

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 351\*

Short Title: Excellent Schools Act.

(Public)

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Sponsors: Representatives Brubaker, Arnold, Rogers, Preston, Russell, Shubert, Grady; Adams, Aldridge, Alexander, Allred, Baddour, Barbee, Beall, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cansler, Church, Cole, Crawford, Culp, Culpepper, Cunningham, Dedmon, Dickson, Dockham, Easterling, Eddins, Fitch, Fox, Gamble, Gardner, Goodwin, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Justus, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Moore, Mosley, Nesbitt, Nye, Oldham, Owens, Ramsey, Rayfield, Redwine, Saunders, Sexton, Sherrill, Smith, Sutton, Thompson, Tolson, Wainwright, Warner, Warwick, Wilkins, G. Wilson, Womble, and Yongue.

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Referred to: Education, if favorable, Appropriations.

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February 27, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.  
3 The General Assembly of North Carolina enacts:

4 Section 1. This act shall be known as "The Excellent Schools Act".  
5

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

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

Section 2. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to September 1, 1997, and prior to February 1, 1998, on its comprehensive plan to raise student performance standards in reading, writing, and mathematics. The reports shall include comparisons of current standards and the State Board's plan with the student performance expectations outlined in the ABC's initiative, the standard course of study, the work of the North Carolina Education Standards and Accountability Commission and the work of the National Assessment of Educational Progress (NAEP).

**II. RIGOROUS STANDARDS FOR ENTERING THE TEACHING PROFESSION****A. ENHANCED STANDARDS FOR TEACHER PREPARATION PROGRAMS**

Section 3. G.S. 115C-296(b) reads as rewritten:

"(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the ~~State Board of Education shall submit to the General Assembly not later than November 1, 1994, a plan to promote this policy.~~ The State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs. The State Board of Education, as lead agency in coordination and cooperation with The University Board of Governors, the Board of Community Colleges, and such other public and private agencies as are necessary, and in consultation with the North Carolina Professional Teaching Standards Commission, shall also continue to raise the standard for entry into institutions of teacher education and lengthen and enhance the internship period required of students in institutions of teacher education.

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

**B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS**

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

"(a) The State Board of Education shall have entire control of certifying all applicants for teaching positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates and shall determine and fix the salary for each grade and type of certificate which it authorizes: Provided, that the State Board of Education shall require each applicant for an initial ~~certificate or bachelors degree or graduate certificate~~ to demonstrate his academic and professional preparation by achieving a prescribed minimum score at least ~~equivalent to that required by the Board on November 30, 1972,~~ on a standard examination appropriate and adequate for that purpose: ~~Provided, further, that in the event the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972:~~ ~~Provided, further, that the State Board of Education shall not decrease the certification standards for physical education teachers or health education teachers below the standards in effect on June 1, 1988.~~ purpose. The General Assembly urges the State Board of Education, in consultation with the North Carolina Professional Teaching Standards Commission, to continue to make the standard examination more rigorous and to raise the prescribed minimum score as necessary to ensure that each applicant has adequate academic and professional preparation to teach."

**C. REPORT ON ENHANCEMENT OF STANDARDS**

Section 5. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to February 1, 1998, on plans and actions taken pursuant to Sections 3 and 4 of this act to enhance standards for entering the teaching profession and for receiving State Board certification.

**III. RIGOROUS STANDARDS FOR CONTINUING CERTIFICATION****A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE YEAR**

Section 6. (a) G.S. 115C-296(b), as rewritten by Section 3 of this act, reads as rewritten:

"(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the 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. The State Board of  
3 Education, as lead agency in coordination and cooperation with the University Board of  
4 Governors, the Board of Community Colleges and such other public and private agencies  
5 as are necessary, and in consultation with the North Carolina Professional Teaching  
6 Standards Commission, shall also continue to raise the standard for entry into institutions  
7 of teacher education and lengthen and enhance the internship period required of students  
8 in institutions of teacher education.

9 The standards for approval of institutions of teacher education shall require that  
10 teacher education programs for students who do not major in special education include  
11 courses in the identification and education of children with learning disabilities. The  
12 State Board of Education shall incorporate the criteria developed in accordance with G.S.  
13 116-74.21 for assessing proposals under the School Administrator Training Program into  
14 its school administrator program approval standards."

15 (b) This section applies to teachers who have not received continuing certification  
16 prior to January 1, 1999.

#### 17 18 **B. ENHANCED STANDARDS FOR CONTINUING CERTIFICATION**

19 Section 7. The State Board of Education, in consultation with the North  
20 Carolina Professional Teaching Standards Commission, local boards of education, and  
21 the Board of Governors of The University of North Carolina, shall reevaluate and  
22 enhance the requirements for continuing certification. The State Board shall consider  
23 modifications to the continuing certification process to align it with State education goals  
24 and to make it a performance-based system in which portfolios, videos, and evaluations  
25 by National Board Certified or other excellent teachers are considered. The State Board  
26 shall report to the Joint Legislative Education Oversight Committee prior to February 1,  
27 1998, on the results of this study and on any actions taken to make renewal of teacher  
28 certificates more rigorous.

### 29 30 **IV. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT** 31 **BEFORE CAREER STATUS IS CONSIDERED**

#### 32 33 **A. MENTORS PROVIDED FOR ALL BEGINNING TEACHERS**

34 Section 8. The State Board of Education shall develop a mentor program that  
35 will recognize the achievements of excellent, experienced teachers and will provide each  
36 newly certified teacher with a qualified and well-trained mentor. The State Board shall  
37 report to the Joint Legislative Education Oversight Committee prior to February 1, 1998,  
38 on its progress in developing this program.

#### 39 40 **B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY** 41 **WELL-TRAINED EVALUATORS BEFORE CAREER STATUS** 42 **IS CONSIDERED**

43 Section 9. G.S. 115C-326(a) reads as rewritten:

1       "(a) The State Board of Education, in consultation with the North Carolina  
2 Standards Board for Public School Administration, the North Carolina Professional  
3 Teaching Standards Commission, and local boards of education, shall develop uniform  
4 performance standards and criteria to be used in evaluating professional public school  
5 employees. It shall develop rules to recommend the use of these standards and criteria in  
6 the employee evaluation process. The performance standards and criteria may be  
7 modified ~~in~~at the discretion of the Board.

8       The State Board of Education, in collaboration with the Board of Governors of The  
9 University of North Carolina and in consultation with the North Carolina Standards  
10 Board for Public School Administration, the North Carolina Professional Teaching  
11 Standards Commission, and local boards of education shall also develop programs to  
12 train administrators and others to improve the evaluation and supervision of professional  
13 public school employees.

14       Local boards of education shall adopt rules to provide for the evaluation of all  
15 professional employees defined as teachers in G.S. 115C-325(a)(6). All teachers who  
16 have not attained career status shall be evaluated at least three times annually by a  
17 qualified administrator or a designee and at least once by a teacher. All other teachers  
18 shall be evaluated annually unless a local board adopts rules that allow specified  
19 categories of teachers with career status to be evaluated less frequently. Local boards may  
20 also adopt rules requiring the annual evaluation of other school employees not  
21 specifically covered in this section. Local boards may develop and use alternative  
22 evaluation approaches for teachers provided the evaluations are properly validated. Local  
23 boards that do not develop alternative evaluations shall utilize the performance standards  
24 and criteria adopted by the State Board of Education, but are not limited to those  
25 standards and criteria."  
26

27       **C. CAREER STATUS DECISION TO BE MADE ONE YEAR AFTER**  
28       **CONTINUING CERTIFICATION AWARDED**

29       Section 10. (a) G.S. 115C-325(c) reads as rewritten:

30       "(c)       (1) Election of a Teacher to Career Status. – Except as otherwise  
31       provided in subdivision (3) of this subsection, when a teacher will  
32       have been employed by a North Carolina public school system for  
33       ~~three~~four consecutive years, the board, near the end of the ~~third~~fourth  
34       year, shall vote upon his employment for the next school year. The  
35       board shall give him written notice of that decision by June 1 of his  
36       ~~third~~fourth year of employment. If a majority of the board votes to  
37       reemploy the teacher, and if it has notified him of the decision, it may  
38       not rescind that action but must proceed under the provisions of this  
39       section for the demotion or dismissal of a teacher if it decides to  
40       terminate his employment. If a majority of the board votes against  
41       reemploying the teacher, he shall not teach beyond the current school  
42       term. If the board fails to vote on granting career status but reemploys

1 him for the next year, he automatically becomes a career teacher on  
2 the first day of the ~~fourth~~ fifth year of employment.

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 as a career teacher. In  
10 any event, if the teacher is reemployed for a ~~third~~ fourth consecutive  
11 school year, he shall automatically become a career teacher. A teacher  
12 with career status who resigns and within five years is reemployed by  
13 the same local school administrative unit need not serve another  
14 probationary period of more than one school year and may, at the option  
15 of the board, be reemployed as a career teacher. In any event, if he is  
16 reemployed for a second consecutive school year, he shall automatically  
17 become a career 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 if he no longer  
21 performs the responsibilities of a teacher as defined in G.S. 115C-  
22 325(a)(6). No person who is working in a principal or supervisor  
23 position who did not acquire career status as a school administrator by  
24 June 30, 1997, shall have career status as an administrator. Further, no  
25 director or assistant principal is eligible to obtain career status as a  
26 school administrator unless he or she has already been conferred that  
27 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 (b) This section applies to teachers, as defined in G.S. 115C-325(a)(6), who have  
32 not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1999.

33  
34 **V. ADDITIONAL PROFESSIONAL DEVELOPMENT**  
35 **OPPORTUNITIES AND TOUGHER STANDARDS FOR**  
36 **TEACHERS WITH CAREER STATUS**

37  
38 **A. MEANINGFUL AND CONTINUED PROFESSIONAL**  
39 **DEVELOPMENT FOR TEACHERS**

40 Section 11. The State Board of Education, in consultation with the Board of  
41 Governors of The University of North Carolina and the North Carolina Professional  
42 Teaching Standards Commission, shall study methods for providing meaningful  
43 professional development opportunities, which are aligned with State education goals, for

1 each teacher. The State Board shall report the results of this study to the Joint Legislative  
2 Education Oversight Committee prior to February 1, 1998.

3  
4 **B. TENURE STREAMLINED TO PROVIDE A FAIR AND EFFICIENT**  
5 **PROCESS FOR REMOVING POOR TEACHERS FROM THE**  
6 **CLASSROOM**

7 Section 12. (a) G.S. 115C-325, as rewritten by Section 10(a) of this act, reads  
8 as rewritten:

9 **"§ 115C-325. System of employment for public school teachers.**

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

12 (1a) 'Career Employee' as used in subsections G.S. 115C-325(e) through (l)  
13 and (n) means:

14 a. An employee who has obtained career status with that local  
15 board as a teacher as provided in G.S. 115C-325(c);

16 b. An employee who has obtained career status with that local  
17 board in an administrative position as provided in G.S. 115C-  
18 325(d)(2);

19 c. A probationary teacher during the term of the contract as  
20 provided in G.S. 115C-325(m); and

21 d. A school administrator during the term of a school administrator  
22 contract as provided in G.S. 115C-287.1(c).

23 (1b) 'Career school administrator' means a school administrator who has  
24 obtained career status in an administrative position as provided in G.S.  
25 115C-325(d)(2).

26 ~~(1)~~

27 (1c) 'Career teacher' means a teacher who has obtained career status as  
28 provided in G.S. 115C-325(c).

29 ~~(2) 'Committee' means the Professional Review Committee created under~~  
30 ~~G.S. 115C-325(g).~~

31 (3) 'Day' means calendar day. In computing any period of time, Rule 6 of  
32 the North Carolina Rules of Civil Procedure shall apply.

33 (4) 'Demote' means to reduce the compensation of a person who is  
34 classified or paid by the State Board of Education as a classroom  
35 teacher or as a school administrator, or to transfer him to a new position  
36 carrying a lower salary, or to suspend him without pay to a maximum of 60  
37 days; provided, however, that a suspension without pay pursuant to the  
38 provisions of G.S. 115C-325(f) shall not be considered a demotion. salary.  
39 The word 'demote' does not include a reduction in compensation that  
40 results from the elimination of a special duty, such as the duty of an  
41 athletic coach, assistant principal, or a choral director.

42 (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or  
43 school administrator without pay to a maximum of 60 days; provided,

1           however, that a suspension with or without pay pursuant to the  
2           provisions of G.S. 115C-325(f)(1) or (f1) shall not be considered a  
3           disciplinary suspension.

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

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

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

17          (b) Personnel Files. – The superintendent shall maintain in his office a personnel  
18          file for each teacher that contains any complaint, commendation, or suggestion for  
19          correction or improvement about the teacher's professional conduct, except that the  
20          superintendent may elect not to place in a teacher's file (i) a letter of complaint that  
21          contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint  
22          when there is no documentation of an attempt to resolve the issue. The complaint,  
23          commendation, or suggestion shall be signed by the person who makes it and shall be  
24          placed in the teacher's file only after five days' notice to the teacher. Any denial or  
25          explanation relating to such complaint, commendation, or suggestion that the teacher  
26          desires to make shall be placed in the file. Any teacher may petition the local board of  
27          education to remove any information from his personnel file that he deems invalid,  
28          irrelevant, or outdated. The board may order the superintendent to remove said  
29          information if it finds the information is invalid, irrelevant, or outdated.

30          The personnel file shall be open for the teacher's inspection at all reasonable times but  
31          shall be open to other persons only in accordance with such rules and regulations as the  
32          board adopts. Any preemployment data or other information obtained about a teacher  
33          before his employment by the board may be kept in a file separate from his personnel file  
34          and need not be made available to him. No data placed in the preemployment file may be  
35          introduced as evidence at a hearing on the dismissal or demotion of a teacher, except such  
36          data may be used to substantiate G.S. 115C-325(e)(1) g. or o. as grounds for dismissal or  
37          demotion.

38          (c)           (1) Election of a Teacher to Career Status. – Except as otherwise  
39                          provided in subdivision (3) of this subsection, when a teacher will  
40                          have been employed by a North Carolina public school system for  
41                          four consecutive years, the board, near the end of the fourth year, shall  
42                          vote upon his employment for the next school year. The board shall  
43                          give him written notice of that decision by June 1 of his fourth year of

1 employment. If a majority of the board votes to reemploy the teacher,  
2 and if it has notified him of the decision, it may not rescind that action  
3 but must proceed under the provisions of this section for the demotion  
4 or dismissal of a teacher if it decides to terminate his employment. If a  
5 majority of the board votes against reemploying the teacher, he shall  
6 not teach beyond the current school term. If the board fails to vote on  
7 granting career status but reemploys him for the next year, he  
8 automatically becomes a career teacher on the first day of the fifth  
9 consecutive year of employment.

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

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

25 (3) Ineligible for Career Status. – No employee of a local board of  
26 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible  
27 to obtain career status or continue in a career status as a teacher if he no  
28 longer performs the responsibilities of a teacher as defined in G.S.  
29 115C-325(a)(6). No person who is ~~working in a principal or supervisor~~  
30 ~~position employed as a school administrator as defined in G.S. 115C-~~  
31 ~~287.1(a)~~ who did not acquire career status as a school administrator by  
32 June 30, 1997, shall have career status as an administrator. Further, no  
33 director or assistant principal is eligible to obtain career status as a  
34 school administrator unless he or she has already been conferred that  
35 status by the local board of education.

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

39 (d) Career Teachers and Career Administrators.

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

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

3 b. Transfer of career administrators. – ~~Whether or not he has~~  
4 ~~previously attained career status as a teacher, a person who has~~  
5 ~~performed the duties of a principal in the school system for three~~  
6 ~~consecutive years or has performed the duties of a supervisor in~~  
7 ~~the school system for three consecutive years shall not be~~  
8 ~~transferred from that position to a lower paying administrative~~  
9 ~~position or to a lower paying nonadministrative position without~~  
10 ~~his consent except for the reasons given in G.S. 115C-325(e)(1)~~  
11 ~~and in accordance with the provisions for the dismissal of a~~  
12 ~~career teacher set out in this section. Transfer of a principal or a~~  
13 ~~supervisor is not a transfer to a lower paying position if the~~  
14 ~~principal's or supervisor's salary is maintained at the previous~~  
15 ~~salary amount. A school administrator who acquired career status~~  
16 ~~in an administrative position on or before June 30, 1997, may be~~  
17 ~~transferred from that position to any nonadministrative position~~  
18 ~~so long as the administrator's salary is maintained at the previous~~  
19 ~~salary amount.~~

20 c. Granting of career status in administrative positions. (Effective  
21 until June 30, 1997.) When a teacher has performed the duties of  
22 supervisor or principal for three consecutive years, the board,  
23 near the end of the third year, shall vote upon his employment for  
24 the next school year. The board shall give him written notice of  
25 that decision by June 1 of his third year of employment as a  
26 supervisor or principal. If a majority of the board votes to  
27 reemploy the teacher as a principal or supervisor, and it has  
28 notified him of that decision, it may not rescind that action but  
29 must proceed under the provisions of this section. If a majority of  
30 the board votes not to reemploy the teacher as a principal or  
31 supervisor, he shall retain career status as a teacher if that status  
32 was attained prior to assuming the duties of supervisor or  
33 principal. A supervisor or principal who has not held that  
34 position for three years and whose contract will not be renewed  
35 for the next school year shall be notified by June 1 and shall  
36 retain career status as a teacher if that status was attained prior to  
37 assuming the duties of supervisor or principal.

38 A year, for purposes of computing time as a probationary  
39 principal or supervisor, shall not be less than 145 workdays  
40 performed as a full-time, permanent principal or supervisor in a  
41 contract year.

42 A principal or supervisor who has obtained career status in  
43 that position in any North Carolina public school system may be

1 required by the board of education in another school system to  
2 serve an additional three-year probationary period in that position  
3 before being eligible for career status. However, he may, at the  
4 option of the board of education, be granted career status  
5 immediately or after serving a probationary period of one or two  
6 additional years. A principal or supervisor with career status who  
7 resigns and within five years is reemployed by the same school  
8 system need not serve another probationary period in that  
9 position of more than two years and may, at the option of the  
10 board, be reemployed immediately as a career principal or  
11 supervisor or be given career status after only one year. In any  
12 event, if he is reemployed for a third consecutive year, he shall  
13 automatically become a career principal or supervisor.

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

15 (1) Grounds. – No career ~~teacher~~ employee shall be dismissed or demoted or  
16 employed on a part-time basis except for one or more of the following:

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

1           o.       Providing false information or knowingly omitting a material fact  
2                    on an application for employment or in response to a  
3                    preemployment inquiry.

4       (2)   Reduction in Force. – Before recommending to a board the dismissal or  
5       demotion of the career ~~teacher~~-employee pursuant to G.S. 115C-  
6       325(e)(1)l., the superintendent shall give written notice to the career  
7       ~~teacher~~-employee by certified mail or personal delivery of his intention  
8       to make such recommendation and shall set forth as part of his  
9       recommendation the grounds upon which he believes such dismissal or  
10       demotion is justified. The notice shall include a statement to the effect  
11       that if the ~~teacher~~-career employee within 15 days after receipt of the  
12       notice requests a review, he shall be entitled to have the proposed  
13       recommendations of the superintendent reviewed by the board. Within  
14       the 15-day period after receipt of the notice, the career ~~teacher~~-employee  
15       may file with the superintendent a written request for a hearing before  
16       the board within 10 days. If the ~~teacher~~-career employee requests a  
17       hearing before the board, the hearing procedures provided in G.S. 115C-  
18       325(j) shall be followed. If no request is made within the 15-day period,  
19       the superintendent may file his recommendation with the board. If, after  
20       considering the recommendation of the superintendent and the evidence  
21       adduced at the hearing if there is one, the board concludes that the  
22       grounds for the recommendation are true and substantiated by a  
23       preponderance of the evidence, the board, if it sees fit, may by  
24       resolution order such dismissal. Provisions of this section which permit  
25       ~~appointment of, and investigation and review by, a panel of the Professional~~  
26       ~~Review Committee~~ a hearing by a case manager shall not apply to a  
27       dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)l.

28           When a career ~~teacher~~-employee is dismissed pursuant to G.S. 115C-  
29       325(e)(1)l. above, his name shall be placed on a list of available ~~teachers~~  
30       career employees to be maintained by the board. Career ~~teachers~~  
31       employees whose names are placed on such a list shall have a priority  
32       on all positions in which they acquired career status and for which they  
33       are qualified which become available in that system for the three  
34       consecutive years succeeding their dismissal. However, if the local  
35       school administrative unit offers the dismissed ~~teacher~~-career employee a  
36       position for which he is certified and he refuses it, his name shall be  
37       removed from the priority list.

38       (3)   Inadequate Performance. – In determining whether the professional  
39       performance of a career ~~teacher~~-employee is adequate, consideration  
40       shall be given to regular and special evaluation reports prepared in  
41       accordance with the published policy of the employing local school  
42       administrative unit and to any published standards of performance  
43       which shall have been adopted by the board. Failure to notify a career

1 ~~teacher-employee~~ of an inadequacy in his performance shall be  
2 conclusive evidence of satisfactory performance.

- 3 (4) Three-Year Limitation on Basis of Dismissal or Demotions. –  
4 Dismissal or demotion under subdivision (1) above, ~~except paragraphs g~~  
5 ~~paragraphs g. and o. thereof~~, shall not be based on conduct or actions  
6 which occurred more than three years before the written notice of the  
7 superintendent's intention to recommend dismissal is mailed to the  
8 ~~teacher~~career employee. The three-year limitation shall not apply to  
9 dismissals or demotions pursuant to subdivision (1)b. above when the  
10 charge of immorality is based upon a ~~teacher's~~career employee's sexual  
11 misconduct toward or sexual harassment of students or staff.

- 12 (f) (1) Suspension without Pay. – If a superintendent believes that  
13 cause exists for dismissing a ~~probationary or career teacher-employee~~  
14 for any reason specified in G.S. 115C-325(e)(1)a. ~~through 115C-~~  
15 ~~325(e)(1)j.~~ and that immediate suspension of the ~~teacher-career~~  
16 employee is necessary, the superintendent may suspend him without  
17 pay. Before suspending a ~~teacher-career employee~~ without pay, the  
18 superintendent shall meet with the ~~teacher-career employee~~ and give  
19 him written notice of the charges against him, an explanation of the  
20 bases for the charges, and an opportunity to respond. Within five days  
21 after a suspension under this paragraph, the superintendent shall  
22 initiate a dismissal as provided in this section. If it is finally  
23 determined that no grounds for dismissal or demotion exist, the ~~teacher~~  
24 career employee shall be reinstated ~~immediately and immediately~~, shall  
25 be paid for the period of suspension, and all records of the suspension  
26 with pay shall be removed from the career teacher's personnel file.

- 27 (2) Disciplinary Suspension Without Pay. – A ~~teacher-career employee~~  
28 recommended for suspension without pay pursuant to G.S. ~~115C-~~  
29 ~~325(a)(4)-115C-325(a)(4a)~~ may request a hearing before the board. ~~If the~~  
30 ~~teacher requests a hearing before the board, the procedures provided in G.S.~~  
31 ~~115C-325(j) shall be followed.~~ If no request is made within 15 days, the  
32 superintendent may file his recommendation with the board. If, after  
33 considering the recommendation of the superintendent and the evidence  
34 adduced at the hearing if one is held, the board concludes that the  
35 grounds for the recommendation are true and substantiated by a  
36 preponderance of the evidence, the board, if it sees fit, may by  
37 resolution order such suspension. ~~Provisions of this section which permit~~  
38 ~~appointment of, and investigation and review by, a panel of the Professional~~  
39 ~~Review Committee shall not apply to a suspension without pay pursuant to~~  
40 ~~G.S. 115C-325(a)(4).~~

- 41 a. Board hearing for disciplinary suspensions for greater than 10  
42 days or for certain types of intentional misconduct. – The  
43 procedures for a case manager hearing provided in G.S. 115C-

1           325(j) shall be followed for the board hearing if any of the  
2           following circumstances exist:

3           1. The recommended disciplinary suspension without pay is  
4           for greater than 10 days; or

5           2. The disciplinary suspension is for intentional misconduct,  
6           such as inappropriate sexual or physical conduct,  
7           immorality, insubordination, habitual or excessive alcohol  
8           or nonmedical use of a controlled substance, as defined in  
9           Article 5 of Chapter 90 of the General Statutes, any cause  
10           which constitutes grounds for the revocation of the  
11           teacher's license, or providing false information.

12           b. Board hearing for disciplinary suspensions of up to 10 days. –  
13           The procedures provided in G.S. 115C-325(j2) shall be followed  
14           for all disciplinary suspensions up to 10 days that are not for  
15           intentional misconduct as specified in G.S. 115C-325(f)(2)a.2.  
16           In addition, the superintendent shall provide the career employee  
17           with any documentary evidence to support his recommendation  
18           seven days before the hearing, and the career employee shall  
19           provide the superintendent with any documentary evidence to  
20           rebut the superintendent's recommendation three days before the  
21           hearing.

22           (f1) Suspension with Pay. – If a superintendent believes that cause may exist for  
23           dismissing or demoting a ~~probationary or career teacher-employee~~ for any reasons  
24           specified in G.S. 115C-325(e)(1)~~b through 115C-325(e)(1)j~~, but that additional  
25           investigation of the facts is necessary and circumstances are such that the ~~teacher-career~~  
26           ~~employee~~ should be removed immediately from his duties, the superintendent may  
27           suspend the ~~teacher-career employee~~ with pay for a reasonable period of time, not to  
28           exceed 90 days. The superintendent shall ~~immediately~~ notify the board of education  
29           ~~within two days of his action and shall notify the career employee within two days of the~~  
30           ~~action and the reasons for it.~~ If the superintendent has not initiated dismissal or demotion  
31           proceedings against the ~~teacher-career employee~~ within the 90-day period, the ~~teacher~~  
32           ~~career employee~~ shall be reinstated to his duties immediately and all records of the  
33           suspension with pay shall be removed from the ~~teacher's-career employee's~~ personnel file  
34           at his ~~request.~~ request: ~~provided, however, if the superintendent and the employee have~~  
35           ~~agreed to extend the 90-day period, the superintendent may initiate dismissal or~~  
36           ~~demotion proceedings against the career employee at any time during the period of the~~  
37           ~~extension.~~

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

39           (1) ~~There is hereby created a Professional Review Committee which shall~~  
40           ~~consist of 132 citizens, 11 from each of the State's congressional~~  
41           ~~districts, five of whom shall be lay persons and six of whom shall have~~  
42           ~~been actively and continuously engaged in teaching or in supervision or~~  
43           ~~administration of schools in this State for the five years preceding their~~

1 appointment and who are broadly representative of the profession, to be  
2 appointed by the Superintendent of Public Instruction with the advice  
3 and consent of the State Board of Education. Each member shall be  
4 appointed for a term of three years. The initial terms of office of the  
5 persons appointed from the 12th Congressional District shall commence  
6 on January 3, 1993, and expire on June 30, 1995. The Superintendent of  
7 Public Instruction, with the advice and consent of the State Board of  
8 Education, shall fill any vacancy which may occur in the Committee.  
9 The person appointed to fill the vacancy shall serve for the unexpired  
10 portion of the term of the member of the Committee whom he is  
11 appointed to replace.

12 (2) The Superintendent of Public Instruction shall provide for the  
13 Committee such training as he considers necessary or desirable for the  
14 purpose of enabling the members of the Committee to perform the  
15 functions required of them.

16 (3) The compensation of committee members while serving as a member of  
17 a hearing panel shall be as for State boards and commissions pursuant to  
18 G.S. 138-5. The compensation shall be paid by the State Board of  
19 Education. Repealed.

20 (h) Procedure for Dismissal or Demotion of Career ~~Teacher~~Employee.

21 (1) A career ~~teacher~~employee may not be dismissed, demoted, or reduced to  
22 part-time employment except upon the superintendent's  
23 recommendation.

24 (2) Before recommending to a board the dismissal or demotion of the career  
25 ~~teacher~~employee, the superintendent shall give written notice to the  
26 career ~~teacher~~employee by certified mail or personal delivery of his  
27 intention to make such recommendation and shall set forth as part of his  
28 recommendation the grounds upon which he believes such dismissal is  
29 justified. The superintendent also shall meet with the career employee  
30 and give him written notice of the charges against him, an explanation  
31 of the basis for the charges, and an opportunity to respond if he has not  
32 done so pursuant to G.S. 115C-325(f)(1). The notice shall include a  
33 statement to the effect that if the ~~teacher~~career employee within 15 days  
34 after the date of receipt of the notice requests a review, he shall be  
35 entitled to have the grounds for the proposed recommendations of the  
36 superintendent reviewed by a panel of the Committee case manager. A  
37 copy of G.S. 115C-325 and a current list of the ~~members of the~~  
38 ~~Professional Review Committee case managers~~ shall also be sent to the  
39 career ~~teacher~~employee. If the ~~teacher~~career employee does not request a  
40 ~~panel hearing with a case manager~~ within the 15 days provided, the  
41 superintendent may submit his recommendation to the board.

42 (3) Within the 15-day period after receipt of the notice, the career ~~teacher~~  
43 employee may file with the superintendent a written request for either

1 (i) ~~a review of the~~ a hearing on the grounds for the superintendent's  
2 proposed recommendation by a panel of the Professional Review  
3 Committee case manager or (ii) a hearing within 10 days before the  
4 board on the superintendent's recommendation. within 10 days. If the  
5 ~~teacher-career employee~~ requests an immediate hearing before the board,  
6 he forfeits his right to a hearing by ~~a panel of the Professional Review~~  
7 ~~Committee.~~ A hearing conducted by the board pursuant to this subdivision  
8 shall be conducted pursuant to G.S. 115C-325(j) and ~~(h)~~ a case manager. If  
9 no request is made within that period, the superintendent may file his  
10 recommendation with the board. The board, if it sees fit, may by  
11 resolution ~~dismiss such teacher.~~ (i) reject the superintendent's decision or  
12 (ii) accept or modify it and dismiss, demote, reinstate, or suspend the  
13 employee without pay. such teacher. If a request for review is made, the  
14 superintendent shall not file his recommendation for dismissal with the  
15 board until a report of ~~a panel of the Committee~~ the case manager is filed  
16 with the superintendent.

17 (4) ~~If a request for review is made, the superintendent, within five days of~~  
18 ~~filing such request for review, shall notify the Superintendent of Public~~  
19 ~~Instruction who, within seven days from the time of receipt of such~~  
20 ~~notice, shall designate a panel of five members of the Committee, at~~  
21 ~~least two of whom shall be lay persons, who shall not be employed in or~~  
22 ~~be residents of the county in which the request for review is made, to~~  
23 ~~review the proposed recommendations of the superintendent for the~~  
24 ~~purpose of determining whether in its opinion the grounds for the~~  
25 ~~recommendation are true and substantiated. The teacher or principal~~  
26 ~~making the request for review shall have the right to require that at least~~  
27 ~~two members of the panel shall be members of his professional peer~~  
28 ~~group. Repealed.~~

29 (5) If the career employee elects to request a hearing by a case manager, the  
30 career employee and superintendent shall each have the right to  
31 eliminate up to one-third of the names on the approved list of case  
32 managers. The career employee shall specify to the Superintendent of  
33 Public Instruction those case managers who are not acceptable in his  
34 request for a review of the superintendent's proposed recommendation  
35 provided for in G.S. 115C-325(h)(3). The superintendent and career  
36 employee may jointly select a person to serve as case manager. Such  
37 person need not be on the master list of case managers maintained by  
38 the Superintendent of Public Instruction.

39 (6) If a career employee requests a review by a case manager, the  
40 superintendent shall notify the Superintendent of Public Instruction  
41 within five days of receipt of such request. The notice shall contain a  
42 list of those case managers eliminated from the master list by the career  
43 employee and the superintendent and the name of a person, if any,

- 1                    jointly selected. Failure to exercise the right to eliminate names from  
2                    the master list shall constitute a waiver of that right.
- 3            (7)    The Superintendent of Public Instruction shall select a case manager  
4                    within seven days of notice from the superintendent. The  
5                    Superintendent of Public Instruction shall designate the person jointly  
6                    selected by the parties to serve as case manager provided such person  
7                    agrees to serve as case manager and can meet the requirements for time  
8                    frames for the hearing and report as provided in G.S. 115C-325(i1)(1).  
9                    If a case manager was not jointly selected or if the case manager is not  
10                   available, the Superintendent of Public Instruction shall select a case  
11                   manager from the master list. No person eliminated by the career  
12                   employee or superintendent shall be designated case manager.
- 13            (8)    The superintendent and career employee shall provide each other with  
14                   copies of all documents submitted to the Superintendent of Public  
15                   Instruction or to the designated case manager.
- 16    (h1)   Case Managers; Qualifications; Training; Compensation.
- 17            (1)    Each year the Superintendent of Public Instruction shall select and  
18                   maintain a master list of no more than 40 qualified case managers.
- 19            (2)    Case managers shall be selected from persons who are certified as North  
20                   Carolina Superior Court mediators, as an arbitrator by the American  
21                   Arbitration Association, or comparable certification in alternative  
22                   dispute resolution, and who have completed a special training course for  
23                   case managers approved by the State Board of Education.
- 24            (3)    The compensation for a case manager shall be comparable to that paid  
25                   for certified North Carolina Superior Court mediators. The  
26                   compensation shall be paid by the State Board of Education.
- 27            (i)    ~~Hearing by Panel of Professional Review Committee; Report; Action of~~  
28                   ~~Superintendent; Review by Board.~~
- 29            (1)    ~~The career teacher and superintendent will each have the right to~~  
30                   ~~designate not more than 33 of the 132 members of the Professional~~  
31                   ~~Review Committee as not acceptable to the teacher or superintendent~~  
32                   ~~respectively. No person so designated shall be appointed to the panel.~~  
33                   ~~The career teacher shall specify to the superintendent those Committee~~  
34                   ~~members who are not acceptable in his request for a review of the~~  
35                   ~~superintendent's proposed recommendations provided for in subdivision~~  
36                   ~~(h)(3) above. The superintendent's notice to the Superintendent of~~  
37                   ~~Public Instruction provided for in subdivision (h)(4) above shall contain~~  
38                   ~~a list of those members of the Committee not acceptable to the~~  
39                   ~~superintendent and the teacher respectively. Failure to designate~~  
40                   ~~nonacceptable members in accordance with this subsection shall~~  
41                   ~~constitute a waiver of that right.~~
- 42            (2)    ~~As soon as possible after the time of its designation, the panel shall elect~~  
43                   ~~a chairman and shall conduct a hearing in accordance with G.S. 115C-~~

1           ~~325(j) for the purpose of determining whether the grounds for the~~  
2           ~~recommendation are true and substantiated. The panel shall be furnished~~  
3           ~~assistance reasonably required to conduct its hearing and shall be~~  
4           ~~empowered to subpoena and swear witnesses and to require them to~~  
5           ~~give testimony and to produce books and papers relevant to its~~  
6           ~~investigation.~~

7           (3) ~~The career teacher and superintendent involved shall each have the right~~  
8           ~~to meet with the panel accompanied by counsel or other person of his~~  
9           ~~choice and to present any evidence and arguments which he considers~~  
10           ~~pertinent to the considerations of the panel and to cross-examine~~  
11           ~~witnesses.~~

12           (4) ~~When the panel has completed its hearing, it shall prepare a written~~  
13           ~~report and send it to the superintendent and teacher. The report shall~~  
14           ~~contain its findings as to whether or not the grounds for the~~  
15           ~~recommendation are true and substantiated by a preponderance of the~~  
16           ~~evidence, and a statement of the reasons for its findings. The panel shall~~  
17           ~~complete its hearing and prepare the report within 20 days from the time~~  
18           ~~of its designation, except in cases in which the panel finds that justice~~  
19           ~~requires that a greater time be spent in connection with the investigation~~  
20           ~~and the preparation of such report, and reports that finding to the~~  
21           ~~superintendent and the teacher. Provided, that such extension does not~~  
22           ~~exceed 10 days.~~

23           (5) ~~Within five days after the superintendent receives the report of the~~  
24           ~~panel, the superintendent shall decide whether or not to submit a written~~  
25           ~~recommendation for dismissal to the board or to drop the charges~~  
26           ~~against the teacher and shall notify the teacher, in writing, of the~~  
27           ~~decision. Within five days after receiving the superintendent's notice of~~  
28           ~~his intent to recommend the teacher's dismissal to the board, the teacher~~  
29           ~~shall decide whether to request a hearing before the board and shall~~  
30           ~~notify the superintendent, in writing, of the decision. If the teacher~~  
31           ~~requests a hearing before the board, the superintendent shall submit his~~  
32           ~~written recommendation to the board with a copy to the teacher within~~  
33           ~~five days after receiving the teacher's request. The superintendent's~~  
34           ~~recommendation shall state the grounds for the recommendation and~~  
35           ~~shall be accompanied by a copy of the report of the panel of the~~  
36           ~~Committee.~~

37           (6) ~~Within seven days after receiving the superintendent's recommendation~~  
38           ~~and before taking any formal action, the board shall set a time and place~~  
39           ~~for the hearing and notify the teacher by certified mail of the date, time~~  
40           ~~and place of the hearing. The time specified shall not be less than seven~~  
41           ~~nor more than 20 days after the board has notified the teacher. If the~~  
42           ~~teacher did not request a hearing, the board may, by resolution, dismiss~~  
43           ~~the teacher. If the teacher can show that his request for a hearing was~~

1 ~~postmarked within the time provided, his right to a hearing is not~~  
2 ~~forfeited. Repealed.~~

3 (il) Report of Case Manager; Superintendent's Recommendation.

4 (1) The case manager shall complete the hearing held in accordance with  
5 G.S. 115C-325(j) and prepare the report within 20 days from the time of  
6 the designation, except in cases in which the case manager finds that  
7 justice requires that a greater time be spent in connection with the  
8 investigation and the preparation of such report, and reports that finding  
9 to the superintendent and the career employee: Provided, that such  
10 extension does not exceed 10 days.

11 (2) The case manager shall make all necessary findings of fact, based upon  
12 the preponderance of the evidence, on all issues related to each and  
13 every ground for dismissal and on all relevant matters related to the  
14 question of whether the superintendent's recommendation is justified.  
15 The case manager also shall make a recommendation as to whether the  
16 findings of fact substantiate the superintendent's grounds for dismissal.

17 (3) Within five days after the superintendent receives the report of the case  
18 manager, the superintendent shall decide whether or not to submit a  
19 written recommendation for dismissal to the board or to drop the  
20 charges against the career employee and shall notify the career  
21 employee, in writing, of the decision.

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

25 (1) The hearing shall be private.

26 (2) The hearing shall be conducted in accordance with ~~such reasonable~~  
27 ~~rules and regulations as the board may adopt consistent with G.S. 115C-~~  
28 ~~325, or if no rules have been adopted, in accordance with reasonable~~  
29 rules and regulations adopted by the State Board of Education to govern  
30 such hearings.

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

37 (4) Rules of evidence shall not apply to a hearing conducted pursuant to this  
38 act and ~~boards and panels of the Professional Review Committee~~ the case  
39 manager may give probative effect to evidence that is of a kind  
40 commonly relied on by reasonably prudent persons in the conduct of  
41 serious affairs.

42 (5) At least ~~five~~ 10 days before the hearing, the superintendent shall provide  
43 to the ~~teacher~~ career employee a list of witnesses the superintendent

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

10 (6) The case manager shall be empowered to subpoena and swear witnesses  
11 and to require them to give testimony and to produce records and  
12 documents relevant to the grounds for dismissal.

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

15 (8) The superintendent shall provide for making a transcript of the hearing.  
16 If the career employee contemplates a hearing before the board or on  
17 appeal of the board's decision to a court of law, the career employee  
18 may request and shall receive at no charge a transcript of the  
19 proceedings.

20 (j1) Board Determination.

21 (1) Within five days after receiving the superintendent's notice of his intent  
22 to recommend the career employee's dismissal to the board, the career  
23 employee shall decide whether to request a hearing before the board and  
24 shall notify the superintendent, in writing, of the decision. If the career  
25 employee requests a hearing before the board, the superintendent shall  
26 submit his written recommendation to the board with a copy to the  
27 career employee within five days after receiving the career employee's  
28 request. The superintendent's recommendation shall state the grounds  
29 for the recommendation and shall be accompanied by a copy of the  
30 report of the case manager.

31 (2) Upon request by the career employee or superintendent, or by majority  
32 vote of the board, the board shall request the case manager to appear at  
33 the board hearing in the event that a critical factual issue in the record of  
34 the hearing was not addressed in the case manager's findings of fact. A  
35 request by the career employee must be made at the time the request for  
36 a hearing before the board is made. The superintendent shall submit  
37 such request or the superintendent's request to the board when the  
38 superintendent submits the recommendation.

39 (3) Within seven days after receiving the superintendent's recommendation  
40 and before taking any formal action, the board shall set a time and place  
41 for the hearing and notify the career employee by certified mail of the  
42 date, time, and place of the hearing. The time specified shall not be less  
43 than seven nor more than 20 days after the board has notified the career

- 1           employee. If the career employee did not request a hearing, the board  
2           may, by resolution, reject the superintendent's decision, or accept or  
3           modify the decision and dismiss, demote, reinstate, or suspend the  
4           career employee without pay. If the career employee can show that his  
5           request for a hearing was postmarked within the time provided, his right  
6           to a hearing is not forfeited.
- 7           (4) If requested, a hearing shall be conducted in accordance with G.S.  
8           115C-325(j2).
- 9           (5) The board shall make a determination and may (i) reject the  
10           superintendent's recommendation or (ii) accept or modify the  
11           recommendation and dismiss, demote, reinstate, or suspend the  
12           employee without pay.
- 13           (6) Within five days following the hearing, the board shall send a written  
14           copy of its findings and order to the career employee and  
15           superintendent.
- 16           (j2) Board Hearing. – The following procedures shall be applicable to a hearing  
17           conducted by the board.
- 18           (1) The hearing shall be private.
- 19           (2) The board shall receive the following:
- 20           a. The whole record from any hearing held by the case manager,  
21           including a transcript of the hearing, as well as any other records,  
22           exhibits, and documentary evidence submitted to the case  
23           manager at the hearing;
- 24           b. If a hearing was held, the case manager's findings of fact;
- 25           c. If a hearing was held, the case manager's recommendation as to  
26           whether grounds in G.S. 115C-325(e) submitted by the  
27           superintendent are substantiated;
- 28           d. The superintendent's recommendation and the grounds for the  
29           recommendation; and
- 30           e. The superintendent and career employee also may submit a  
31           written statement not less than three days prior to the hearing.
- 32           (3) The superintendent and career employee shall be permitted to make oral  
33           arguments to the board based on the record of the hearing.
- 34           (4) No new evidence may be presented at the review except upon a finding  
35           by the board that the new evidence is critical to the matter at issue and  
36           the person making the request could not, with reasonable diligence,  
37           have discovered and produced the evidence at the hearing before the  
38           case manager.
- 39           (5) The board shall accept the case manager's findings of fact unless a  
40           majority of the board determines that the findings of fact are not  
41           supported by substantial evidence when reviewing the record as a  
42           whole. In such an event, the board shall make alternative findings of  
43           fact. If a majority of the board determines that the case manager did not

1 address a critical factual issue, the board may request the case manager  
2 to address the issue at the board hearing if the case manager is present.  
3 Alternatively, the board may remand the findings of fact to the case  
4 manager to complete the report to the board. If the case manager does  
5 not submit the report within 10 days upon receipt of the board's request,  
6 the board may establish its own findings of fact on the factual issues not  
7 addressed by the case manager based upon substantial evidence when  
8 reviewing substantial evidence when reviewing the record as a whole.

9 (6) The board need not provide a transcript of the hearing. If the board  
10 elects to make a transcript and if the career employee contemplates an  
11 appeal to a court of law, the career employee may request and shall  
12 receive at no charge a transcript of the proceedings. Nothing in this  
13 provision shall prevent the career employee from having the hearing  
14 transcribed by a court reporter at the employee's cost.

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

17 (1) ~~If the panel found that the grounds for the recommendation of the~~  
18 ~~superintendent are true and substantiated, at the hearing the board shall~~  
19 ~~consider the recommendation of the superintendent, the report of the~~  
20 ~~panel, including any minority report, and any evidence which the~~  
21 ~~teacher or the superintendent may wish to present with respect to the~~  
22 ~~question of whether the grounds for the recommendation are true and~~  
23 ~~substantiated. The hearing may be conducted in an informal manner.~~

24 (2) ~~If, after considering the recommendation of the superintendent, the~~  
25 ~~report of the panel and the evidence adduced at the hearing, the board~~  
26 ~~concludes that the grounds for the recommendation are true and~~  
27 ~~substantiated, by a preponderance of the evidence, the board, if it sees~~  
28 ~~fit, may by resolution order such dismissal. Repealed.~~

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

31 (1) ~~If the panel does not find that the grounds for the recommendation of~~  
32 ~~the superintendent are true and substantiated, at the hearing the board~~  
33 ~~shall determine whether the grounds for the recommendation of the~~  
34 ~~superintendent are true and substantiated upon the basis of competent~~  
35 ~~evidence adduced at the hearing by witnesses who shall testify under~~  
36 ~~oath or affirmation to be administered by any board member or the~~  
37 ~~secretary of the board.~~

38 (2) ~~The procedure at the hearing shall be such as to permit and secure a full,~~  
39 ~~fair and orderly hearing and to permit all relevant competent evidence to~~  
40 ~~be received therein. The report of the panel of the committee shall be~~  
41 ~~deemed to be competent evidence. A full record shall be kept of all~~  
42 ~~evidence taken or offered at such hearing. Both counsel for the local~~

1 school administrative unit and the career teacher or his counsel shall  
2 have the right to cross-examine witnesses.

3 (3) ~~At the request of either the superintendent or the teacher, the board shall~~  
4 ~~issue subpoenas requiring the production of papers or records or the~~  
5 ~~attendance of persons residing within the State before the board.~~  
6 ~~Subpoenas for witnesses to testify at the hearing in support of the~~  
7 ~~recommendation of the superintendent or on behalf of the career teacher~~  
8 ~~shall, as requested, be issued in blank by the board over the signature of~~  
9 ~~its chairman or secretary. The board shall pay witness fees for up to five~~  
10 ~~witnesses subpoenaed on behalf of the teacher, except that it shall not~~  
11 ~~pay for any witness who resides within the county in which the~~  
12 ~~dismissal originates or who is an employee of the board. However, no~~  
13 ~~employee of the board shall suffer any loss of compensation because he~~  
14 ~~has been subpoenaed to testify at the hearing. These payments shall be~~  
15 ~~as provided for witnesses in G.S. 7A-314.~~

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

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

25 (m) Probationary Teacher.

26 (1) The board of any local school administrative unit may not discharge a  
27 probationary teacher during the school year except for the reasons for  
28 and by the procedures by which a career teacher may be dismissed as set  
29 forth in subsections ~~(e)-(e), (f), (f1),~~ and (h) to (l) above.

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

35 (n) **(See note)** Appeal. – Any ~~teacher-career employee~~ who has been dismissed or  
36 demoted pursuant to G.S. 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of this  
37 section, or who has been suspended without pay pursuant to G.S. 115C-325(a)(4), or any  
38 school administrator whose contract is not renewed in accordance with G.S. 115C-287.1,  
39 shall have the right to appeal from the decision of the board to the superior court for the  
40 superior court district or set of districts as defined in G.S. 7A-41.1 in which the ~~teacher or~~  
41 ~~school administrator-career employee~~ is employed. This appeal shall be filed within a  
42 period of 30 days after notification of the decision of the board. The cost of preparing the  
43 transcript shall be borne by the board. A ~~teacher-career employee~~ who has been demoted

1 or dismissed, or a school administrator whose contract is not renewed, who has not  
2 requested a hearing before the board of education pursuant to this section shall not be  
3 entitled to judicial review of the board's action.

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

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

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

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

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

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

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

28 These principals shall be suspended with pay pending a hearing before a  
29 panel of three members of the State Board. The purpose of this hearing,  
30 which shall be held within 60 days after the principal is suspended, is to  
31 determine whether the principal shall be dismissed. The panel shall  
32 order the dismissal of the principal, at which time the period of  
33 suspension with pay shall expire, unless the panel makes a public  
34 determination that the principal has established that the factors that led  
35 to the identification of the school as low-performing were not due to the  
36 inadequate performance of the principal. The State Board shall adopt  
37 procedures to ensure that due process rights are afforded to principals  
38 under this subsection. Decisions of the panel may be appealed on the  
39 record to the State Board, with further right of judicial review under  
40 Chapter 150B of the General Statutes.

41 (2) Notwithstanding any other provision of this section or any other law,  
42 this subdivision shall govern the State Board's dismissal of teachers,  
43 assistant principals, directors, and supervisors assigned to schools that

1 the State Board has identified as low-performing and to which the State  
2 Board has assigned an assistance team under Article 8B of this Chapter.  
3 The State Board shall dismiss a teacher, assistant principal, director, or  
4 supervisor when the State Board receives two consecutive evaluations  
5 that include written findings and recommendations regarding that  
6 person's inadequate performance from the assistance team. These  
7 findings and recommendations shall be substantial evidence of the  
8 inadequate performance of the teacher or school administrator.

9 The State Board may dismiss a teacher, assistant principal, director,  
10 or supervisor when:

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

18 A teacher, assistant principal, director, or supervisor may request a  
19 hearing before a panel of three members of the State Board within 30  
20 days of any dismissal under this subdivision. The State Board shall  
21 adopt procedures to ensure that due process rights are afforded to  
22 persons recommended for dismissal under this subdivision. Decisions of  
23 the panel may be appealed on the record to the State Board, with further  
24 right of judicial review under Chapter 150B of the General Statutes.

- 25 (3) The State Board of Education or a local board may terminate the  
26 contract of a school administrator dismissed under this subsection.  
27 Nothing in this subsection shall prevent a local board from refusing to  
28 renew the contract of any person employed in a school identified as  
29 low-performing under G.S. 115C-105.37.  
30 (4) Neither party to a school administrator contract is entitled to damages  
31 under this subsection.  
32 (5) The State Board shall have the right to subpoena witnesses and  
33 documents on behalf of any party to the proceedings under this  
34 subsection."  
35 (b) This section applies to proceedings initiated after January 1, 1998.

36  
37 **C. STUDIES ON MAKING RENEWAL OF TEACHER CERTIFICATES**  
38 **MORE RIGOROUS**

39 Section 13. The State Board of Education, in consultation with the North  
40 Carolina Professional Teaching Standards Commission, local boards of education, and  
41 the Board of Governors of The University of North Carolina, shall reevaluate and  
42 enhance the requirements for renewal of teacher certificates. The State Board shall  
43 consider modifications in the certificate renewal process to align the process with State

1 education goals and to make it a mechanism for teachers to renew continually their  
 2 knowledge and professional skills. The State Board shall report the results of this study  
 3 and any actions taken to make renewal of teacher certificates more rigorous to the Joint  
 4 Legislative Education Oversight Committee prior to February 1, 1998.

5 Section 14. The North Carolina Standards Board for Public School  
 6 Administration, in consultation with the State Board of Education, local boards of  
 7 education, and the Board of Governors of The University of North Carolina, shall  
 8 recommend ways to modify the administrator recertification process to ensure that all  
 9 schools have well-qualified administrators. The Standards Board shall report the results  
 10 of this study to the Joint Legislative Education Oversight Committee prior to February 1,  
 11 1998.

12  
 13 VI. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY  
 14 TEACHERS – HIGHER STARTING SALARY, SIGNIFICANT  
 15 BUMPS IN THE SALARY SCHEDULE AT YEARS 3, 4, AND 8,  
 16 DEFERRED BONUS SET ASIDE AT YEAR 8 AND PAID AT YEAR  
 17 13, FEWER STEPS IN SALARY SCHEDULE, ENHANCED  
 18 LONGEVITY PAY.

19 Section 15. (a) It is the goal of the General Assembly to increase teacher salaries  
 20 over the next four years so as to attract and retain excellent teachers in the public schools;  
 21 therefore, it is the goal of the General Assembly to implement, over the upcoming four  
 22 fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent  
 23 (20%). This would bring the starting salary to at least twenty-five thousand dollars  
 24 (\$25,000) by the year 2000. Under this plan, the salary schedule would also contain  
 25 significant "bumps" at the third step, which is the point at which teachers have attained  
 26 continuing certification; at the fourth step, which is the point at which teachers have  
 27 received career status; and at the eighth step, which is the point at which teachers have  
 28 attained certificate renewal.

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

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

35 **1997-98 SALARY SCHEDULE PLAN**  
 36 **"A"TEACHERS**

<u>Years of</u> <u>Experience</u>	<u>10-Month</u> <u>Salary</u>
0	\$22,150
1	122,570
2	223,000
3	324,360
4	424,950

1	525,430
2	625,920
3	726,410
4	827,140
5	927,640
6	10 28,160
7	11 28,690
8	12 29,230
9	13 29,780
10	14 30,340
11	15 30,910
12	16 31,490
13	17 32,090
14	18 32,700
15	19 33,330
16	20 33,960
17	21 34,600
18	22 35,250
19	23 35,920
20	24 36,610
21	25 37,310
22	26 38,020
23	27 38,750
24	28 39,490

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

**1998-99 SALARY SCHEDULE PLAN  
"A"TEACHERS**

	<u>Years of Experience</u>	<u>10-Month Salary</u>
31	0	\$23,100
32	1	23,520
33	2	23,950
34	3	25,910
35	4	26,650
36	5	27,130
37	6	27,620
38	7	28,110
39	8	29,140
40	9	29,640
41	10	30,160
42	11	30,690
43	12	31,230

1	13	31,780
2	14	32,340
3	15	32,910
4	16	33,490
5	17	34,090
6	18	34,700
7	19	35,330
8	20	35,960
9	21	36,600
10	22	37,250
11	23	37,920
12	24	38,610
13	25	39,310
14	26	40,020
15	27+	40,750

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

	<u>Years of Experience</u>	<u>10-Month Salary</u>
21	0	\$24,050
22	1	24,470
23	2	24,900
24	3	27,580
25	4	428,500
26	5	528,980
27	6	629,470
28	7	729,960
29	8	831,350
30	9	931,850
31	10	32,370
32	11	32,900
33	12	33,440
34	13	33,990
35	14	34,550
36	15	35,120
37	16	35,700
38	17	36,300
39	18	36,910
40	19	37,540
41	20	38,170
42	21	38,810
43	22	39,460

1	23	40,130
2	24	40,820
3	25	41,520
4	26+	42,230

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

	<u>Years of Experience</u>	<u>10-Month Salary</u>
10	0	\$25,000
11		125,420
12		225,850
13		329,050
14		430,000
15		530,580
16		631,070
17		731,560
18		833,210
19		933,710
20	10	34,230
21	11	34,760
22	12	35,300
23	13	35,850
24	14	36,410
25	15	36,980
26	16	37,560
27	17	38,160
28	18	38,770
29	19	39,400
30	20	40,030
31	21	40,670
32	22	41,320
33	23	41,990
34	24	42,680
35	25+	43,380

36  
37 (b) To further implement this plan, it is the goal of the General Assembly to  
38 increase longevity pay for teachers with 25 or more years of State service to four and  
39 one-half percent (4.5%) of base salary, the same level as for State employees.

40 (c) To further implement this plan, it is the goal of the General Assembly to set  
41 aside a deferred bonus of two thousand five hundred dollars (\$2,500) for teachers in their  
42 eighth year of teaching. The teachers can earn this deferred bonus by continuing to teach  
43 through their thirteenth year of teaching.

1 In order to phase in this bonus for the 1997-98 school year, deferred bonuses of  
2 lesser amounts would be set aside for teachers in their ninth through their twelfth year of  
3 teaching during the 1997-98 school year, in accordance with the following chart:  
4

<u>Years of Service,</u>	<u>Amount of Bonus</u>
<u>During the 1997-98</u>	
<u>School Year</u>	
8 years	\$2,500
9 years	2,000
10 years	1,500
11 years	1,000
12 years	500

13 At the end of the thirteenth year of teaching, the teacher could either receive the bonus  
14 plus interest in a lump sum or have the funds placed in a tax-deferred retirement account.  
15

## 16 **VII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL** 17 **ASSIGNMENTS**

### 18 **A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES"BY** 19 **THE STATE BOARD OF EDUCATION**

20 Section 16. (a) The State Board of Education, after consultation with the  
21 Board of Governors of The University of North Carolina and the North Carolina  
22 Professional Teaching Standards Commission, shall develop a new category of teacher  
23 certificate known as the "Masters/Advanced Competencies"certificate. To receive this  
24 certificate, an applicant shall successfully complete a masters degree program that  
25 includes rigorous academic preparation in the skills and knowledge expected of a master  
26 teacher or otherwise demonstrate to the satisfaction of the State Board that the candidate  
27 has acquired the skills and knowledge expected of a master teacher.  
28

29 (b) Persons who qualify for a "G"certificate prior to September 1, 2000, shall  
30 be awarded a Masters/Advanced Competencies Certificate without meeting additional  
31 requirements. On and after September 1, 2000, no additional "G"certificates shall be  
32 awarded.

33 (c) The State Board of Education shall report to the Joint Legislative Education  
34 Oversight Committee prior to January 1, 1998, on its progress in implementing  
35 subsection (a) of this section.  
36

### 37 **B. BONUS PLAN FOR "MASTERS/ADVANCED** 38 **COMPETENCIES"AND FOR NBPTS CERTIFICATION**

39 Section 17. It is the goal of the General Assembly to increase significantly the  
40 salaries of teachers who attain a "Masters/Advanced Competencies"certificate and  
41 teachers are certified by the National Board for Professional Teaching Standards so as to  
42 provide an incentive for good teachers to become excellent teachers. In order to do so, it  
43 is further the goal of the General Assembly to enact, for the 1997-98 school year, a salary

1 schedule plan that will provide a twelve percent (12%) bonus for teachers who attain  
2 NBPTS certification. It is further the goal of the General Assembly to enact by the year  
3 2000 a salary schedule plan that will provide a ten percent (10%) bonus to teachers who  
4 attain a "Masters/Advanced Competencies" certification. With these bonuses, the top  
5 salary under the plan for teachers with both the "Masters/Advanced  
6 Competencies" certification and the NBPTS certification would be a minimum of fifty-  
7 three thousand dollars (\$53,000) a year by the year 2000.

#### 8 9 **C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM**

10 Section 18. It is the goal of the General Assembly to continue to pay for the  
11 National Board for Professional Teaching Standards (NBPTS) participation fee and for  
12 up to three days of approved paid leave for teachers participating in the NBPTS program  
13 during the 1997-98 school year and the 1998-99 school year and thereafter for teachers in  
14 the public schools.

#### 15 16 **D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S 17 PROGRAM**

18 Section 19. It is the goal of the General Assembly to provide school-based  
19 incentive awards under the ABC's Program to schools at which students achieve higher  
20 than expected improvements in the basics and the skills they need to get a good job. In  
21 accordance with the State Board of Education policy, incentive awards may be up to one  
22 thousand dollars (\$1,000) for each teacher and up to five hundred dollars (\$500.00) for  
23 each teacher assistant.

24 It is further the goal of the General Assembly to provide funds to provide  
25 assistance teams to low-performing schools.

#### 26 27 **E. EXTRA PAY FOR MENTOR TEACHERS**

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

#### 33 34 **F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT**

35 Section 21. It is the goal of the General Assembly to compensate every newly  
36 certified teacher for three additional days of employment for orientation and classroom  
37 preparation.

#### 38 39 **G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT**

40 Section 22. It is the goal of the General Assembly to provide funds for  
41 teachers' participation in professional development related to standards and accountability  
42 consistent with the State education policies. The funds should be used for teacher  
43 development programs that enable teachers to renew continually their knowledge and

1 professional skills, programs that train principals and master teachers to evaluate teachers  
2 with and without career status, programs that train mentors for beginning teachers, and  
3 other programs as directed by the State Board of Education.

#### 4 5 **H. EXTRA PAY FOR EXTRA DAYS**

6 Section 23. It is the goal of the General Assembly to provide funds to enable  
7 school systems to utilize better the teacher workdays within the calendar for planning,  
8 staff development, remediation, and other purposes. These funds shall be used to pay  
9 teachers for working on, and thereby forfeiting, vacation days.

#### 10 11 **I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL** 12 **RESPONSIBILITIES**

13 Section 24. It is the goal of the General Assembly to provide funds to  
14 compensate teachers for additional assignments and responsibilities for additional  
15 workdays outside of the school calendar. These funds should be allocated to local school  
16 administrative units on the basis of average daily membership. The local board should  
17 use one-half of the funds on the recommendation of the local superintendent and one-half  
18 on the recommendation of school improvement teams. These funds could be used to  
19 compensate teachers for purposes such as teaching after-school or Saturday academies  
20 for students at risk of academic failure, developing curriculum, participating in teacher  
21 training and development outside of the school calendar, and teaching Saturday to  
22 students needing additional instructional opportunities.

#### 23 24 **VIII. FUNDS FOR COMPUTER SYSTEMS**

25 Section 25. G.S. 115C-546.1(a) reads as rewritten:

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

29 Section 26. G.S. 115C-546.2 reads as rewritten:

30 "**§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General**  
31 **Fund; matching requirements.**

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

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

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

4 In the event a county finds that it does not need all or part of the funds allocated to it  
5 for capital outlay projects including the planning, construction, reconstruction,  
6 enlargement, improvement, repair, or renovation of public school ~~buildings or buildings,~~  
7 for the purchase of land for public school buildings, or for equipment to implement a  
8 local school technology plan, the unneeded funds allocated to that county may be used to  
9 retire any indebtedness incurred by the county for public school facilities.

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

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

25 Revenue received from local sales and use taxes that is restricted for public school  
26 capital outlay purposes pursuant to G.S. 105-502 or G.S. 105-487 may be used to meet  
27 the local matching requirement. Funds expended by a county after July 1, 1986, for land  
28 acquisition, engineering fees, architectural fees, or other directly related costs for a public  
29 school building capital project that was not completed prior to July 1, 1987, may be used  
30 to meet the local match requirement."  
31

## 32 IX. MISCELLANEOUS PROVISIONS

### 34 A. CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT LIMIT 35 TEXT

36 Section 27. The series of captions used in this act (the descriptive phrases in  
37 boldface and capital letters) are inserted for convenience and reference only, and they in  
38 no way define, limit, or prescribe the scope or application of the text of this act.  
39

### 40 B. NO APPROPRIATIONS REQUIRED BY ACT

41 Section 28. This act shall not be construed to obligate the General Assembly  
42 to appropriate any funds to implement the provisions of this act. Nothing in Sections 15  
43 through 24 of this act shall be construed to create any rights or causes of action.

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**C. EFFECTIVE DATES**

Section 29. This act is effective when it becomes law.