

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1139\*  
Education/Higher Education Committee Substitute Adopted 6/8/98  
Third Edition Engrossed 6/10/98

Short Title: Misc. Corrections/G.S. 115C-325.

(Public)

Sponsors:

Referred to:

May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE  
4 TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-  
5 325.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-325(c)(1) reads as rewritten:

8 "(c) (1) Election of a Teacher to Career Status. – Except as otherwise  
9 provided in subdivision (3) of this subsection, when a teacher has  
10 been employed by a North Carolina public school system for four  
11 consecutive years, the board, near the end of the fourth year, shall  
12 vote upon whether to grant the teacher career status. The board shall  
13 give the teacher written notice of that decision by June 15. If a  
14 majority of the board votes to grant career status to the teacher, and if  
15 it has notified the teacher of the decision, it may not rescind that  
16 action but must proceed under the provisions of this section for the  
17 demotion or dismissal of a teacher if it decides to terminate the  
18 teacher's employment. If a majority of the board votes against

1                   granting career status, the ~~teacher~~-local board shall not ~~teach~~-employ  
2                   the person as a teacher in that local school administrative unit beyond  
3                   the current school term. during the next school year. Notwithstanding  
4                   this subdivision, during the following year a local board may  
5                   reconsider the vote against granting career status if the board  
6                   determines that circumstances have changed and it is in the best  
7                   interest of the local school administrative unit to grant career status to  
8                   the teacher. If the board fails to vote on granting career status:

- 9                   a. It shall not reemploy the teacher for a fifth consecutive  
10                   year;  
11                   b. As of June 16, the teacher shall be entitled to one month's  
12                   pay as compensation for the board's failure to vote upon  
13                   the issue of granting career status; and  
14                   c. The teacher shall be entitled to an additional month's pay  
15                   for every 30 days after June 16 that the board fails to vote  
16                   upon the issue of granting career status."

17 Section 2. G.S. 115C-325(h)(3) reads as rewritten:

18 "(3) Within the 14-day period after receipt of the notice, the career employee  
19 may file with the superintendent a written request for either (i) a hearing  
20 on the grounds for the superintendent's proposed recommendation by a  
21 case manager or (ii) a hearing within ~~five~~-10 days before the board on  
22 the superintendent's recommendation. If the career employee requests  
23 an immediate hearing before the board, he forfeits his right to a hearing  
24 by a case manager. If no request is made within that period, the  
25 superintendent may file his recommendation with the board. The board,  
26 if it sees fit, may by resolution (i) reject the superintendent's  
27 recommendation or (ii) accept or modify the superintendent's  
28 recommendation and dismiss, demote, reinstate, or suspend the  
29 employee without pay. If a request for review is made, the  
30 superintendent shall not file his recommendation for dismissal with the  
31 board until a report of the case manager is filed with the  
32 superintendent."

33 Section 3. G.S. 115C-325(j)(3) reads as rewritten:

34 "(3) At the hearing the career employee and the ~~superintendent~~  
35 superintendent, or the superintendent's designee, shall have the right to  
36 be present and to be heard, to be represented by counsel and to present  
37 through witnesses any competent testimony relevant to the issue of  
38 whether grounds for dismissal or demotion exist or whether the  
39 procedures set forth in G.S. 115C-325 have been followed."

40 Section 4. G.S. 115C-325(j1)(1) reads as rewritten:

41 "(1) Within two days after receiving the superintendent's notice of intent to  
42 recommend the career employee's dismissal to the board, the career  
43 employee shall decide whether to request a hearing before the board and

1 shall notify the superintendent, in writing, of the decision. If the career  
2 employee can show that the request for a hearing was postmarked  
3 within the time provided, the career employee shall not forfeit the right  
4 to a board hearing. Within two days after receiving the career  
5 employee's request for a board hearing, the superintendent shall request  
6 that a transcript of the case manager hearing be made. Within two days  
7 of receiving a copy of the transcript, the superintendent shall submit to  
8 the board the written recommendation and shall provide a copy of the  
9 recommendation to the career employee. The superintendent's  
10 recommendation shall state the grounds for the recommendation and  
11 shall be accompanied by a copy of the case manager's ~~report.~~ report and  
12 a copy of the transcript of the case manager hearing."

13 Section 5. G.S. 115C-325(j3)(5) reads as rewritten:

14 "(5) At least ~~10~~eight days before the hearing, the superintendent shall  
15 provide to the career employee a list of witnesses the superintendent  
16 intends to present, a brief statement of the nature of the testimony of  
17 each witness, and a copy of any documentary evidence the  
18 superintendent intends to present."

19 Section 6. G.S. 115C-325(o) reads as rewritten:

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

26 A probationary teacher whose contract will not be renewed for the next school year  
27 shall be notified of this fact by June ~~1~~15."

28 Section 7. This act is effective when it becomes law. Sections 2, 3, 4, and 5  
29 apply to proceedings initiated on or after that date.