G.S. 115C-  
34 325(e)(1)l., the superintendent shall give written notice to the career  
35 ~~teacher~~employee by certified mail or personal delivery of his intention  
36 to make such recommendation and shall set forth as part of his  
37 recommendation the grounds upon which he believes such dismissal or  
38 demotion is justified. The notice shall include a statement to the effect  
39 that if the ~~teacher~~career employee within 15 days after receipt of the  
40 notice requests a review, he shall be entitled to have the proposed  
41 recommendations of the superintendent reviewed by the board. Within  
42 the 15-day period after receipt of the notice, the career ~~teacher~~employee  
43 may file with the superintendent a written request for a hearing before

1 the board within 10 days. If the ~~teacher-career employee~~ requests a  
2 hearing before the board, the hearing procedures provided in ~~G.S. 115C-~~  
3 ~~325(j)~~-G.S. 115C-325(j3) shall be followed. If no request is made within  
4 the 15-day period, the superintendent may file his recommendation with  
5 the board. If, after considering the recommendation of the  
6 superintendent and the evidence adduced at the hearing if there is one,  
7 the board concludes that the grounds for the recommendation are true  
8 and substantiated by a preponderance of the evidence, the board, if it  
9 sees fit, may by resolution order such dismissal. Provisions of this  
10 section which permit ~~appointment of, and investigation and review by, a~~  
11 ~~panel of the Professional Review Committee~~ a hearing by a case manager  
12 shall not apply to a dismissal or demotion recommended pursuant to  
13 G.S. 115C-325(e)(1)l.

14 When a career ~~teacher-employee~~ is dismissed pursuant to G.S. 115C-  
15 325(e)(1)l. above, his name shall be placed on a list of available ~~teachers~~  
16 career employees to be maintained by the board. Career ~~teachers~~  
17 employees whose names are placed on such a list shall have a priority  
18 on all positions in which they acquired career status and for which they  
19 are qualified which become available in that system for the three  
20 consecutive years succeeding their dismissal. However, if the local  
21 school administrative unit offers the dismissed ~~teacher-career employee~~ a  
22 position for which he is certified and he refuses it, his name shall be  
23 removed from the priority list.

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

32 (4) Three-Year Limitation on Basis of Dismissal or Demotion – Dismissal  
33 or demotion under subdivision (1) above, except ~~paragraph g~~ paragraphs  
34 g. and o. thereof, shall not be based on conduct or actions which  
35 occurred more than three years before the written notice of the  
36 superintendent's intention to recommend dismissal or demotion is  
37 mailed to the ~~teacher-career employee~~. The three-year limitation shall  
38 not apply to dismissals or demotions pursuant to subdivision (1)b. above  
39 when the charge of immorality is based upon a ~~teacher's-career~~  
40 employee's sexual misconduct toward or sexual harassment of students  
41 or staff.

42 (f) (1) Suspension without Pay. – If a superintendent believes that  
43 cause exists for dismissing a ~~probationary or career teacher-employee~~

1 for any reason specified in ~~G.S. 115C-325(e)(1)a. through 115C-~~  
2 ~~325(e)(1)j.~~ G.S. 115C-325(e)(1) and that immediate suspension of the  
3 ~~teacher-career employee~~ is necessary, the superintendent may suspend  
4 ~~him~~ the career employee without pay. Before suspending a ~~teacher~~  
5 ~~career employee~~ without pay, the superintendent shall meet with the  
6 ~~teacher-career employee~~ and give him written notice of the charges  
7 against him, an explanation of the bases for the charges, and an  
8 opportunity to respond. Within five days after a suspension under this  
9 paragraph, the superintendent shall initiate a ~~dismissal~~ dismissal,  
10 demotion, or disciplinary suspension without pay as provided in this  
11 section. If it is finally determined that no grounds for ~~dismissal~~  
12 dismissal, demotion, or disciplinary suspension without pay exist, the  
13 ~~teacher-career employee~~ shall be reinstated ~~immediately~~ and  
14 immediately, shall be paid for the period of ~~suspensions~~ suspension, and  
15 all records of the suspension shall be removed from the career  
16 employee's personnel file.

17 (2) Disciplinary Suspension Without Pay. – A ~~teacher-career employee~~  
18 recommended for suspension without pay pursuant to G.S. ~~115C-~~  
19 ~~325(a)(4)~~ 115C-325(a)(4a) may request a hearing before the board. ~~If the~~  
20 ~~teacher requests a hearing before the board, the procedures provided in G.S.~~  
21 ~~115C-325(j) shall be followed.~~ If no request is made within 15 days, the  
22 superintendent may file his recommendation with the board. If, after  
23 considering the recommendation of the superintendent and the evidence  
24 adduced at the hearing if one is held, the board concludes that the  
25 grounds for the recommendation are true and substantiated by a  
26 preponderance of the evidence, the board, if it sees fit, may by  
27 resolution order such suspension. ~~Provisions of this section which permit~~  
28 ~~appointment of, and investigation and review by, a panel of the Professional~~  
29 ~~Review Committee shall not apply to a suspension without pay pursuant to~~  
30 ~~G.S. 115C-325(a)(4).~~

31 a. Board hearing for disciplinary suspensions for more than 10 days  
32 or for certain types of intentional misconduct. – The procedures  
33 for a board hearing under G.S. 115C-325(j3) shall apply if any of  
34 the following circumstances exist:

- 35 1. The recommended disciplinary suspension without pay is  
36 for more than 10 days; or
- 37 2. The disciplinary suspension is for intentional misconduct,  
38 such as inappropriate sexual or physical conduct,  
39 immorality, insubordination, habitual or excessive alcohol  
40 or nonmedical use of a controlled substance as defined in  
41 Article 5 of Chapter 90 of the General Statutes, any cause  
42 that constitutes grounds for the revocation of the teacher's

1                                   or school administrator's certificate, or providing false  
2                                   information.

- 3           b.   Board hearing for disciplinary suspensions of no more than 10  
4                   days. – The procedures for a board hearing under G.S. 115C-  
5                   325(j2) shall apply to all disciplinary suspensions of no more  
6                   than 10 days that are not for intentional misconduct as specified  
7                   in G.S. 115C-325(f)(2)a.2.

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

23   - (g) ~~Professional Review Committee; Qualifications; Terms; Vacancy; Training.~~

- 24           (1) ~~There is hereby created a Professional Review Committee which shall~~  
25                   ~~consist of 132 citizens, 11 from each of the State's congressional~~  
26                   ~~districts, five of whom shall be lay persons and six of whom shall have~~  
27                   ~~been actively and continuously engaged in teaching or in supervision or~~  
28                   ~~administration of schools in this State for the five years preceding their~~  
29                   ~~appointment and who are broadly representative of the profession, to be~~  
30                   ~~appointed by the Superintendent of Public Instruction with the advice~~  
31                   ~~and consent of the State Board of Education. Each member shall be~~  
32                   ~~appointed for a term of three years. The initial terms of office of the~~  
33                   ~~persons appointed from the 12th Congressional District shall commence~~  
34                   ~~on January 3, 1993, and expire on June 30, 1995. The Superintendent of~~  
35                   ~~Public Instruction, with the advice and consent of the State Board of~~  
36                   ~~Education, shall fill any vacancy which may occur in the Committee.~~  
37                   ~~The person appointed to fill the vacancy shall serve for the unexpired~~  
38                   ~~portion of the term of the member of the Committee whom he is~~  
39                   ~~appointed to replace.~~

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

- 1           (3) ~~The compensation of committee members while serving as a member of~~  
2           ~~a hearing panel shall be as for State boards and commissions pursuant to~~  
3           ~~G.S. 138-5. The compensation shall be paid by the State Board of~~  
4           ~~Education.~~
- 5           (h) Procedure for Dismissal or Demotion of Career ~~Teacher~~Employee.
- 6           (1) A career ~~teacher~~employee may not be dismissed, demoted, or reduced to  
7           part-time employment except upon the superintendent's  
8           recommendation.
- 9           (2) Before recommending to a board the dismissal or demotion of the career  
10          ~~teacher~~employee, the superintendent shall give written notice to the  
11          career ~~teacher~~employee by certified mail or personal delivery of his  
12          intention to make such recommendation and shall set forth as part of his  
13          recommendation the grounds upon which he believes such dismissal or  
14          demotion is justified. The superintendent also shall meet with the career  
15          employee and give him written notice of the charges against him, an  
16          explanation of the basis for the charges, and an opportunity to respond if  
17          the career employee has not done so under G.S. 115C-325(f)(1). The  
18          notice shall include a statement to the effect that if the ~~teacher~~career  
19          employee within ~~45~~seven days after the date of receipt of the notice  
20          requests a review, he shall be entitled to have the grounds for the  
21          proposed recommendations of the superintendent reviewed by a ~~panel of~~  
22          ~~the Committee~~case manager. A copy of G.S. 115C-325 and a current list  
23          of ~~the members of the Professional Review Committee~~case managers shall  
24          also be sent to the career ~~teacher~~employee. If the ~~teacher~~career  
25          employee does not request a ~~panel~~hearing with a case manager within  
26          the ~~45~~seven days provided, the superintendent may submit his  
27          recommendation to the board.
- 28          (3) Within the ~~45-day~~seven-day period after receipt of the notice, the career  
29          ~~teacher~~employee may file with the superintendent a written request for  
30          either (i) ~~a review of the~~a hearing on the grounds for the superintendent's  
31          proposed recommendation by a ~~panel of the Professional Review~~  
32          ~~Committee~~case manager or (ii) a hearing within five days before the  
33          board on the superintendent's recommendation, within 10 days. If the  
34          ~~teacher~~career employee requests an immediate hearing before the board,  
35          he forfeits his right to a hearing by a ~~panel of the Professional Review~~  
36          ~~Committee~~. A hearing conducted by the board pursuant to this subdivision  
37          shall be conducted pursuant to G.S. 115C-325(j) and ~~(l)~~a case manager. If  
38          no request is made within that period, the superintendent may file his  
39          recommendation with the board. The board, if it sees fit, may by  
40          resolution ~~dismiss such teacher.~~(i) reject the superintendent's  
41          recommendation or (ii) accept or modify the superintendent's  
42          recommendation and dismiss, demote, reinstate, or suspend the  
43          employee without pay. If a request for review is made, the

1 superintendent shall not file his recommendation for dismissal with the  
2 board until a report of a ~~panel of the Committee~~ the case manager is filed  
3 with the superintendent.

4 (4) ~~If a request for review is made, the superintendent, within five days of~~  
5 ~~filing such request for review, shall notify the Superintendent of Public~~  
6 ~~Instruction who, within seven days from the time of receipt of such~~  
7 ~~notice, shall designate a panel of five members of the Committee, at~~  
8 ~~least two of whom shall be lay persons, who shall not be employed in or~~  
9 ~~be residents of the county in which the request for review is made, to~~  
10 ~~review the proposed recommendations of the superintendent for the~~  
11 ~~purpose of determining whether in its opinion the grounds for the~~  
12 ~~recommendation are true and substantiated. The teacher or principal~~  
13 ~~making the request for review shall have the right to require that at least~~  
14 ~~two members of the panel shall be members of his professional peer~~  
15 ~~group.~~

16 (5) If the career employee elects to request a hearing by a case manager, the  
17 career employee and superintendent shall each have the right to  
18 eliminate up to one-third of the names on the approved list of case  
19 managers. The career employee shall specify those case managers who  
20 are not acceptable in the career employee's request for a review of the  
21 superintendent's proposed recommendation under G.S. 115C-325(h)(3).  
22 The superintendent and career employee may jointly select a person to  
23 serve as case manager. The person need not be on the master list of  
24 case managers maintained by the Superintendent of Public Instruction.

25 (6) If a career employee requests a review by a case manager, the  
26 superintendent shall notify the Superintendent of Public Instruction  
27 within two days' receipt of the request. The notice shall contain a list of  
28 the case managers the career employee and the superintendent have  
29 eliminated from the master list or the name of a person, if any, jointly  
30 selected. Failure to exercise the right to eliminate names from the  
31 master list shall constitute a waiver of that right.

32 (7) The Superintendent of Public Instruction shall select a case manager  
33 within three days of receiving notice from the superintendent. The  
34 Superintendent of Public Instruction shall designate the person jointly  
35 selected by the parties to serve as case manager provided the person  
36 agrees to serve as case manager and can meet the requirements for time  
37 frames for the hearing and report as provided in G.S. 115C-325(i1)(1).  
38 If a case manager was not jointly selected or if the case manager is not  
39 available, the Superintendent of Public Instruction shall select a case  
40 manager from the master list. No person eliminated by the career  
41 employee or superintendent shall be designated case manager.

- 1           (8)    The superintendent and career employee shall provide each other with  
2           copies of all documents submitted to the Superintendent of Public  
3           Instruction or to the designated case manager.
- 4    (h1)   Case Managers; Qualifications; Training; Compensation.
- 5           (1)    Each year the State Board of Education shall select and maintain a  
6           master list of no more than 42 qualified case managers.
- 7           (2)    Persons selected by the State Board as case managers shall be: (i)  
8           certified as a North Carolina Superior Court mediator; (ii) a member of  
9           the American Arbitration Association's roster of arbitrators and  
10           mediators; or (iii) have comparable certification in alternative dispute  
11           resolution. Case managers must complete a special training course  
12           approved by the State Board of Education.
- 13           (3)    The State Board of Education shall determine the compensation for a  
14           case manager. The State Board shall pay the case manager's  
15           compensation and reimbursement for expenses.
- 16    (i)    ~~Hearing by Panel of Professional Review Committee; Report; Action of~~  
17    ~~Superintendent; Review by Board.~~
- 18           ~~(1)    The career teacher and superintendent will each have the right to~~  
19           ~~designate not more than 33 of the 132 members of the Professional~~  
20           ~~Review Committee as not acceptable to the teacher or superintendent~~  
21           ~~respectively. No person so designated shall be appointed to the panel.~~  
22           ~~The career teacher shall specify to the superintendent those Committee~~  
23           ~~members who are not acceptable in his request for a review of the~~  
24           ~~superintendent's proposed recommendations provided for in subdivision~~  
25           ~~(h)(3) above. The superintendent's notice to the Superintendent of~~  
26           ~~Public Instruction provided for in subdivision (h)(4) above shall contain~~  
27           ~~a list of those members of the Committee not acceptable to the~~  
28           ~~superintendent and the teacher respectively. Failure to designate~~  
29           ~~nonacceptable members in accordance with this subsection shall~~  
30           ~~constitute a waiver of that right.~~
- 31           ~~(2)    As soon as possible after the time of its designation, the panel shall elect~~  
32           ~~a chairman and shall conduct a hearing in accordance with G.S. 115C-~~  
33           ~~325(j) for the purpose of determining whether the grounds for the~~  
34           ~~recommendation are true and substantiated. The panel shall be furnished~~  
35           ~~assistance reasonably required to conduct its hearing and shall be~~  
36           ~~empowered to subpoena and swear witnesses and to require them to~~  
37           ~~give testimony and to produce books and papers relevant to its~~  
38           ~~investigation.~~
- 39           ~~(3)    The career teacher and superintendent involved shall each have the right~~  
40           ~~to meet with the panel accompanied by counsel or other person of his~~  
41           ~~choice and to present any evidence and arguments which he considers~~  
42           ~~pertinent to the considerations of the panel and to cross examine~~  
43           ~~witnesses.~~



- 1           ~~(4) When the panel has completed its hearing, it shall prepare a written~~  
2           ~~report and send it to the superintendent and teacher. The report shall~~  
3           ~~contain its findings as to whether or not the grounds for the~~  
4           ~~recommendation are true and substantiated by a preponderance of the~~  
5           ~~evidence, and a statement of the reasons for its findings. The panel shall~~  
6           ~~complete its hearing and prepare the report within 20 days from the time~~  
7           ~~of its designation, except in cases in which the panel finds that justice~~  
8           ~~requires that a greater time be spent in connection with the investigation~~  
9           ~~and the preparation of such report, and reports that finding to the~~  
10           ~~superintendent and the teacher. Provided, that such extension does not~~  
11           ~~exceed 10 days.~~
- 12           ~~(5) Within five days after the superintendent receives the report of the~~  
13           ~~panel, the superintendent shall decide whether or not to submit a written~~  
14           ~~recommendation for dismissal to the board or to drop the charges~~  
15           ~~against the teacher and shall notify the teacher, in writing, of the~~  
16           ~~decision. Within five days after receiving the superintendent's notice of~~  
17           ~~his intent to recommend the teacher's dismissal to the board, the teacher~~  
18           ~~shall decide whether to request a hearing before the board and shall~~  
19           ~~notify the superintendent, in writing, of the decision. If the teacher~~  
20           ~~requests a hearing before the board, the superintendent shall submit his~~  
21           ~~written recommendation to the board with a copy to the teacher within~~  
22           ~~five days after receiving the teacher's request. The superintendent's~~  
23           ~~recommendation shall state the grounds for the recommendation and~~  
24           ~~shall be accompanied by a copy of the report of the panel of the~~  
25           ~~Committee.~~
- 26           ~~(6) Within seven days after receiving the superintendent's recommendation~~  
27           ~~and before taking any formal action, the board shall set a time and place~~  
28           ~~for the hearing and notify the teacher by certified mail of the date, time~~  
29           ~~and place of the hearing. The time specified shall not be less than seven~~  
30           ~~nor more than 20 days after the board has notified the teacher. If the~~  
31           ~~teacher did not request a hearing, the board may, by resolution, dismiss~~  
32           ~~the teacher. If the teacher can show that his request for a hearing was~~  
33           ~~postmarked within the time provided, his right to a hearing is not~~  
34           ~~forfeited.~~
- 35           (i1) Report of Case Manager; Superintendent's Recommendation.  
36           (1) The case manager shall complete the hearing held in accordance with  
37           G.S. 115C-325(j) and prepare the report within 10 days from the time of  
38           the designation, except in cases in which the case manager finds that  
39           justice requires that a greater time be spent in connection with the  
40           investigation and the preparation of such report, and reports that finding  
41           to the superintendent and the career employee. No extension under this  
42           subdivision shall exceed five days.

- 1           (2)    The case manager shall make all necessary findings of fact, based upon  
2           the preponderance of the evidence, on all issues related to each and  
3           every ground for dismissal and on all relevant matters related to the  
4           question of whether the superintendent's recommendation is justified.  
5           The case manager also shall make a recommendation as to whether the  
6           findings of fact substantiate the superintendent's grounds for dismissal.  
7           The case manager shall deliver copies of the report to the superintendent  
8           and the career employee.
- 9           (3)    Within two days after receiving the case manager's report, the  
10          superintendent shall decide whether to submit a written  
11          recommendation to the local board for dismissal, demotion, or  
12          disciplinary suspension without pay to the board or to drop the charges  
13          against the career employee. The superintendent shall notify the career  
14          employee, in writing, of the decision.
- 15          (4)    If the superintendent contends that the case manager's report fails to  
16          address a critical factual issue, the superintendent shall within three days  
17          receipt of the case manager's report, request in writing with a copy to  
18          the career employee that the case manager prepare a supplement to the  
19          report. The superintendent shall specify what critical factual issue the  
20          superintendent contends the case manager failed to address. If the case  
21          manager determines that the report failed to address a critical factual  
22          issue, the case manager may prepare a supplement to the report to  
23          address the issue and deliver the supplement to both parties before the  
24          board hearing. The failure of the case manager to prepare a  
25          supplemental report or to address a critical factual issue shall not  
26          constitute a basis for appeal.
- 27          (j)    Hearing Procedure by a Case Manager. – The following provisions shall be  
28          applicable-apply to any a hearing conducted pursuant to G.S. 115C-325(k) or (l) or to any  
29          hearing conducted by a board pursuant to G.S. 115C-325(h)(3) by the case manager.
- 30               (1)    The hearing shall be private.
- 31               (2)    The hearing shall be conducted in accordance with ~~such reasonable~~  
32               ~~rules and regulations as the board may adopt consistent with G.S. 115C-~~  
33               ~~325, or if no rules have been adopted, in accordance with reasonable~~  
34               rules and regulations adopted by the State Board of Education to govern  
35               ~~such case manager~~ hearings.
- 36               (3)    At the hearing the ~~teacher-career employee~~ and the superintendent shall  
37               have the right to be present and to be heard, to be represented by  
38               counsel and to present through witnesses any competent testimony  
39               relevant to the issue of whether grounds for dismissal or demotion exist  
40               or whether the procedures set forth in G.S. 115C-325 have been  
41               followed.
- 42               (4)    Rules of evidence shall not apply to a hearing conducted ~~pursuant to this~~  
43               ~~act and boards and panels of the Professional Review Committee by a case~~

1            manager and the case manager may give probative effect to evidence  
2            that is of a kind commonly relied on by reasonably prudent persons in  
3            the conduct of serious affairs.

4            (5) At least five days before the hearing, the superintendent shall provide to  
5            the ~~teacher~~ career employee a list of witnesses the superintendent intends  
6            to present, a brief statement of the nature of the testimony of each  
7            witness and a copy of any documentary evidence ~~he~~ the superintendent  
8            intends to present. At least three days before the hearing, the ~~teacher~~  
9            career employee shall provide to the superintendent a list of witnesses  
10           the ~~teacher~~ career employee intends to present, a brief statement of the  
11           nature of the testimony of each witness and a copy of any documentary  
12           evidence ~~he~~ the career employee intends to present. Additional  
13           witnesses or documentary evidence may not be presented except ~~upon~~  
14           consent of both parties or upon a majority vote of the board or panel. upon a  
15           finding by the case manager that the new evidence is critical to the  
16           matter at issue and the party making the request could not, with  
17           reasonable diligence, have discovered and produced the evidence  
18           according to the schedule provided in this subdivision.

19           (6) The case manager may subpoena and swear witnesses and may require  
20           them to give testimony and to produce records and documents relevant  
21           to the grounds for dismissal.

22           (7) The case manager shall decide all procedural issues, including limiting  
23           cumulative evidence, necessary for a fair and efficient hearing.

24           (8) The superintendent shall provide for making a transcript of the hearing.  
25           If the career employee contemplates a hearing before the board or to  
26           appeal the board's decision to a court of law, the career employee may  
27           request and shall receive at no charge a transcript of the proceedings  
28           before the case manager.

29           (j1) Board Determination.

30           (1) Within two days after receiving the superintendent's notice of intent to  
31           recommend the career employee's dismissal to the board, the career  
32           employee shall decide whether to request a hearing before the board and  
33           shall notify the superintendent, in writing, of the decision. If the career  
34           employee can show that the request for a hearing was postmarked  
35           within the time provided, the career employee shall not forfeit the right  
36           to a board hearing. Within two days after receiving the career  
37           employee's request for a board hearing, the superintendent shall submit  
38           to the board the written recommendation and shall provide a copy to the  
39           career employee. The superintendent's recommendation shall state the  
40           grounds for the recommendation and shall be accompanied by a copy of  
41           the case manager's report.

42           (2) If the career employee contends that the case manager's report fails to  
43           address a critical factual issue the career employee shall, at the same

1           time he notifies the superintendent of a request for a board hearing  
2           pursuant to G.S. 115C-325(j1)(1), request in writing with a copy to the  
3           superintendent that the case manager prepare a supplement to the case  
4           manager's report. The career employee shall specify the critical factual  
5           issue he contends the case manager failed to address. If the case  
6           manager determines that the report failed to address a critical factual  
7           issue, the case manager may prepare a supplement to the report to  
8           address the issue and shall deliver the supplement to both parties before  
9           the board hearing. The failure of the case manager to prepare a  
10           supplemental report or to address a critical factual issue shall not  
11           constitute a basis for appeal.

12           (3) Within two days after receiving the superintendent's recommendation  
13           and before taking any formal action, the board shall set a time and place  
14           for the hearing and shall notify the career employee by certified mail or  
15           personal delivery of the date, time, and place of the hearing. The time  
16           specified shall not be less than seven nor more than 10 days after the  
17           board has notified the career employee. If the career employee did not  
18           request a hearing, the board may, by resolution, reject the  
19           superintendent's decision, or accept or modify the decision and dismiss,  
20           demote, reinstate, or suspend the career employee without pay.

21           (4) If the career employee requests a board hearing, it shall be conducted in  
22           accordance with G.S. 115C-325(j2).

23           (5) The board shall make a determination and may (i) reject the  
24           superintendent's recommendation or (ii) accept or modify the  
25           recommendation and dismiss, demote, reinstate, or suspend the  
26           employee without pay.

27           (6) Within two days following the hearing, the board shall send a written  
28           copy of its findings and determination to the career employee and the  
29           superintendent.

30           (j2) Board Hearing. – The following procedures shall apply to a hearing conducted  
31 by the board:

32           (1) The hearing shall be private.

33           (2) If the career employee requested a hearing by a case manager, the board  
34           shall receive the following:

35           a. The whole record from the hearing held by the case manager,  
36           including a transcript of the hearing, as well as any other records,  
37           exhibits, and documentary evidence submitted to the case  
38           manager at the hearing.

39           b. The case manager's findings of fact, including any supplemental  
40           findings prepared by the case manager under G.S. 115C-325  
41           (i1)(4) or G.S. 115C-325(j1)(2).

- 1           c.     The case manager's recommendation as to whether the grounds  
2           in G.S. 115C-325(e) submitted by the superintendent are  
3           substantiated.
- 4           d.     The superintendent's recommendation and the grounds for the  
5           recommendation.
- 6       (3)   If the career employee did not request a hearing by a case manager, the  
7       board shall receive the following:
- 8           a.     Any documentary evidence the superintendent intends to use to  
9           support the recommendation. The superintendent shall provide  
10          the documentary evidence to the career employee seven days  
11          before the hearing.
- 12          b.     Any documentary evidence the career employee intends to use to  
13          rebut the superintendent's recommendation. The career  
14          employee shall provide the superintendent with the documentary  
15          evidence three days before the hearing.
- 16          c.     The superintendent's recommendation and the grounds for the  
17          recommendation.
- 18       (4)   The superintendent and career employee may submit a written statement  
19       not less than three days before the hearing.
- 20       (5)   The superintendent and career employee shall be permitted to make oral  
21       arguments to the board based on the record before the board.
- 22       (6)   No new evidence may be presented at the hearing except upon a finding  
23       by the board that the new evidence is critical to the matter at issue and  
24       the party making the request could not, with reasonable diligence, have  
25       discovered and produced the evidence at the hearing before the case  
26       manager.
- 27       (7)   The board shall accept the case manager's findings of fact unless a  
28       majority of the board determines that the findings of fact are not  
29       supported by substantial evidence when reviewing the record as a  
30       whole. In such an event, the board shall make alternative findings of  
31       fact. If a majority of the board determines that the case manager did not  
32       address a critical factual issue, the board may remand the findings of  
33       fact to the case manager to complete the report to the board. If the case  
34       manager does not submit the report within seven days receipt of the  
35       board's request, the board may determine its own findings of fact  
36       regarding the critical factual issues not addressed by the case manager.  
37       The board's determination shall be based upon a preponderance of the  
38       evidence.
- 39       (8)   The board is not required to provide a transcript of the hearing to the  
40       career employee. If the board elects to make a transcript and if the  
41       career employee contemplates an appeal to a court of law, the career  
42       employee may request and shall receive at no charge a transcript of the

1                    proceedings. A career employee may have the hearing transcribed by a  
2                    court reporter at the career employee's expense.

3            (j3) Board Hearing for Certain Disciplinary Suspensions and for Reductions in  
4 Force. – The following procedures shall apply for a board hearing under G.S. 115C-  
5 325(e)(2) and G.S. 115C-325(f)(2)a.:

6            (1) The hearing shall be private.

7            (2) The hearing shall be conducted in accordance with reasonable rules  
8 adopted by the State Board of Education to govern such hearings.

9            (3) At the hearing, the career employee and the superintendent shall have  
10 the right to be present and to be heard, to be represented by counsel, and  
11 to present through witnesses any competent testimony relevant to the  
12 issue of whether grounds exist for a disciplinary suspension without pay  
13 under G.S. 115C-325(f)(2)a., or whether the grounds for a dismissal or  
14 demotion due to a reduction in force is justified.

15           (4) Rules of evidence shall not apply to a hearing under this subsection and  
16 the board may give probative effect to evidence that is of a kind  
17 commonly relied on by reasonably prudent persons in the conduct of  
18 serious affairs.

19           (5) At least 10 days before the hearing, the superintendent shall provide to  
20 the career employee a list of witnesses the superintendent intends to  
21 present, a brief statement of the nature of the testimony of each witness,  
22 and a copy of any documentary evidence the superintendent intends to  
23 present.

24           (6) At least six days before the hearing, the career employee shall provide  
25 the superintendent a list of witnesses the career employee intends to  
26 present, a brief statement of the nature of the testimony of each witness,  
27 and a copy of any documentary evidence the career employee intends to  
28 present.

29           (7) No new evidence may be presented at the hearing except upon a finding  
30 by the board that the new evidence is critical to the matter at issue and  
31 the party making the request could not, with reasonable diligence, have  
32 discovered and produced the evidence according to the schedule  
33 provided in this subsection.

34           (8) The board may subpoena and swear witnesses and may require them to  
35 give testimony and to produce records and documents relevant to the  
36 grounds for suspension without pay.

37           (9) The board shall decide all procedural issues, including limiting  
38 cumulative evidence, necessary for a fair and efficient hearing.

39           (10) The superintendent shall provide for making a transcript of the hearing.  
40 If the career employee contemplates an appeal of the board's decision to  
41 a court of law, the career employee may request and shall receive at no  
42 charge a transcript of the proceedings.

1       ~~(k) Panel Finds Grounds for Superintendent's Recommendation True and~~  
2 ~~Substantiated.~~

3           ~~(1) If the panel found that the grounds for the recommendation of the~~  
4 ~~superintendent are true and substantiated, at the hearing the board shall~~  
5 ~~consider the recommendation of the superintendent, the report of the~~  
6 ~~panel, including any minority report, and any evidence which the~~  
7 ~~teacher or the superintendent may wish to present with respect to the~~  
8 ~~question of whether the grounds for the recommendation are true and~~  
9 ~~substantiated. The hearing may be conducted in an informal manner.~~

10          ~~(2) If, after considering the recommendation of the superintendent, the~~  
11 ~~report of the panel and the evidence adduced at the hearing, the board~~  
12 ~~concludes that the grounds for the recommendation are true and~~  
13 ~~substantiated, by a preponderance of the evidence, the board, if it sees~~  
14 ~~fit, may by resolution order such dismissal.~~

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

17           ~~(1) If the panel does not find that the grounds for the recommendation of~~  
18 ~~the superintendent are true and substantiated, at the hearing the board~~  
19 ~~shall determine whether the grounds for the recommendation of the~~  
20 ~~superintendent are true and substantiated upon the basis of competent~~  
21 ~~evidence adduced at the hearing by witnesses who shall testify under~~  
22 ~~oath or affirmation to be administered by any board member or the~~  
23 ~~secretary of the board.~~

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

31           ~~(3) At the request of either the superintendent or the teacher, the board shall~~  
32 ~~issue subpoenas requiring the production of papers or records or the~~  
33 ~~attendance of persons residing within the State before the board.~~  
34 ~~Subpoenas for witnesses to testify at the hearing in support of the~~  
35 ~~recommendation of the superintendent or on behalf of the career teacher~~  
36 ~~shall, as requested, be issued in blank by the board over the signature of~~  
37 ~~its chairman or secretary. The board shall pay witness fees for up to five~~  
38 ~~witnesses subpoenaed on behalf of the teacher, except that it shall not~~  
39 ~~pay for any witness who resides within the county in which the~~  
40 ~~dismissal originates or who is an employee of the board. However, no~~  
41 ~~employee of the board shall suffer any loss of compensation because he~~  
42 ~~has been subpoenaed to testify at the hearing. These payments shall be~~  
43 ~~as provided for witnesses in G.S. 7A-314.~~

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

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

10       (m) Probationary Teacher.

11           (1) The board of any local school administrative unit may not discharge a  
12 probationary teacher during the school year except for the reasons for  
13 and by the procedures by which a career ~~teacher~~ employee may be  
14 dismissed as set forth in subsections ~~(e)-(e), (f), (f1), and (h) to (4)-(j3)~~  
15 above.

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

21       (n) **(See note)** Appeal. – Any ~~teacher-career employee~~ who has been dismissed or  
22 demoted ~~pursuant to under~~ G.S. 115C-325(e)(2), or ~~pursuant to subsections (h), (k) or (l) of~~  
23 ~~this section under~~ G.S. 115C-325(j2), or who has been suspended without pay ~~pursuant to~~  
24 ~~G.S. 115C-325(a)(4), under~~ G.S. 115C-325(a)(4a), or any school administrator whose  
25 contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher  
26 whose contract is not renewed under G.S. 115C-325-G.S. 115C-325(m)(2) shall have the  
27 right to appeal from the decision of the board to the superior court for the superior court  
28 district or set of districts as defined in G.S. 7A-41.1 in which the ~~teacher or school~~  
29 administrator-career employee is employed. This appeal shall be filed within a period of  
30 ~~30-15~~ days after notification of the decision of the board. The cost of preparing the  
31 transcript shall be ~~borne by the board.~~ determined under G.S. 115C-325(j2)(8) or G.S.  
32 115C-325(j3)(10). A ~~teacher-career employee~~ who has been demoted or dismissed, or a  
33 school administrator whose contract is not renewed, who has not requested a hearing  
34 before the board of education pursuant to this section shall not be entitled to judicial  
35 review of the board's 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 30  
38 days' notice. If the teacher does resign without giving at least 30 days' notice, the board  
39 may request that the State Board of Education revoke the teacher's certificate for the  
40 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 and  
3 related educational classes in the schools and institutions of the Departments of Human  
4 Resources and Correction regardless of the age of the students.

5 (q) Procedure for Dismissal of School Administrators and Teachers Employed in  
6 Low-Performing Schools.

7 (1) Notwithstanding any other provision of this section or any other law, the  
8 State Board:

9 a. Shall suspend with pay a principal who has been assigned to a  
10 school for more than two years before the State Board identifies  
11 that school as low-performing and assigns an assistance team to  
12 that school under Article 8B of this Chapter; and

13 b. May suspend with pay a principal who has been assigned to a  
14 school for no more than two years before the State Board  
15 identifies that school as low-performing and assigns an assistance  
16 team to that school under Article 8B of this Chapter.

17 These principals shall be suspended with pay pending a hearing before a  
18 panel of three members of the State Board. The purpose of this hearing,  
19 which shall be held within 60 days after the principal is suspended, is to  
20 determine whether the principal shall be dismissed. The panel shall  
21 order the dismissal of the principal, at which time the period of  
22 suspension with pay shall expire, unless the panel makes a public  
23 determination that the principal has established that the factors that led  
24 to the identification of the school as low-performing were not due to the  
25 inadequate performance of the principal. The State Board shall adopt  
26 procedures to ensure that due process rights are afforded to principals  
27 under this subsection. Decisions of the panel may be appealed on the  
28 record to the State Board, with further right of judicial review under  
29 Chapter 150B of the General Statutes.

30 (2) Notwithstanding any other provision of this section or any other law,  
31 this subdivision shall govern the State Board's dismissal of teachers,  
32 assistant principals, directors, and supervisors assigned to schools that  
33 the State Board has identified as low-performing and to which the State  
34 Board has assigned an assistance team under Article 8B of this Chapter.  
35 The State Board shall dismiss a teacher, assistant principal, director, or  
36 supervisor when the State Board receives two consecutive evaluations  
37 that include written findings and recommendations regarding that  
38 person's inadequate performance from the assistance team. These  
39 findings and recommendations shall be substantial evidence of the  
40 inadequate performance of the teacher or school administrator.

41 The State Board may dismiss a teacher, assistant principal, director,  
42 or supervisor when:

- 1 a. The State Board determines that the school has failed to make  
2 satisfactory improvement after the State Board assigned an  
3 assistance team to that school under G.S. 115C-105.38; and  
4 b. That assistance team makes the recommendation to dismiss the  
5 teacher, assistant principal, director, or supervisor for one or  
6 more grounds established in G.S. 115C-325(e)(1) for dismissal or  
7 demotion of a career teacher.

8 A teacher, assistant principal, director, or supervisor may request a  
9 hearing before a panel of three members of the State Board within 30  
10 days of any dismissal under this subdivision. The State Board shall  
11 adopt procedures to ensure that due process rights are afforded to  
12 persons recommended for dismissal under this subdivision. Decisions  
13 of the panel may be appealed on the record to the State Board, with  
14 further right of judicial review under Chapter 150B of the General  
15 Statutes.

- 16 (2a) Notwithstanding any other provision of this section or any other law,  
17 this subdivision shall govern the State Board's dismissal of certified  
18 staff members who have engaged in a remediation plan under G.S.  
19 115C-105.38A(a) but who, after two retests, fail to meet the competency  
20 standard set by the State Board. The failure to meet the competency  
21 standard after two retests shall be substantial evidence of the inadequate  
22 performance of the certified staff member.

23 A certified staff member may request a hearing before a panel of  
24 three members of the State Board within 30 days of any dismissal under  
25 this subdivision. The State Board shall adopt procedures to ensure that  
26 due process rights are afforded to certified staff members recommended  
27 for dismissal under this subdivision. Decisions of the panel may be  
28 appealed on the record to the State Board, with further right of judicial  
29 review under Chapter 150B of the General Statutes.

- 30 (3) The State Board of Education or a local board may terminate the  
31 contract of a school administrator dismissed under this subsection.  
32 Nothing in this subsection shall prevent a local board from refusing to  
33 renew the contract of any person employed in a school identified as  
34 low-performing under G.S. 115C-105.37.  
35 (4) Neither party to a school administrator contract is entitled to damages  
36 under this subsection.  
37 (5) The State Board shall have the right to subpoena witnesses and  
38 documents on behalf of any party to the proceedings under this  
39 subsection."

- 40 (b) This section applies to proceedings initiated after September 1, 1997.

41  
42 **C. STUDIES ON MAKING RENEWAL OF TEACHER CERTIFICATES**  
43 **MORE RIGOROUS**

1 Section 14. The State Board of Education, in consultation with local boards of  
2 education and the Board of Governors of The University of North Carolina, shall  
3 reevaluate and enhance the requirements for renewal of teacher certificates. The State  
4 Board shall consider modifications in the certificate renewal process to align the process  
5 with State education goals and improved student achievement and to make it a  
6 mechanism for teachers to renew continually their knowledge and professional skills.  
7 The State Board of Education shall report to the Joint Legislative Oversight Committee  
8 by March 15, 1998, on the proposed new standards for the renewal of teacher certificates.  
9 The State Board may consolidate the report required under this section with the report on  
10 initial certification required under Section 6 of this act and the report on continuing  
11 certification required under Section 8 of this act.

12 The State Board of Education shall adopt new standards for the renewal of  
13 teacher certificates by May 15, 1998. The new standards adopted by the State Board  
14 shall apply to certificates that expire after July 1, 1998.

15 Section 15. The State Board of Education, in consultation with local boards of  
16 education and the Board of Governors of The University of North Carolina, shall study  
17 and recommend ways to modify the administrator recertification process to ensure that all  
18 schools have well-qualified administrators. The State Board shall report the results of  
19 this study to the Joint Legislative Education Oversight Committee by February 15, 1998.  
20

21 **VII. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY**  
22 **TEACHERS – HIGHER STARTING SALARY, ENHANCED**  
23 **LONGEVITY PAY, AND SIGNIFICANT BUMPS IN THE**  
24 **SALARY SCHEDULE UPON ACHIEVING CONTINUING**  
25 **CERTIFICATION AND CAREER STATUS.**  
26

27 Section 16. (a) It is the goal of the General Assembly to increase teacher salaries  
28 over the next four years so as to attract and retain excellent teachers in the public schools;  
29 therefore, it is the goal of the General Assembly to implement, over the upcoming four  
30 fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent  
31 (20%). This would bring the starting salary to at least twenty-five thousand dollars  
32 (\$25,000) by the year 2000. Under this plan, the salary schedule would also contain  
33 significant "bumps" at the third step, which is the point at which teachers have attained  
34 continuing certification; and at the fourth, fifth, or sixth step, which is the point at which  
35 teachers may achieve career status.

36 It is further the intent of the General Assembly that local school administrative  
37 units will not use these State-funded salary increments to supplant local salary  
38 supplements.

39 As a first step in implementing this plan, it is the goal of the General Assembly  
40 to fund a salary schedule plan for the 1997-98 school year for teachers with  
41 "A" certificates similar to the following:

42 **1997-98 SALARY SCHEDULE PLAN**  
43 **"A"TEACHERS**

	Years of <u>Experience</u>	10-Month Salary, <u>Nontenured</u>	10-Month Salary, <u>Tenured</u>
1			
2	0	\$22,150	—
3	1	\$22,570	—
4	2	\$23,000	—
5	3	\$23,780	\$23,780
6	4	\$24,060	\$25,290
7	5	\$24,530	\$25,760
8	6	\$25,010	\$26,240
9	7	\$25,500	\$26,730
10	8	\$25,990	\$27,220
11	9	\$26,480	\$27,710
12	10	\$26,980	\$28,210
13	11	\$27,500	\$28,730
14	12	\$28,030	\$29,260
15	13	\$28,570	\$29,800
16	14	\$29,120	\$30,350
17	15	\$29,680	\$30,910
18	16	\$30,250	\$31,480
19	17	\$30,830	\$32,060
20	18	\$31,430	\$32,660
21	19	\$32,040	\$33,270
22	20	\$32,670	\$33,900
23	21	\$33,300	\$34,530
24	22	\$33,940	\$35,170
25	23	\$34,590	\$35,820
26	24	\$35,260	\$36,490
27	25	\$35,950	\$37,180
28	26	\$36,650	\$37,880
29	27	\$37,360	\$38,590
30	28	\$38,090	\$39,320
31	29+	\$38,883	\$40,060

35 For subsequent fiscal years, it is the goal of the General Assembly to fund  
 36 salary schedule plans similar to the following:

37 **1998-99 SALARY SCHEDULE PLAN**

38 "A" Teachers

	Years of <u>Experience</u>	10-Month Salary, <u>Nontenured</u>	10-Month Salary, <u>Tenured</u>
39			
40	0	\$23,100	—

1	1	\$23,520	—
2	2	\$23,950	—
3	3	\$24,750	\$24,750
4	4	\$25,110	\$26,380
5	5	\$25,390	\$27,890
6	6	\$25,860	\$28,360
7	7	\$26,340	\$28,840
8	8	\$26,830	\$29,330
9	9	\$27,320	\$29,820
10	10	\$27,810	\$30,310
11	11	\$28,310	\$30,810
12	12	\$28,830	\$31,330
13	13	\$29,360	\$31,860
14	14	\$29,900	\$32,400
15	15	\$30,450	\$32,950
16	16	\$31,010	\$33,510
17	17	\$31,580	\$34,080
18	18	\$32,160	\$34,660
19	19	\$32,760	\$35,260
20	20	\$33,370	\$35,870
21	21	\$34,000	\$36,500
22	22	\$34,630	\$37,130
23	23	\$35,270	\$37,770
24	24	\$35,920	\$38,420
25	25	\$36,590	\$39,090
26	26	\$37,280	\$39,780
27	27	\$37,980	\$40,480
28	28	\$38,690	\$41,190
29	29+	\$39,420	\$41,920

**1999-2000 SALARY SCHEDULE PLAN  
"A"TEACHERS**

Years of <u>Experience</u>	<u>10-Month Salary,</u> <u>Nontenured</u>	<u>10-Month Salary,</u> <u>Tenured</u>
0	\$24,050	—
1	\$24,470	—
2	\$24,900	—
3	\$25,700	\$25,700
4	\$26,300	\$27,580
5	\$26,660	\$29,210
6	\$26,940	\$30,720

1	7	\$27,410	\$31,190
2	8	\$27,890	\$31,670
3	9	\$28,380	\$32,160
4	10	\$28,870	\$32,650
5	11	\$29,360	\$33,140
6	12	\$29,860	\$33,640
7	13	\$30,380	\$34,160
8	14	\$30,910	\$34,690
9	15	\$31,450	\$35,230
10	16	\$32,000	\$35,780
11	17	\$32,560	\$36,340
12	18	\$33,130	\$36,910
13	19	\$33,710	\$37,490
14	20	\$34,310	\$38,090
15	21	\$34,920	\$38,700
16	22	\$35,550	\$39,330
17	23	\$36,180	\$39,960
18	24	\$36,820	\$40,600
19	25	\$37,470	\$41,250
20	26	\$38,140	\$41,920
21	27	\$38,830	\$42,610
22	28	\$39,530	\$43,310
23	29+	\$40,240	\$44,020

**2000-2001 SCHOOL YEAR PLAN  
"A"TEACHERS**

28	Years	10-Month	10-Month
29	of	Salary,	Salary,
30	<u>Experience</u>	<u>Nontenured</u>	<u>Tenured</u>
31	0	\$25,000	—
32	1	\$25,420	—
33	2	\$25,850	—
34	3	\$26,650	\$26,650
35	4	\$26,950	\$28,240
36	5	\$27,550	\$30,120
37	6	\$27,910	\$31,750
38	7	\$28,190	\$33,260
39	8	\$28,660	\$33,730
40	9	\$29,140	\$34,210
41	10	\$29,630	\$34,700
42	11	\$30,120	\$35,190
43	12	\$30,610	\$35,680

1	13	\$31,110	\$36,180
2	14	\$31,630	\$36,700
3	15	\$32,160	\$37,230
4	16	\$32,700	\$37,770
5	17	\$33,250	\$38,320
6	18	\$33,810	\$38,880
7	19	\$34,380	\$39,450
8	20	\$34,960	\$40,030
9	21	\$35,560	\$40,630
10	22	\$36,170	\$41,240
11	23	\$36,800	\$41,870
12	24	\$37,430	\$42,500
13	25	\$38,070	\$43,140
14	26	\$38,720	\$43,790
15	27	\$39,390	\$44,460
16	28	\$40,080	\$45,150
17	29+	\$40,780	\$45,850

18  
 19 (b) To further implement this plan, it is the goal of the General Assembly to  
 20 increase longevity pay for teachers with 25 or more years of State service to four and  
 21 one-half percent (4.5%) of base salary, the same level as for State employees.  
 22

23 **VIII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL**  
 24 **ASSIGNMENTS**  
 25

26 **A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY**  
 27 **THE STATE BOARD OF EDUCATION**

28 Section 17. (a) The State Board of Education, after consultation with the  
 29 Board of Governors of The University of North Carolina, shall develop a new category of  
 30 teacher certificate known as the "Masters/Advanced Competencies" certificate. To  
 31 receive this certificate, an applicant shall successfully complete a masters degree program  
 32 that includes rigorous academic preparation in the subject area in which the applicant will  
 33 teach and in the skills and knowledge expected of a master teacher or the applicant shall  
 34 demonstrate to the satisfaction of the State Board that the candidate has acquired the  
 35 skills and knowledge expected of a master teacher.

36 (b) The Board of Governors of The University of North Carolina shall develop  
 37 a plan to revise the current masters of education degree programs at the constituent  
 38 institutions. The plan shall provide for degree programs that require participants take a  
 39 more rigorous course of study than is currently required and that includes concentrations  
 40 in the academic content areas in which the participants will teach. The plan shall also  
 41 consider methods for: (i) providing the more rigorous course of study using the same  
 42 number of hours as are currently required for masters of education degrees; and (ii)  
 43 providing participants the opportunity to complete the masters of education degree

1 program as part-time students, by summer school attendance, and at sites not located at a  
2 constituent institution's campus provided there is sufficient demand for the off-campus  
3 programs.

4 (c) Persons who qualify for a "G" certificate prior to September 1, 2000, shall  
5 be awarded a "Masters/Advanced Competencies" certificate without meeting additional  
6 requirements. On and after September 1, 2000, no additional "G" certificates shall be  
7 awarded.

8 (d) The State Board of Education shall report to the Joint Legislative Education  
9 Oversight Committee by January 15, 1998, on its progress in implementing subsection (a)  
10 of this section. The Board of Governors of The University of North Carolina shall report  
11 to the Joint Legislative Education Oversight Committee by January 15, 1998, on its plan  
12 to implement subsection (b) of this section.

#### 13 14 **B. BONUS PLAN FOR "MASTERS/ADVANCED 15 COMPETENCIES" AND FOR NBPTS CERTIFICATION**

16 Section 18. It is the goal of the General Assembly to increase significantly the  
17 salaries of teachers who attain a "Masters/Advanced Competencies" certificate and  
18 teachers who are certified by the National Board for Professional Teaching Standards  
19 (NBPTS) so as to provide an incentive for good teachers to become excellent teachers. In  
20 order to do so, it is further the goal of the General Assembly to enact, for the 1997-98  
21 school year, a salary schedule plan that will provide a ten percent (10%) bonus for  
22 teachers who attain NBPTS certification. It is further the goal of the General Assembly  
23 to enact by the year 2000 a salary schedule plan that will provide an eight percent (8%)  
24 bonus to teachers who attain a "Masters/Advanced Competencies" certification.

#### 25 26 **C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM**

27 Section 19. It is the goal of the General Assembly to continue to pay for the  
28 National Board for Professional Teaching Standards participation fee and for up to three  
29 days of approved paid leave for teachers participating in the NBPTS program during the  
30 1997-98 school year and the 1998-99 school year and thereafter for teachers in the public  
31 schools.

#### 32 33 **D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S 34 PROGRAM**

35 Section 20. (a) It is the goal of the General Assembly to provide school-based  
36 incentive awards under G.S. 115C-105.36 (a) to schools at which students achieve higher  
37 than expected improvements in the basics and the skills they need to get a good job, and  
38 to schools at which students meet the expected improvements in the basics and the skills  
39 they need to get a good job. In accordance with State Board of Education policy,  
40 incentive awards in schools that achieve higher than expected improvements may be up  
41 to: (i) one thousand five hundred dollars (\$1,500) for each teacher and for certified  
42 personnel; and (ii) five hundred dollars (\$500.00) for each teacher assistant. In  
43 accordance with State Board of Education policy, incentive awards in schools that meet



1 the expected improvements may be up to: (i) seven hundred fifty dollars (\$750.00) for  
2 each teacher and for certified personnel; and (ii) three hundred seventy-five dollars  
3 (\$375.00) for each teacher assistant.

4 It is further the goal of the General Assembly to provide funds to provide  
5 assistance teams to low-performing schools. It is also the goal of the General Assembly  
6 to provide funds to provide remediation to teachers who work in schools that are  
7 identified as low-performing and who do not acquire a passing score on a test designated  
8 by the State Board of Education.

9 (b) G.S. 115C-105.37(b) reads as rewritten:

10 "(b) Each identified low-performing school shall ~~notify~~ provide written notification  
11 to the parents of students attending that school-school. The written notification shall  
12 include a statement that the State Board of Education has found that the school has ~~failed~~  
13 'failed to meet the minimum growth standards, as defined by the State Board, and a  
14 majority of students in that-the school are performing below grade level-level.' This  
15 notification also shall include a description of the steps the school is taking to improve  
16 student performance."

#### 17 18 **E. EXTRA PAY FOR MENTOR TEACHERS**

19 Section 21. It is the goal of the General Assembly to fund a mentor teacher  
20 program that will recognize the achievements of excellent, experienced teachers and will  
21 provide each newly certified teacher with a qualified and well-trained mentor. The funds  
22 shall be used to compensate each mentor for serving as a mentor prior to and during the  
23 school year.

#### 24 25 **F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT**

26 Section 22. It is the goal of the General Assembly to compensate every newly  
27 certified teacher for three additional days of employment for orientation and classroom  
28 preparation.

#### 29 30 **G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT**

31 Section 23. It is the goal of the General Assembly to provide funds for  
32 teachers' participation in professional development programs that are aligned with State  
33 educational goals and improved student achievement. The funds should be used for  
34 teacher development programs that enable teachers to renew continually their knowledge  
35 and professional skills, programs that train principals to observe and evaluate teachers,  
36 programs that train master teachers to observe teachers that have not achieved career  
37 status, programs that train mentors for beginning teachers, and other programs as directed  
38 by the State Board of Education.

#### 39 40 **H. EXTRA PAY FOR EXTRA DAYS**

41 Section 24. It is the goal of the General Assembly to provide funds to enable  
42 school systems to utilize better the teacher workdays within the calendar for planning,

1 staff development, remediation, and other purposes. These funds shall be used to pay  
2 teachers for working on, and thereby forfeiting, vacation days.

3  
4 **I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL**  
5 **RESPONSIBILITIES**

6 Section 25. It is the goal of the General Assembly to provide funds to  
7 compensate teachers for additional assignments and responsibilities designed to improve  
8 student achievement for additional workdays outside of the school calendar. These funds  
9 should be allocated to local school administrative units on the basis of average daily  
10 membership. The local board should use one-half of the funds on the recommendation of  
11 the local superintendent and one-half on the recommendation of school improvement  
12 teams. These funds could be used to compensate teachers for purposes such as teaching  
13 after-school or Saturday academies for students at risk of academic failure, developing  
14 curriculum, participating in teacher training and development outside of the school  
15 calendar, and teaching classes on Saturday to students needing additional instructional  
16 opportunities.

17  
18 **IX. FUNDS FOR COMPUTER SYSTEMS**

19  
20 Section 26. G.S. 115C-546.1(a) reads as rewritten:

21 "(a) There is created the Public School Building Capital Fund. The Fund shall be  
22 used to assist county governments in meeting their public school building capital ~~needs.~~  
23 needs and their equipment needs under their local school technology plans."

24 Section 27. G.S. 115C-546.2 reads as rewritten:

25 "**§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General**  
26 **Fund; matching requirements.**

27 (a) Monies in the Fund shall be allocated to the counties on a per average daily  
28 membership basis according to the average daily membership for the budget year as  
29 determined and certified by the State Board of Education. Interest earned on funds  
30 allocated to each county shall be allocated to that county.

31 (b) ~~Monies~~ Counties shall use monies in the Fund ~~shall be used~~ for capital outlay  
32 projects including the planning, construction, reconstruction, enlargement, improvement,  
33 repair, or renovation of public school buildings and for the purchase of land for public  
34 school ~~buildings~~ buildings; for equipment to implement a local school technology plan  
35 that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a  
36 local school technology plan shall be transferred to the State School Technology Fund  
37 and allocated by that Fund to the local school administrative unit for equipment.

38 As used in this section, 'public school buildings' only includes facilities for individual  
39 schools that are used for instructional and related purposes and does not include  
40 centralized administration, maintenance, or other facilities.

41 In the event a county finds that it does not need all or part of the funds allocated to it  
42 for capital outlay projects including the planning, construction, reconstruction,  
43 enlargement, improvement, repair, or renovation of public school ~~buildings or~~ buildings,

1 for the purchase of land for public school buildings, or for equipment to implement a  
2 local school technology plan, the unneeded funds allocated to that county may be used to  
3 retire any indebtedness incurred by the county for public school facilities.

4 In the event a county finds that its public school building needs and its school  
5 technology needs can be met in a more timely fashion through the allocation of financial  
6 resources previously allocated for purposes other than school building needs or school  
7 technology needs and not restricted for use in meeting public school building ~~needs,~~ needs  
8 or school technology needs, the county commissioners may, with the concurrence of the  
9 affected local Board of Education, use those financial resources to meet school building  
10 needs and school technology needs and may allocate the funds it receives under this  
11 Article for purposes other than school building needs or school technology needs to the  
12 extent that financial resources were redirected from such purposes. The concurrence  
13 described herein shall be secured in advance of the allocation of the previously  
14 unrestricted financial resources and shall be on a form prescribed by the Local  
15 Government Commission.

16 (c) Monies in the Fund allocated for capital projects shall be matched on the basis  
17 of one dollar of local funds for every three dollars of State funds. Monies in the Fund  
18 transferred to the State Technology Fund do not require a local match.

19 Revenue received from local sales and use taxes that is restricted for public school  
20 capital outlay purposes pursuant to G.S. 105-502 or G.S. 105-487 may be used to meet  
21 the local matching requirement. Funds expended by a county after July 1, 1986, for land  
22 acquisition, engineering fees, architectural fees, or other directly related costs for a public  
23 school building capital project that was not completed prior to July 1, 1987, may be used  
24 to meet the local match requirement."  
25

## 26 **X. FUNDS FOR TEACHER SUPPLY AND DEMAND STUDY**

27  
28 Section 28. It is the goal of the General Assembly to provide funds for the  
29 State Board of Education to conduct a comprehensive teacher supply and demand study.  
30

## 31 **XI. FUNDS FOR TRAINING AND COMPENSATING CASE MANAGERS**

32  
33 Section 29. It is the goal of the General Assembly to provide funds for training  
34 individuals who will serve as case managers. It is also the goal of the General Assembly  
35 to provide funds for compensating and reimbursing the expenses of case managers.  
36

## 37 **XII. FUNDS FOR DEVELOPING NEW EVALUATIONS**

38  
39 Section 30. It is the goal of the General Assembly to provide funds for  
40 developing and revising uniform performance standards and criteria to be used in  
41 evaluating professional public school employees including school administrators and for  
42 reviewing performance pay systems for teachers.  
43

1 **XIII. MISCELLANEOUS PROVISIONS**

2

3 **A. CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT LIMIT**  
4 **TEXT**

5 Section 31. The series of captions used in this act (the descriptive phrases in  
6 boldface and capital letters) are inserted for convenience and reference only, and they in  
7 no way define, limit, or prescribe the scope or application of the text of this act.

8

9 **B. NO APPROPRIATIONS REQUIRED BY ACT**

10 Section 32. This act shall not be construed to obligate the General Assembly  
11 to appropriate any funds to implement the provisions of this act. Nothing in Sections 16  
12 through 25 or Sections 28 through 30 of this act shall be construed to create any rights or  
13 causes of action.

14

15 **C. EFFECTIVE DATES**

16 Section 33. This act is effective when it becomes law.