

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 272\*

Education/Higher Education Committee Substitute Adopted 3/24/97

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Short Title: Excellent Schools Act.

(Public)

Sponsors:

Referred to:

February 27, 1997

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

The General Assembly of North Carolina enacts:

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

\*\*\*\*\*

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

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

1 Section 2. The State Board of Education shall report to the Joint Legislative  
2 Education Oversight Committee prior to September 15, 1997, and prior to February 15,  
3 1998, on its comprehensive plan to raise student performance standards in reading,  
4 writing, and mathematics. The reports shall include (i) comparisons of current standards  
5 and the State Board's plan to raise student performance expectations as outlined in the  
6 ABC's initiative, the standard course of study, the work of the North Carolina Education  
7 Standards and Accountability Commission, and the work of the National Assessment of  
8 Educational Progress (NAEP), and (ii) specific details and timetables on the State Board's  
9 efforts to establish student performance benchmarks at grades four, eight, ten, and twelve.

## 10 11 **II. RIGOROUS STANDARDS FOR ENTERING THE TEACHING** 12 **PROFESSION**

### 13 14 **A. ENHANCED STANDARDS FOR TEACHER PREPARATION** 15 **PROGRAMS**

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

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

35 The standards for approval of institutions of teacher education shall require that  
36 teacher education programs for students who do not major in special education include  
37 courses in the identification and education of children with learning disabilities. The  
38 State Board of Education shall incorporate the criteria developed in accordance with G.S.  
39 116-74.21 for assessing proposals under the School Administrator Training Program into  
40 its school administrator program approval standards."

### 41 42 **B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS**

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

1       "(a) The State Board of Education shall have entire control of certifying all  
2 applicants for teaching positions in all public elementary and high schools of North  
3 Carolina; and it shall prescribe the rules and regulations for the renewal and extension of  
4 all certificates and shall determine and fix the salary for each grade and type of certificate  
5 which it authorizes: Provided, that the State Board of Education shall require each  
6 applicant for an initial ~~certificate or bachelors degree certificate or graduate degree~~  
7 certificate to demonstrate his academic and professional preparation by achieving a  
8 prescribed minimum score at least equivalent to that required by the Board on November 30,  
9 1972, on a standard examination appropriate and adequate for that purpose: Provided,  
10 further, that in the event the Board shall specify the National Teachers Examination for this  
11 purpose, the required minimum score shall not be lower than that which the Board required on  
12 November 30, 1972: Provided, further, that the State Board of Education shall not decrease the  
13 certification standards for physical education teachers or health education teachers below the  
14 standards in effect on June 1, 1988. purpose. The General Assembly urges the State Board  
15 of Education, in consultation with the North Carolina Professional Teaching Standards  
16 Commission, to continue to make the standard examination more rigorous and to raise the  
17 prescribed minimum score as necessary to ensure that each applicant has adequate  
18 academic and professional preparation to teach."

### 19 20           C.       REPORT ON ENHANCEMENT OF STANDARDS

21           Section 5. The State Board of Education shall report to the Joint Legislative  
22 Education Oversight Committee prior to February 15, 1998, on plans and actions taken  
23 pursuant to Sections 3 and 4 of this act to enhance standards for entering the teaching  
24 profession and for receiving State Board certification.

### 25 26           III.     RIGOROUS           STANDARDS           FOR           CONTINUING 27                     CERTIFICATION

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

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

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

1 experience, and certificate renewal every five years thereafter. The State Board of  
2 Education, as lead agency in coordination and cooperation with The University Board of  
3 Governors, the Board of Community Colleges, and such other public and private agencies  
4 as are necessary, and in consultation with the North Carolina Professional Teaching  
5 Standards Commission, shall also continue to raise the standard for entry into institutions  
6 of teacher education and lengthen and enhance the internship period required of students  
7 in institutions of teacher education.

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

14 (b) The State Board of Education shall report to the Joint Legislative Education  
15 Oversight Committee by March 15, 1998, on the proposed new standards for continuing  
16 certification. The State Board of Education shall adopt new standards for continuing  
17 certification by May 15, 1998.

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

## 20 21 **B. ENHANCED STANDARDS FOR CONTINUING** 22 **CERTIFICATION**

23 Section 7. The State Board of Education, in consultation with the North  
24 Carolina Professional Teaching Standards Commission, local boards of education, and  
25 the Board of Governors of The University of North Carolina, shall reevaluate and  
26 enhance the requirements for continuing certification. The State Board shall consider  
27 modifications to the continuing certification process to align it with State education goals  
28 and to make it a performance-based system in which portfolios, videos, and evaluations  
29 by National Board Certified or other excellent teachers are considered. The State Board  
30 shall report to the Joint Legislative Education Oversight Committee prior to February 15,  
31 1998, on the results of this study and on any actions taken to make renewal of teacher  
32 certificates more rigorous.

## 33 34 **IV. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT** 35 **BEFORE CAREER STATUS IS CONSIDERED**

### 36 37 **A. MENTORS PROVIDED FOR ALL BEGINNING TEACHERS**

38 Section 8. The State Board of Education shall develop a mentor program that  
39 will recognize the achievements of excellent, experienced teachers and will provide each  
40 initially certified teacher with a qualified and well-trained mentor. The State Board shall  
41 report to the Joint Legislative Education Oversight Committee prior to February 15,  
42 1998, on its progress in developing this program.

1           **B.     RIGOROUS AND MORE FREQUENT EVALUATIONS BY**  
2           **WELL-**  
3           **TRAINED EVALUATORS BEFORE CAREER STATUS IS**  
4           **CONSIDERED**

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

6           "(a) The State Board of Education, in consultation with the North Carolina  
7 Standards Board for Public School Administration, the North Carolina Professional  
8 Teaching Standards Commission, and local boards of education, shall develop uniform  
9 performance standards and criteria to be used in evaluating professional public school  
10 employees. The State Board of Education shall take into consideration standards  
11 developed by the National Board for Professional Teaching Standards when developing  
12 the criteria to be used in evaluating professional public school employees. It shall  
13 develop rules to recommend the use of these standards and criteria in the employee  
14 evaluation process. The performance standards and criteria may be modified ~~in~~ at the  
15 discretion of the State Board.

16           The State Board of Education, in collaboration with the Board of Governors of The  
17 University of North Carolina and in consultation with the North Carolina Standards  
18 Board for Public School Administration, the North Carolina Professional Teaching  
19 Standards Commission, and local boards of education shall also develop programs to  
20 train administrators and others to improve the evaluation and supervision of professional  
21 public school employees.

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

34           (b) The State Board of Education shall report to the Joint Legislative Education  
35 Oversight Committee by March 15, 1998, on the proposed revisions to the uniform  
36 performance standards and criteria to be used in evaluating professional public school  
37 employees. The State Board of Education shall adopt the new performance standards and  
38 criteria by May 15, 1998.

39  
40           **C.     CAREER STATUS DECISION TO BE MADE ONE YEAR**  
41           **AFTER CONTINUING CERTIFICATION AWARDED**

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

- 1        (c)               (1)       Election of a Teacher to Career Status. – Except as otherwise  
2                           provided in subdivision (3) of this subsection, when a teacher will  
3                           have been employed by a North Carolina public school system for  
4                           ~~three-four~~ consecutive years, the board, near the end of the ~~third-fourth~~  
5                           year, shall vote upon his employment for the next school year. The  
6                           board shall give him written notice of that decision by June 1 of his  
7                           ~~third-fourth~~ year of employment. If a majority of the board votes to  
8                           reemploy the teacher, and if it has notified him of the decision, it may  
9                           not rescind that action but must proceed under the provisions of this  
10                          section for the demotion or dismissal of a teacher if it decides to  
11                          terminate his employment. If a majority of the board votes against  
12                          reemploying the teacher, he shall not teach beyond the current school  
13                          term. If the board fails to vote on granting career status but reemploys  
14                          him for the next year, he automatically becomes a career teacher on  
15                          the first day of the ~~fourth-fifth~~ year of employment.  
16                          A year, for purposes of computing time as a probationary teacher,  
17                          shall be not less than 120 workdays performed as a full-time, permanent  
18                          teacher in a normal school year.
- 19               (2)       Employment of a Career Teacher. – A teacher who has obtained career  
20                           status in any North Carolina public school system need not serve  
21                           another probationary period of more than two years, and may, at the  
22                           option of the board, be employed immediately as a career teacher. In  
23                           any event, if the teacher is reemployed for a third consecutive school  
24                           year, he shall automatically become a career teacher. A teacher with  
25                           career status who resigns and within five years is reemployed by the  
26                           same local school administrative unit need not serve another  
27                           probationary period of more than one school year and may, at the option  
28                           of the board, be reemployed as a career teacher. In any event, if he is  
29                           reemployed for a second consecutive school year, he shall automatically  
30                           become a career teacher.
- 31               (3)       Ineligible for Career Status. – No employee of a local board of  
32                           education except a teacher as defined by G.S. 115C-325(a)(6) is eligible  
33                           to obtain career status or continue in a career status if he no longer  
34                           performs the responsibilities of a teacher as defined in G.S. 115C-  
35                           325(a)(6). No person who is working in a principal or supervisor  
36                           position who did not acquire career status as a school administrator by  
37                           June 30, 1997, shall have career status as an administrator. Further, no  
38                           director or assistant principal is eligible to obtain career status as a  
39                           school administrator unless he or she has already been conferred that  
40                           status by the local board of education.
- 41               (4)       Leave of Absence. – A career teacher who has been granted a leave of  
42                           absence by a board shall maintain his career status if he returns to his  
43                           teaching position at the end of the authorized leave."



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

3  
4 **V. ADDITIONAL PROFESSIONAL DEVELOPMENT**  
5 **OPPORTUNITIES AND TOUGHER STANDARDS FOR**  
6 **TEACHERS WITH CAREER STATUS**

7  
8 **A. MEANINGFUL AND CONTINUED PROFESSIONAL**  
9 **DEVELOPMENT FOR TEACHERS**

10 Section 11. The State Board of Education, in consultation with the Board of  
11 Governors of The University of North Carolina and the North Carolina Professional  
12 Teaching Standards Commission, shall study methods for providing meaningful  
13 professional development opportunities, which are aligned with State education goals, for  
14 each teacher. The State Board shall report the results of this study to the Joint Legislative  
15 Education Oversight Committee prior to February 15, 1998.

16  
17 **B. TENURE STREAMLINED TO PROVIDE A FAIR AND**  
18 **EFFICIENT PROCESS FOR REMOVING POOR TEACHERS**  
19 **FROM THE CLASSROOM**

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

22 **"§ 115C-325. System of employment for public school teachers.**

23 "(a) Definition of Terms. – As used in this section unless the context requires  
24 otherwise:

25 (1a) 'Career employee' as used in this section means:

- 26 a. An employee who has obtained career status with that local  
27 board as a teacher as provided in G.S. 115C-325(c);  
28 b. An employee who has obtained career status with that local  
29 board in an administrative position as provided in G.S. 115C-  
30 325(d)(2);  
31 c. A probationary teacher during the term of the contract as  
32 provided in G.S. 115C-325(m); and  
33 d. A school administrator during the term of a school administrator  
34 contract as provided in G.S. 115C-287.1(c).

35 (1b) 'Career school administrator' means a school administrator who has  
36 obtained career status in an administrative position as provided in G.S.  
37 115C-325(d)(2).

38 (1)

39 (1c) 'Career teacher' means a teacher who has obtained career status as  
40 provided in G.S. 115C-325(c).

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

- 1 (3) 'Day' means calendar day. In computing any period of time, Rule 6 of  
2 the North Carolina Rules of Civil Procedure shall apply.
- 3 (4) 'Demote' means to reduce the ~~compensation~~ salary of a person who is  
4 classified or paid by the State Board of Education as a classroom  
5 ~~teacher, teacher or as a school administrator. or to transfer him to a new~~  
6 ~~position carrying a lower salary, or to suspend him without pay to a maximum~~  
7 ~~of 60 days; provided, however, that a suspension without pay pursuant to the~~  
8 ~~provisions of G.S. 115C-325(f) shall not be considered a demotion.—The~~  
9 ~~word 'demote' does not include a reduction in compensation that results~~  
10 ~~from the elimination of a special duty, such as the duty of an athletic coach,~~  
11 ~~assistant principal, or a choral director. include: (i) a suspension without~~  
12 ~~pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction~~  
13 ~~of bonus payments, including merit-based supplements, or a systemwide~~  
14 ~~modification in the amount of any applicable local supplement; or (iii)~~  
15 ~~any reduction in salary that results from the elimination of a special~~  
16 ~~duty, such as the duty of an athletic coach or a choral director.~~
- 17 (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or  
18 school administrator without pay up to a maximum of 60 days pursuant  
19 to G.S. 115C-325(f)(2).
- 20 (5) 'Probationary teacher' means a certificated person, other than a  
21 superintendent, associate superintendent, or assistant superintendent,  
22 who has not obtained career-teacher status and whose major  
23 responsibility is to teach or to supervise teaching.
- 24 (6) 'Teacher' means a person who holds at least a current, not expired, Class  
25 A certificate or a regular, not provisional or expired, vocational  
26 certificate issued by the Department of Public Instruction; whose major  
27 responsibility is to teach or directly supervise teaching or who is  
28 classified by the State Board of Education or is paid as a classroom  
29 teacher; and who is employed to fill a full-time, permanent position.
- 30 (7) 'Year' for purposes of computing time as a probationary teacher shall be  
31 not less than 120 workdays performed as a teacher in a full-time  
32 permanent position in a school year.
- 33 (b) Personnel Files. – The superintendent shall maintain in his office a personnel  
34 file for each teacher that contains any complaint, commendation, or suggestion for  
35 correction or improvement about the teacher's professional conduct, except that the  
36 superintendent may elect not to place in a teacher's file (i) a letter of complaint that  
37 contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint  
38 when there is no documentation of an attempt to resolve the issue. The complaint,  
39 commendation, or suggestion shall be signed by the person who makes it and shall be  
40 placed in the teacher's file only after five days' notice to the teacher. Any denial or  
41 explanation relating to such complaint, commendation, or suggestion that the teacher  
42 desires to make shall be placed in the file. Any teacher may petition the local board of  
43 education to remove any information from his personnel file that he deems invalid,

1 irrelevant, or outdated. The board may order the superintendent to remove said  
2 information if it finds the information is invalid, irrelevant, or outdated.

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

11 (c) (1) Election of a Teacher to Career Status. – Except as otherwise  
12 provided in subdivision (3) of this subsection, when a teacher will  
13 have been employed by a North Carolina public school system for  
14 four consecutive years, the board, near the end of the fourth year, shall  
15 vote upon his employment for the next school year. The board shall  
16 give him written notice of that decision by June 1 of his fourth year of  
17 employment. If a majority of the board votes to reemploy the teacher,  
18 and if it has notified him of the decision, it may not rescind that action  
19 but must proceed under the provisions of this section for the demotion  
20 or dismissal of a teacher if it decides to terminate his employment. If a  
21 majority of the board votes against reemploying the teacher, he shall  
22 not teach beyond the current school term. If the board fails to vote on  
23 granting career status but reemploys him for the next year, he  
24 automatically becomes a career teacher on the first day of the fifth  
25 consecutive year of employment.

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

29 (2) Employment of a Career Teacher. – A teacher who has obtained career  
30 status in any North Carolina public school system need not serve  
31 another probationary period of more than two years, and may, at the  
32 option of the board, be employed immediately or after one year as a  
33 career teacher. In any event, if the teacher is reemployed for a third  
34 consecutive school year, he shall automatically become a career teacher.  
35 ~~A teacher with career status who resigns and within five years is reemployed~~  
36 ~~by the same local school administrative unit need not serve another~~  
37 ~~probationary period of more than one school year and may, at the option of~~  
38 ~~the board, be reemployed as a career teacher. In any event, if he is reemployed~~  
39 ~~for a second consecutive school year, he shall automatically become a career~~  
40 ~~teacher.~~

41 (3) Ineligible for Career Status. – No employee of a local board of  
42 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible  
43 to obtain career status or continue in a career status as a teacher if he no

1 longer performs the responsibilities of a teacher as defined in G.S.  
2 115C-325(a)(6). No person who is ~~working in a principal or supervisor~~  
3 ~~position employed as a school administrator as defined in G.S. 115C-~~  
4 ~~287.1(a)~~ who did not acquire career status as a school administrator by  
5 June 30, 1997, shall have career status as an administrator. Further, no  
6 director or assistant principal is eligible to obtain career status as a  
7 school administrator unless he or she has already been conferred that  
8 status by the local board of education.

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

12 (d) Career Teachers and Career Administrators.

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

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

19 b. Transfer of career administrators. – ~~Whether or not he has~~  
20 ~~previously attained career status as a teacher, a person who has~~  
21 ~~performed the duties of a principal in the school system for three~~  
22 ~~consecutive years or has performed the duties of a supervisor in~~  
23 ~~the school system for three consecutive years shall not be~~  
24 ~~transferred from that position to a lower paying administrative~~  
25 ~~position or to a lower paying nonadministrative position without~~  
26 ~~his consent except for the reasons given in G.S. 115C-325(e)(1)~~  
27 ~~and in accordance with the provisions for the dismissal of a~~  
28 ~~career teacher set out in this section. Transfer of a principal or a~~  
29 ~~supervisor is not a transfer to a lower paying position if the~~  
30 ~~principal's or supervisor's salary is maintained at the previous~~  
31 ~~salary amount. A school administrator who acquired career status~~  
32 ~~in an administrative position on or before June 30, 1997, may be~~  
33 ~~transferred from that position to any nonadministrative position~~  
34 ~~so long as the administrator's salary is maintained at the previous~~  
35 ~~salary amount.~~

36 c. Granting of career status in administrative positions. – Subject to  
37 G.S. 115C-287.1, when ~~When~~ a teacher has performed the duties  
38 of supervisor or principal for three consecutive years, the board,  
39 near the end of the third year, shall vote upon his employment for  
40 the next school year. The board shall give him written notice of  
41 that decision by June 1 of his third year of employment as a  
42 supervisor or principal. If a majority of the board votes to  
43 reemploy the teacher as a principal or supervisor, and it has

1 notified him of that decision, it may not rescind that action but  
2 must proceed under the provisions of this section. If a majority of  
3 the board votes not to reemploy the teacher as a principal or  
4 supervisor, he shall retain career status as a teacher if that status  
5 was attained prior to assuming the duties of supervisor or  
6 principal. A supervisor or principal who has not held that  
7 position for three years and whose contract will not be renewed  
8 for the next school year shall be notified by June 1 and shall  
9 retain career status as a teacher if that status was attained prior to  
10 assuming the duties of supervisor or principal.

11 A year, for purposes of computing time as a probationary  
12 principal or supervisor, shall not be less than 145 workdays  
13 performed as a full-time, permanent principal or supervisor in a  
14 contract year.

15 A principal or supervisor who has obtained career status in  
16 that position in any North Carolina public school system may be  
17 required by the board of education in another school system to  
18 serve an additional three-year probationary period in that position  
19 before being eligible for career status. However, he may, at the  
20 option of the board of education, be granted career status  
21 immediately or after serving a probationary period of one or two  
22 additional years. A principal or supervisor with career status who  
23 resigns and within five years is reemployed by the same school  
24 system need not serve another probationary period in that  
25 position of more than two years and may, at the option of the  
26 board, be reemployed immediately as a career principal or  
27 supervisor or be given career status after only one year. In any  
28 event, if he is reemployed for a third consecutive year, he shall  
29 automatically become a career principal or supervisor.

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

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

- 33 a. Inadequate performance.
- 34 b. Immorality.
- 35 c. Insubordination.
- 36 d. Neglect of duty.
- 37 e. Physical or mental incapacity.
- 38 f. Habitual or excessive use of alcohol or nonmedical use of a  
39 controlled substance as defined in Article 5 of Chapter 90 of the  
40 General Statutes.
- 41 g. Conviction of a felony or a crime involving moral turpitude.

- 1 h. Advocating the overthrow of the government of the United States  
2 or of the State of North Carolina by force, violence, or other  
3 unlawful means.
- 4 i. Failure to fulfill the duties and responsibilities imposed upon  
5 teachers or school administrators by the General Statutes of this  
6 State.
- 7 j. Failure to comply with such reasonable requirements as the board  
8 may prescribe.
- 9 k. Any cause which constitutes grounds for the revocation of ~~such~~  
10 the career teacher's teaching certificate, certificate or the career  
11 school administrator's administrator certificate.
- 12 l. A justifiable decrease in the number of positions due to district  
13 reorganization, decreased enrollment, or decreased funding,  
14 provided that there is compliance with subdivision (2).
- 15 m. Failure to maintain his certificate in a current status.
- 16 n. Failure to repay money owed to the State in accordance with the  
17 provisions of Article 60, Chapter 143 of the General Statutes.
- 18 o. Providing false information or knowingly omitting a material fact  
19 on an application for employment or in response to a  
20 preemployment inquiry.

21 (2) Reduction in Force. – Before recommending to a board the dismissal or  
22 demotion of the career ~~teacher~~employee pursuant to G.S. 115C-  
23 325(e)(1)l., the superintendent shall give written notice to the career  
24 ~~teacher~~employee by certified mail or personal delivery of his intention  
25 to make such recommendation and shall set forth as part of his  
26 recommendation the grounds upon which he believes such dismissal or  
27 demotion is justified. The notice shall include a statement to the effect  
28 that if the ~~teacher~~career employee within 15 days after receipt of the  
29 notice requests a review, he shall be entitled to have the proposed  
30 recommendations of the superintendent reviewed by the board. Within  
31 the 15-day period after receipt of the notice, the career ~~teacher~~employee  
32 may file with the superintendent a written request for a hearing before  
33 the board within 10 days. If the ~~teacher~~career employee requests a  
34 hearing before the board, the hearing procedures provided in ~~G.S. 115C-~~  
35 ~~325(j)~~G.S. 115C-325(j3) shall be followed. If no request is made within  
36 the 15-day period, the superintendent may file his recommendation with  
37 the board. If, after considering the recommendation of the  
38 superintendent and the evidence adduced at the hearing if there is one,  
39 the board concludes that the grounds for the recommendation are true  
40 and substantiated by a preponderance of the evidence, the board, if it  
41 sees fit, may by resolution order such dismissal. Provisions of this  
42 section which permit ~~appointment of, and investigation and review by, a~~  
43 ~~panel of the Professional Review Committee~~a hearing by a case manager

1 shall not apply to a dismissal or demotion recommended pursuant to  
2 G.S. 115C-325(e)(1)l.

3 When a career ~~teacher-employee~~ is dismissed pursuant to G.S. 115C-  
4 325(e)(1)l. above, his name shall be placed on a list of available ~~teachers~~  
5 career employees to be maintained by the board. Career ~~teachers~~  
6 employees whose names are placed on such a list shall have a priority  
7 on all positions in which they acquired career status and for which they  
8 are qualified which become available in that system for the three  
9 consecutive years succeeding their dismissal. However, if the local  
10 school administrative unit offers the dismissed ~~teacher-career employee~~ a  
11 position for which he is certified and he refuses it, his name shall be  
12 removed from the priority list.

13 (3) Inadequate Performance. – In determining whether the professional  
14 performance of a career ~~teacher-employee~~ is adequate, consideration  
15 shall be given to regular and special evaluation reports prepared in  
16 accordance with the published policy of the employing local school  
17 administrative unit and to any published standards of performance  
18 which shall have been adopted by the board. Failure to notify a career  
19 ~~teacher-employee~~ of an inadequacy in his performance shall be  
20 conclusive evidence of satisfactory performance.

21 (4) Three-Year Limitation on Basis of Dismissal or Demotions. –  
22 Dismissal or demotion under subdivision (1) above, except ~~paragraph g~~  
23 paragraphs g. and o. thereof, shall not be based on conduct or actions  
24 which occurred more than three years before the written notice of the  
25 superintendent's intention to recommend dismissal or demotion is  
26 mailed to the ~~teacher-career employee~~. The three-year limitation shall not  
27 apply to dismissals or demotions pursuant to subdivision (1)b. above  
28 when the charge of immorality is based upon a ~~teacher's-career~~  
29 employee's sexual misconduct toward or sexual harassment of students  
30 or staff.

31 (f) (1) Suspension without Pay. – If a superintendent believes that  
32 cause exists for dismissing a ~~probationary or career teacher-employee~~  
33 for any reason specified in G.S. 115C-325(e)(1)a. ~~through 115C-~~  
34 ~~325(e)(1)j.~~ and that immediate suspension of the ~~teacher-career~~  
35 employee is necessary, the superintendent may suspend him without  
36 pay. Before suspending a ~~teacher-career employee~~ without pay, the  
37 superintendent shall meet with the ~~teacher-career employee~~ and give  
38 him written notice of the charges against him, an explanation of the  
39 bases for the charges, and an opportunity to respond. Within five days  
40 after a suspension under this paragraph, the superintendent shall  
41 initiate a ~~dismissal-dismissal, demotion, or disciplinary suspension~~  
42 without pay as provided in this section. If it is finally determined that  
43 no grounds for ~~dismissal-dismissal, demotion, or disciplinary~~

1            suspension without pay exist, the ~~teacher~~ career employee shall be  
2            reinstated ~~immediately and immediately~~, shall be paid for the period of  
3            suspension, and all records of the suspension with pay shall be  
4            removed from the career employee's personnel file.

5            (2) Disciplinary Suspension Without Pay. – A ~~teacher~~ career employee  
6            recommended for suspension without pay pursuant to G.S. ~~115C-~~  
7            ~~325(a)(4)-115C-325(a)(4a)~~ may request a hearing before the board. ~~If the~~  
8            ~~teacher requests a hearing before the board, the procedures provided in G.S.~~  
9            ~~115C-325(j)~~ shall be followed. If no request is made within 15 days, the  
10           superintendent may file his recommendation with the board. If, after  
11           considering the recommendation of the superintendent and the evidence  
12           adduced at the hearing if one is held, the board concludes that the  
13           grounds for the recommendation are true and substantiated by a  
14           preponderance of the evidence, the board, if it sees fit, may by  
15           resolution order such suspension. ~~Provisions of this section which permit~~  
16           ~~appointment of, and investigation and review by, a panel of the Professional~~  
17           ~~Review Committee shall not apply to a suspension without pay pursuant to~~  
18           ~~G.S. 115C-325(a)(4).~~

19           a. Board hearing for disciplinary suspensions for greater than 10  
20           days or for certain types of intentional misconduct. – The  
21           procedures for a board hearing under G.S. 115C-325(j3) shall  
22           apply if any of the following circumstances exist:

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

25           2. The disciplinary suspension is for intentional misconduct,  
26           such as inappropriate sexual or physical conduct,  
27           immorality, insubordination, habitual or excessive alcohol  
28           or nonmedical use of a controlled substance, as defined in  
29           Article 5 of Chapter 90 of the General Statutes, any cause  
30           which constitutes grounds for the revocation of the  
31           teacher's license, or providing false information.

32           b. Board hearing for disciplinary suspensions of up to 10 days. –  
33           The procedures provided in G.S. 115C-325(j2) shall be followed  
34           for all disciplinary suspensions up to 10 days that are not for  
35           intentional misconduct as specified in G.S. 115C-325(f)(2)a.2.  
36           In addition, the superintendent shall provide the career employee  
37           with any documentary evidence the superintendent intends to use  
38           to support his recommendation seven days before the hearing,  
39           and the career employee shall provide the superintendent with  
40           any documentary evidence to rebut the superintendent's  
41           recommendation three days before the hearing.

42           (f1) Suspension with Pay. – If a superintendent believes that cause may exist for  
43           dismissing or demoting a ~~probationary or~~ career ~~teacher~~ employee for any reasons



1 specified in G.S. 115C-325(e)(1)~~b through 115C-325(e)(1)j~~, but that additional  
2 investigation of the facts is necessary and circumstances are such that the ~~teacher-career~~  
3 employee should be removed immediately from his duties, the superintendent may  
4 suspend the ~~teacher-career employee~~ with pay for a reasonable period of time, not to  
5 exceed 90 days. The superintendent shall ~~immediately~~ notify the board of education  
6 within two days of his action and shall notify the career employee within two days of the  
7 action and the reasons for it. If the superintendent has not initiated dismissal or demotion  
8 proceedings against the ~~teacher-career employee~~ within the 90-day period, the ~~teacher~~  
9 career employee shall be reinstated to his duties immediately and all records of the  
10 suspension with pay shall be removed from the ~~teacher's-career employee's~~ personnel file  
11 at his ~~request~~. request: provided, however, if the superintendent and the employee have  
12 agreed to extend the 90-day period, the superintendent may initiate dismissal or  
13 demotion proceedings against the career employee at any time during the period of the  
14 extension.

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

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

32 (2) ~~The Superintendent of Public Instruction shall provide for the~~  
33 ~~Committee such training as he considers necessary or desirable for the~~  
34 ~~purpose of enabling the members of the Committee to perform the~~  
35 ~~functions required of them.~~

36 (3) ~~The compensation of committee members while serving as a member of~~  
37 ~~a hearing panel shall be as for State boards and commissions pursuant to~~  
38 ~~G.S. 138-5. The compensation shall be paid by the State Board of~~  
39 ~~Education.~~

40 (h) Procedure for Dismissal or Demotion of Career TeacherEmployee.

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

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

1 review the proposed recommendations of the superintendent for the  
2 purpose of determining whether in its opinion the grounds for the  
3 recommendation are true and substantiated. The teacher or principal  
4 making the request for review shall have the right to require that at least  
5 two members of the panel shall be members of his professional peer  
6 group.

7 (5) If the career employee elects to request a hearing by a case manager, the  
8 career employee and superintendent shall each have the right to  
9 eliminate up to one-third of the names on the approved list of case  
10 managers. The career employee shall specify to the Superintendent of  
11 Public Instruction those case managers who are not acceptable in his  
12 request for a review of the superintendent's proposed recommendation  
13 provided for in G.S. 115C-325(h)(3). The superintendent and career  
14 employee may jointly select a person to serve as case manager. Such  
15 person need not be on the master list of case managers maintained by  
16 the Superintendent of Public Instruction.

17 (6) If a career employee requests a review by a case manager, the  
18 superintendent shall notify the Superintendent of Public Instruction  
19 within three days of receipt of such request. The notice shall contain a  
20 list of those case managers eliminated from the master list by the career  
21 employee and the superintendent and the name of a person, if any,  
22 jointly selected. Failure to exercise the right to eliminate names from  
23 the master list shall constitute a waiver of that right.

24 (7) The Superintendent of Public Instruction shall select a case manager  
25 within three days of notice from the superintendent. The Superintendent  
26 of Public Instruction shall designate the person jointly selected by the  
27 parties to serve as case manager provided such person agrees to serve as  
28 case manager and can meet the requirements for time frames for the  
29 hearing and report as provided in G.S. 115C-325(i1)(1). If a case  
30 manager was not jointly selected or if the case manager is not available,  
31 the Superintendent of Public Instruction shall select a case manager  
32 from the master list. No person eliminated by the career employee or  
33 superintendent shall be designated case manager.

34 (8) The superintendent and career employee shall provide each other with  
35 copies of all documents submitted to the Superintendent of Public  
36 Instruction or to the designated case manager.

37 (h1) Case Managers; Qualifications; Training; Compensation.

38 (1) Each year the Superintendent of Public Instruction shall select and  
39 maintain a master list of no more than 42 qualified case managers.

40 (2) Case managers shall be selected from persons who are certified as North  
41 Carolina Superior Court mediators, as an arbitrator by the American  
42 Arbitration Association, or comparable certification in alternative

1 dispute resolution, and who have completed a special training course for  
2 case managers approved by the State Board of Education.

3 (3) The compensation for a case manager shall be comparable to that paid  
4 for certified North Carolina Superior Court mediators. The  
5 compensation and reimbursement for expenses shall be paid by the State  
6 Board of Education.

7 ~~(i) Hearing by Panel of Professional Review Committee; Report; Action of~~  
8 ~~Superintendent; Review by Board.~~

9 ~~(1) The career teacher and superintendent will each have the right to~~  
10 ~~designate not more than 33 of the 132 members of the Professional~~  
11 ~~Review Committee as not acceptable to the teacher or superintendent~~  
12 ~~respectively. No person so designated shall be appointed to the panel.~~  
13 ~~The career teacher shall specify to the superintendent those Committee~~  
14 ~~members who are not acceptable in his request for a review of the~~  
15 ~~superintendent's proposed recommendations provided for in subdivision~~  
16 ~~(h)(3) above. The superintendent's notice to the Superintendent of~~  
17 ~~Public Instruction provided for in subdivision (h)(4) above shall contain~~  
18 ~~a list of those members of the Committee not acceptable to the~~  
19 ~~superintendent and the teacher respectively. Failure to designate~~  
20 ~~nonacceptable members in accordance with this subsection shall~~  
21 ~~constitute a waiver of that right.~~

22 ~~(2) As soon as possible after the time of its designation, the panel shall elect~~  
23 ~~a chairman and shall conduct a hearing in accordance with G.S. 115C-~~  
24 ~~325(j) for the purpose of determining whether the grounds for the~~  
25 ~~recommendation are true and substantiated. The panel shall be furnished~~  
26 ~~assistance reasonably required to conduct its hearing and shall be~~  
27 ~~empowered to subpoena and swear witnesses and to require them to~~  
28 ~~give testimony and to produce books and papers relevant to its~~  
29 ~~investigation.~~

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

35 ~~(4) When the panel has completed its hearing, it shall prepare a written~~  
36 ~~report and send it to the superintendent and teacher. The report shall~~  
37 ~~contain its findings as to whether or not the grounds for the~~  
38 ~~recommendation are true and substantiated by a preponderance of the~~  
39 ~~evidence, and a statement of the reasons for its findings. The panel shall~~  
40 ~~complete its hearing and prepare the report within 20 days from the time~~  
41 ~~of its designation, except in cases in which the panel finds that justice~~  
42 ~~requires that a greater time be spent in connection with the investigation~~  
43 ~~and the preparation of such report, and reports that finding to the~~

- 1 superintendent and the teacher: Provided, that such extension does not  
2 exceed 10 days.
- 3 (5) ~~Within five days after the superintendent receives the report of the~~  
4 ~~panel, the superintendent shall decide whether or not to submit a written~~  
5 ~~recommendation for dismissal to the board or to drop the charges~~  
6 ~~against the teacher and shall notify the teacher, in writing, of the~~  
7 ~~decision. Within five days after receiving the superintendent's notice of~~  
8 ~~his intent to recommend the teacher's dismissal to the board, the teacher~~  
9 ~~shall decide whether to request a hearing before the board and shall~~  
10 ~~notify the superintendent, in writing, of the decision. If the teacher~~  
11 ~~requests a hearing before the board, the superintendent shall submit his~~  
12 ~~written recommendation to the board with a copy to the teacher within~~  
13 ~~five days after receiving the teacher's request. The superintendent's~~  
14 ~~recommendation shall state the grounds for the recommendation and~~  
15 ~~shall be accompanied by a copy of the report of the panel of the~~  
16 ~~Committee.~~
- 17 (6) ~~Within seven days after receiving the superintendent's recommendation~~  
18 ~~and before taking any formal action, the board shall set a time and place~~  
19 ~~for the hearing and notify the teacher by certified mail of the date, time~~  
20 ~~and place of the hearing. The time specified shall not be less than seven~~  
21 ~~nor more than 20 days after the board has notified the teacher. If the~~  
22 ~~teacher did not request a hearing, the board may, by resolution, dismiss~~  
23 ~~the teacher. If the teacher can show that his request for a hearing was~~  
24 ~~postmarked within the time provided, his right to a hearing is not~~  
25 ~~forfeited.~~
- 26 (i1) Report of Case Manager; Superintendent's Recommendation.
- 27 (1) The case manager shall complete the hearing held in accordance with  
28 G.S. 115C-325(j) and prepare the report within 20 days from the time of  
29 the designation, except in cases in which the case manager finds that  
30 justice requires that a greater time be spent in connection with the  
31 investigation and the preparation of such report, and reports that finding  
32 to the superintendent and the career employee: Provided, that such  
33 extension does not exceed 10 days.
- 34 (2) The case manager shall make all necessary findings of fact, based upon  
35 the preponderance of the evidence, on all issues related to each and  
36 every ground for dismissal and on all relevant matters related to the  
37 question of whether the superintendent's recommendation is justified.  
38 The case manager also shall make a recommendation as to whether the  
39 findings of fact substantiate the superintendent's grounds for dismissal.  
40 The case manager shall deliver copies of the report to the superintendent  
41 and the career employee.
- 42 (3) Within three days after the superintendent receives the report of the case  
43 manager, the superintendent shall decide whether or not to submit a

1 written recommendation for dismissal, demotion, or disciplinary  
2 suspension without pay to the board or to drop the charges against the  
3 career employee and shall notify the career employee, in writing, of the  
4 decision.

- 5 (4) If the Superintendent contends that the case manager's report fails to  
6 address a critical factual issue, he shall, within seven days of his receipt  
7 of the case manager's report, request in writing with a copy to the career  
8 employee that the case manager prepare a supplement to his report. The  
9 superintendent shall specify what critical factual issue he contends the  
10 case manager failed to address. If the case manager determines that he  
11 failed to address a critical factual issue, he may prepare a supplement to  
12 his report to address such issue and cause the supplement to be  
13 delivered to both parties prior to the board hearing. The failure of the  
14 case manager to address a critical factual issue shall not constitute a  
15 basis for appeal.

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

- 19 (1) The hearing shall be private.  
20 (2) The hearing shall be conducted in accordance with any such reasonable  
21 rules and regulations as the board may adopt consistent with G.S. 115C-  
22 325, or if no rules have been adopted, in accordance with reasonable  
23 rules and regulations adopted by the State Board of Education to govern  
24 such hearings.  
25 (3) At the hearing the teacher-career employee and the superintendent shall  
26 have the right to be present and to be heard, to be represented by  
27 counsel and to present through witnesses any competent testimony  
28 relevant to the issue of whether grounds for dismissal or demotion exist  
29 or whether the procedures set forth in G.S. 115C-325 have been  
30 followed.  
31 (4) Rules of evidence shall not apply to a hearing conducted pursuant to this  
32 act and boards and panels of the Professional Review Committee the case  
33 manager may give probative effect to evidence that is of a kind  
34 commonly relied on by reasonably prudent persons in the conduct of  
35 serious affairs.  
36 (5) At least five-10 days before the hearing, the superintendent shall provide  
37 to the teacher-career employee a list of witnesses the superintendent  
38 intends to present, a brief statement of the nature of the testimony of  
39 each witness and a copy of any documentary evidence he intends to  
40 present. At least three-six days before the hearing, the teacher-career  
41 employee shall provide to the superintendent a list of witnesses the  
42 teacher-career employee intends to present, a brief statement of the  
43 nature of the testimony of each witness and a copy of any documentary

1 evidence he intends to present. Additional witnesses or documentary  
2 evidence may not be presented ~~except upon consent of both parties or upon~~  
3 ~~a majority vote of the board or panel.~~ upon a finding by the case manager  
4 that the new evidence is critical to the matter at issue and the person  
5 making the request could not, with reasonable diligence, have  
6 discovered and produced the evidence according to the schedule  
7 provided in this subdivision.

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

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

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

18 (j1) Board Determination.

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

29 (2) If the career employee contends that the case manager's report fails to  
30 address a critical factual issue, he shall, at the same time he notifies the  
31 superintendent of his request for a board hearing pursuant to G.S. 115C-  
32 325(j1)(1), request in writing with a copy to the superintendent that the  
33 case manager prepare a supplement to his report. The career employee  
34 shall specify what critical factual issue he contends the case manager  
35 failed to address. If the case manager determines that he failed to  
36 address a critical factual issue, he may prepare a supplement to his  
37 report to address such issue and cause the supplement to be delivered to  
38 both parties prior to the board hearing. The failure of the case manager  
39 to address a critical factual issue shall not constitute a basis for appeal.

40 (3) Within five days after receiving the superintendent's recommendation  
41 and before taking any formal action, the board shall set a time and place  
42 for the hearing and notify the career employee by certified mail or  
43 personal delivery of the date, time, and place of the hearing. The time

1 specified shall not be less than seven nor more than 20 days after the  
2 board has notified the career employee. If the career employee did not  
3 request a hearing, the board may, by resolution, reject the  
4 superintendent's decision, or accept or modify the decision and dismiss,  
5 demote, reinstate, or suspend the career employee without pay. If the  
6 career employee can show that his request for a hearing was postmarked  
7 within the time provided, his right to a hearing is not forfeited.

8 (4) If requested, a hearing shall be conducted in accordance with G.S.  
9 115C-325(j2).

10 (5) The board shall make a determination and may (i) reject the  
11 superintendent's recommendation or (ii) accept or modify the  
12 recommendation and dismiss, demote, reinstate, or suspend the  
13 employee without pay.

14 (6) Within five days following the hearing, the board shall send a written  
15 copy of its findings and determination to the career employee and  
16 superintendent.

17 (j2) Board Hearing. – The following procedures shall be applicable to a hearing  
18 conducted by the board:

19 (1) The hearing shall be private.

20 (2) The board shall receive the following:

21 a. The whole record from any hearing held by the case manager,  
22 including a transcript of the hearing, as well as any other records,  
23 exhibits, and documentary evidence submitted to the case  
24 manager at the hearing.

25 b. If a hearing was held, the case manager's findings of fact.

26 c. If a hearing was held, the case manager's recommendation as to  
27 whether grounds in G.S. 115C-325(e) submitted by the  
28 superintendent are substantiated.

29 d. If the career employee did not request a hearing before a case  
30 manager, the evidence before the board shall consist of any  
31 documentary evidence the superintendent intends to use to  
32 support his recommendation and any documentary evidence the  
33 career employee intends to use to rebut the superintendent's  
34 recommendation. The superintendent shall provide the  
35 documentary evidence to the career employee seven days before  
36 the hearing. The career employee shall provide the  
37 superintendent with the documentary evidence three days before  
38 the hearing. The board shall also receive evidence provided  
39 under sub-subdivisions e. and f. of this subdivision.

40 e. The superintendent's recommendation and the grounds for the  
41 recommendation.

42 f. The superintendent and career employee also may submit a  
43 written statement not less than three days prior to the hearing.



- 1           (3)    The superintendent and career employee shall be permitted to make oral  
2           arguments to the board based on the record before the board.
- 3           (4)    No new evidence may be presented at the review except upon a finding  
4           by the board that the new evidence is critical to the matter at issue and  
5           the person making the request could not, with reasonable diligence,  
6           have discovered and produced the evidence at the hearing before the  
7           case manager.
- 8           (5)    The board shall accept the case manager's findings of fact unless a  
9           majority of the board determines that the findings of fact are not  
10          supported by substantial evidence when reviewing the record as a  
11          whole. In such an event, the board shall make alternative findings of  
12          fact. If a majority of the board determines that the case manager did not  
13          address a critical factual issue, the board may remand the findings of  
14          fact to the case manager to complete the report to the board. If the case  
15          manager does not submit the report within seven days upon receipt of  
16          the board's request, the board may establish its own findings of fact on  
17          the critical factual issues not addressed by the case manager based upon  
18          a preponderance of the evidence.
- 19          (6)    The board need not provide a transcript of the hearing. If the board  
20          elects to make a transcript and if the career employee contemplates an  
21          appeal to a court of law, the career employee may request and shall  
22          receive at no charge a transcript of the proceedings. Nothing in this  
23          provision shall prevent the career employee from having the hearing  
24          transcribed by a court reporter at the employee's cost.
- 25          (j3)   Board Hearing for Disciplinary Suspensions for Greater Than 10 Days or for  
26          Certain Types of Intentional Misconduct. – The following procedures shall apply for a  
27          board hearing under G.S. 115C-325(f)(2)a:
- 28               (1)    The hearing shall be private.
- 29               (2)    The hearing shall be conducted in accordance with any reasonable rules  
30               adopted by the State Board of Education to govern such hearings.
- 31               (3)    At the hearing the career employee and the superintendent shall have the  
32               right to be present and to be heard, to be represented by counsel, and to  
33               present through witnesses any competent testimony relevant to the issue  
34               of whether grounds for a disciplinary suspension without pay under G.S.  
35               115C-325(f)(2)a. exist.
- 36               (4)    Rules of evidence shall not apply to a hearing under this subsection and  
37               the board may give probative effect to evidence that is of a kind  
38               commonly relied on by reasonably prudent persons in the conduct of  
39               serious affairs.
- 40               (5)    At least 10 days before the hearing, the superintendent shall provide to  
41               the career employee a list of witnesses the superintendent intends to  
42               present, a brief statement of the nature of the testimony of each witness,  
43               and a copy of any documentary evidence he intends to present. At least

1 six days before the hearing, the career employee shall provide the  
2 superintendent a list of witnesses the career employee intends to present,  
3 a brief statement of the nature of the testimony of each witness, and a  
4 copy of any documentary evidence he intends to present. No new  
5 evidence may be presented at the hearing except upon a finding by the  
6 board that the new evidence is critical to the matter at issue and the  
7 person making the request could not, with reasonable diligence, have  
8 discovered and produced the evidence according to the schedule  
9 provided in this subdivision.

10 (6) The board shall be empowered to subpoena and swear witnesses and to  
11 require them to give testimony and to produce records and documents  
12 relevant to the grounds for suspension without pay.

13 (7) The board shall decide all procedural issues necessary for a fair and  
14 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 an appeal of the board's decision to  
17 a court of law, the career employee may request and shall receive at no  
18 charge a transcript of the proceedings.

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

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

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

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

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

42 ~~(2) The procedure at the hearing shall be such as to permit and secure a full,~~  
43 ~~fair and orderly hearing and to permit all relevant competent evidence to~~

1 be received therein. The report of the panel of the committee shall be  
2 deemed to be competent evidence. A full record shall be kept of all  
3 evidence taken or offered at such hearing. Both counsel for the local  
4 school administrative unit and the career teacher or his counsel shall  
5 have the right to cross-examine witnesses.

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

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

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

28 (m) Probationary Teacher.

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

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

38 (n) **(See note)** Appeal. – Any teacher-career employee who has been dismissed or  
39 demoted pursuant to under G.S. 115C-325(e)(2), or pursuant to subsections (h), (k) or (l)  
40 under subsection (j2) of this section, or who has been suspended without pay pursuant to  
41 G.S. 115C-325(a)(4), under subdivision (a)(4a) of this section, or any school administrator  
42 whose contract is not renewed in accordance with G.S. 115C-287.1, or any probationary  
43 teacher whose contract is not renewed under subdivision (m)(2) of this section shall have

1 the right to appeal from the decision of the board to the superior court for the superior  
2 court district or set of districts as defined in G.S. 7A-41.1 in which the ~~teacher or school~~  
3 ~~administrator~~ career employee is employed. This appeal shall be filed within a period of  
4 30 days after notification of the decision of the board. The cost of preparing the transcript  
5 shall be borne by the board. A ~~teacher~~ career employee who has been demoted or  
6 dismissed, or a school administrator whose contract is not renewed, who has not  
7 requested a hearing before the board of education pursuant to this section shall not be  
8 entitled to judicial review of the board's action.

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

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

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

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

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

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

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

1 record to the State Board, with further right of judicial review under  
2 Chapter 150B of the General Statutes.

- 3 (2) Notwithstanding any other provision of this section or any other law,  
4 this subdivision shall govern the State Board's dismissal of teachers,  
5 assistant principals, directors, and supervisors assigned to schools that  
6 the State Board has identified as low-performing and to which the State  
7 Board has assigned an assistance team under Article 8B of this Chapter.  
8 The State Board shall dismiss a teacher, assistant principal, director, or  
9 supervisor when the State Board receives two consecutive evaluations  
10 that include written findings and recommendations regarding that  
11 person's inadequate performance from the assistance team. These  
12 findings and recommendations shall be substantial evidence of the  
13 inadequate performance of the teacher or school administrator.

14 The State Board may dismiss a teacher, assistant principal, director,  
15 or supervisor when:

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

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

- 30 (3) The State Board of Education or a local board may terminate the  
31 contract of a school administrator dismissed under this subsection.  
32 Nothing in this subsection shall prevent a local board from refusing to  
33 renew the contract of any person employed in a school identified as  
34 low-performing under G.S. 115C-105.37.

- 35 (4) Neither party to a school administrator contract is entitled to damages  
36 under this subsection.

- 37 (5) The State Board shall have the right to subpoena witnesses and  
38 documents on behalf of any party to the proceedings under this  
39 subsection."

- 40 (b) This section applies to proceedings initiated after January 1, 1998.

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

1 Section 13. The State Board of Education, in consultation with the North  
2 Carolina Professional Teaching Standards Commission, local boards of education, and  
3 the Board of Governors of The University of North Carolina, shall reevaluate and  
4 enhance the requirements for renewal of teacher certificates. The State Board shall  
5 consider modifications in the certificate renewal process to align the process with State  
6 education goals and to make it a mechanism for teachers to renew continually their  
7 knowledge and professional skills. The State Board of Education shall report to the Joint  
8 Legislative Oversight Committee by March 15, 1998, on the proposed new standards for  
9 the renewal of teacher certificates. The State Board of Education shall adopt new  
10 standards for the renewal of teacher certificates by May 15, 1998. The new standards  
11 adopted by the State Board shall apply to certificates that expire after July 1, 1998.

12 Section 14. The North Carolina Standards Board for Public School  
13 Administration, in consultation with the State Board of Education, local boards of  
14 education, and the Board of Governors of The University of North Carolina, shall  
15 recommend ways to modify the administrator recertification process to ensure that all  
16 schools have well-qualified administrators. The Standards Board shall report the results  
17 of this study to the Joint Legislative Education Oversight Committee prior to February  
18 15, 1998.

19  
20 VI. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY  
21 TEACHERS – HIGHER STARTING SALARY, SIGNIFICANT  
22 BUMPS IN THE SALARY SCHEDULE AT YEARS 3, 4, AND 8,  
23 DEFERRED BONUS SET ASIDE AT YEAR 8 AND PAID AT YEAR  
24 13, FEWER STEPS IN SALARY SCHEDULE, ENHANCED  
25 LONGEVITY PAY

26 Section 15. (a) It is the goal of the General Assembly to increase teacher salaries  
27 over the next four years so as to attract and retain excellent teachers in the public schools;  
28 therefore, it is the goal of the General Assembly to implement, over the upcoming four  
29 fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent  
30 (20%). This would bring the starting salary to at least twenty-five thousand dollars  
31 (\$25,000) by the year 2000. Under this plan, the salary schedule would also contain  
32 significant "bumps" at the third step, which is the point at which teachers have attained  
33 continuing certification; at the fourth step, which is the point at which teachers have  
34 received career status; and at the eighth step, which is the point at which teachers have  
35 attained certificate renewal.

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

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

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

	<u>Years of Experience</u>	<u>10-Month Salary</u>
1		
2		
3	0	\$22,150
4	1	122,570
5	2	223,000
6	3	324,360
7	4	424,950
8	5	525,430
9	6	625,920
10	7	726,410
11	8	827,140
12	9	927,640
13	10	28,160
14	11	28,690
15	12	29,230
16	13	29,780
17	14	30,340
18	15	30,910
19	16	31,490
20	17	32,090
21	18	32,700
22	19	33,330
23	20	33,960
24	21	34,600
25	22	35,250
26	23	35,920
27	24	36,610
28	25	37,310
29	26	38,020
30	27	38,750
31	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>
36		
37		
38	0	\$23,100
39	1	123,520
40	2	223,950
41	3	325,910
42	4	426,650
43	5	527,130

1	627,620
2	728,110
3	829,140
4	929,640
5	10 30,160
6	11 30,690
7	12 31,230
8	13 31,780
9	14 32,340
10	15 32,910
11	16 33,490
12	17 34,090
13	18 34,700
14	19 35,330
15	20 35,960
16	21 36,600
17	22 37,250
18	23 37,920
19	24 38,610
20	25 39,310
21	26 40,020
22	27+ 40,750

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

	<u>Years of Experience</u>	<u>10-Month Salary</u>
28	0	\$24,050
29		124,470
30		224,900
31		327,580
32		428,500
33		528,980
34		629,470
35		729,960
36		831,350
37		931,850
38	10	32,370
39	11	32,900
40	12	33,440
41	13	33,990
42	14	34,550
43	15	35,120



1	16	35,700
2	17	36,300
3	18	36,910
4	19	37,540
5	20	38,170
6	21	38,810
7	22	39,460
8	23	40,130
9	24	40,820
10	25	41,520
11	26+	42,230

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

	<u>Years of Experience</u>	<u>10-Month Salary</u>
15		
16		
17	0	\$25,000
18	1	25,420
19	2	25,850
20	3	29,050
21	4	30,100
22	5	30,580
23	6	31,070
24	7	31,560
25	8	33,210
26	9	33,710
27	10	34,230
28	11	34,760
29	12	35,300
30	13	35,850
31	14	36,410
32	15	36,980
33	16	37,560
34	17	38,160
35	18	38,770
36	19	39,400
37	20	40,030
38	21	40,670
39	22	41,320
40	23	41,990
41	24	42,680
42	25+	43,380
43		

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

4 (c) To further implement this plan, it is the goal of the General Assembly to set  
 5 aside a deferred bonus of two thousand five hundred dollars (\$2,500) for teachers in their  
 6 eighth year of teaching. The teachers can earn this deferred bonus by continuing to teach  
 7 through their thirteenth year of teaching and renewing their licenses during that five-year  
 8 period.

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

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

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

## 24 **VII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL** 25 **ASSIGNMENTS**

### 27 **A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY** 28 **THE STATE BOARD OF EDUCATION**

29 Section 16. (a) The State Board of Education, after consultation with the  
 30 Board of Governors of The University of North Carolina and the North Carolina  
 31 Professional Teaching Standards Commission, shall develop a new category of teacher  
 32 certificate known as the "Masters/Advanced Competencies" certificate. To receive this  
 33 certificate, an applicant shall successfully complete a masters degree program that  
 34 includes rigorous academic preparation in the skills and knowledge expected of a master  
 35 teacher or otherwise demonstrate to the satisfaction of the State Board that the candidate  
 36 has acquired the skills and knowledge expected of a master teacher.

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

41 (c) The State Board of Education shall report to the Joint Legislative Education  
 42 Oversight Committee prior to January 15, 1998, on its progress in implementing  
 43 subsection (a) of this section.

1  
2           **B.    BONUS        PLAN        FOR        "MASTERS/ADVANCED**  
3           **COMPETENCIES"AND FOR NBPTS CERTIFICATION**

4           Section 17. It is the goal of the General Assembly to increase significantly the  
5 salaries of teachers who attain a "Masters/Advanced Competencies" certificate and  
6 teachers who are certified by the National Board for Professional Teaching Standards so  
7 as to provide an incentive for good teachers to become excellent teachers. In order to do  
8 so, it is further the goal of the General Assembly to enact, for the 1997-98 school year, a  
9 salary schedule plan that will provide a twelve percent (12%) bonus for teachers who  
10 attain NBPTS certification. It is further the goal of the General Assembly to enact by the  
11 year 2000 and after the "Masters/Advanced Competencies" under Section 16(a) of this  
12 act have been developed, a salary schedule plan that will provide a ten percent (10%)  
13 bonus to teachers who attain a "Masters/Advanced Competencies" certification. With  
14 these bonuses, the top salary under the plan for teachers with both the  
15 "Masters/Advanced Competencies" certification and the NBPTS certification would be a  
16 minimum of fifty-three thousand dollars (\$53,000) a year by the year 2000.

17  
18           **C.    PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM**

19           Section 18. It is the goal of the General Assembly to continue to pay for the  
20 National Board for Professional Teaching Standards (NBPTS) participation fee and for  
21 up to three days of approved paid leave for eligible, State-paid teachers participating in  
22 the NBPTS program during the 1997-98 school year and the 1998-99 school year and  
23 thereafter for teachers in the public schools.

24  
25           **D.    SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S**  
26           **PROGRAM**

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

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

35  
36           **E.    EXTRA PAY FOR MENTOR TEACHERS**

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

42  
43           **F.    EXTRA PAY FOR NEW TEACHER DEVELOPMENT**

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

#### 4 5 G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT

6 Section 22. It is the goal of the General Assembly to provide funds for  
7 teachers' participation in professional development related to standards and accountability  
8 consistent with the State education policies. The funds should be used for teacher  
9 development programs that enable teachers to renew continually their knowledge and  
10 professional skills, programs that train principals and master teachers to evaluate teachers  
11 with and without career status, programs that train mentors for beginning teachers, and  
12 other programs as directed by the State Board of Education.

#### 13 14 H. EXTRA PAY FOR EXTRA DAYS

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

#### 19 20 I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL 21 RESPONSIBILITIES

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

#### 32 33 VIII. FUNDS FOR COMPUTER SYSTEMS

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

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

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

39 "**§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General  
40 Fund; matching requirements.**

41 (a) Monies in the Fund shall be allocated to the counties on a per average daily  
42 membership basis according to the average daily membership for the budget year as

1 determined and certified by the State Board of Education. Interest earned on funds  
2 allocated to each county shall be allocated to that county.

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

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

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

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

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

34 Revenue received from local sales and use taxes that is restricted for public school  
35 capital outlay purposes pursuant to G.S. 105-502 or G.S. 105-487 may be used to meet  
36 the local matching requirement. Funds expended by a county after July 1, 1986, for land  
37 acquisition, engineering fees, architectural fees, or other directly related costs for a public  
38 school building capital project that was not completed prior to July 1, 1987, may be used  
39 to meet the local match requirement."  
40

## 41 IX. MISCELLANEOUS PROVISIONS

42

1           **A. CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT**  
2           **LIMIT TEXT**

3           Section 27. The series of captions used in this act (the descriptive phrases in  
4 boldface and capital letters) are inserted for convenience and reference only, and they in  
5 no way define, limit, or prescribe the scope or application of the text of this act.  
6

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

8           Section 28. This act shall not be construed to obligate the General Assembly  
9 to appropriate any funds to implement the provisions of this act. Nothing in Sections 15  
10 through 24 of this act shall be construed to create any rights or causes of action.  
11

12           **C. EFFECTIVE DATES**

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