

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".

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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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8  
9           **I. PURPOSE OF THE EXCELLENT SCHOOLS ACT**

10  
11           Section 2. The purpose of The Excellent Schools Act is to improve student  
12 academic achievement. To accomplish this purpose, it is the goal of the General  
13 Assembly to: (i) concentrate student learning in the core academic areas; (ii) improve  
14 teacher skills and teacher knowledge as those skills and knowledge relate to improved  
15 student academic achievement; and (iii) reward teachers for their improved skills and  
16 knowledge and for improved student academic achievement. It is also the goal of the  
17 General Assembly to annually review the implementation of the revised and more  
18 rigorous teacher preparation, professional development, and certification standards  
19 developed by the State Board of Education in compliance with this act. Clear and  
20 specific evidence demonstrating identifiable progress toward implementing more  
21 rigorous teacher professional standards must exist on an annual basis before the General  
22 Assembly may consider continued implementation of this act.

23  
24           **II. EFFORTS TO RAISE STUDENT PERFORMANCE**  
25           **STANDARDS**

26  
27           Section 3. (a) Part 3 of Article 8B of Chapter 115C of the General Statutes is  
28 amended by adding the following new section to read:

29           "**§ 115C-105.38A. Teacher competency assurance.**

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

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

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

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

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

19          (c) Nothing in this section shall be construed to prohibit or postpone the ability of  
20          the State Board to dismiss a teacher, assistant principal, director, or supervisor for  
21          inadequate performance under G.S. 115C-325(q)(2)."

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

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

### 38 39 **III. RIGOROUS STANDARDS FOR ENTERING THE TEACHING** 40 **PROFESSION**

#### 41 42 **A. ENHANCED STANDARDS FOR TEACHER PREPARATION** 43 **PROGRAMS**

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

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

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

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

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

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

1 Board of Education shall develop a plan to be implemented beginning in the 1998-99  
2 school year to reward and sanction approved teacher education programs and masters of  
3 education programs and to revoke approval of those programs based on the annual  
4 performance reports and other criteria established by the State Board of Education.

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

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

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

20 (c) The State Board of Education, in coordination with the Board of Governors of  
21 The University of North Carolina, and independent colleges and universities that offer  
22 teacher education programs, shall conduct a comprehensive teacher supply and demand  
23 study. The study shall examine predicted trends over the course of the next decade and  
24 include information regarding the effect of teacher attrition rates on supply and demand.  
25 The study shall include information on characteristics of new teachers hired with teaching  
26 experience in other states and information regarding graduates of North Carolina schools  
27 of education who have not received certification. The survey also shall include school  
28 unit analysis and Southern Regional Education Board comparative analysis where  
29 appropriate. The State Board of Education shall report the results of the supply and  
30 demand study to the Joint Legislative Education Oversight Committee by November 15,  
31 1998.

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

## 37 38 **B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS**

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

40 "(a) The State Board of Education shall have entire control of certifying all  
41 applicants for teaching positions in all public elementary and high schools of North  
42 Carolina; and it shall prescribe the rules and regulations for the renewal and extension of  
43 all certificates and shall determine and fix the salary for each grade and type of certificate

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

#### 14 15 **C. REPORT ON ENHANCEMENT OF INITIAL CERTIFICATION** 16 **STANDARDS**

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

24 (b) By March 15, 1999, the State Board shall implement the July 6, 1994,  
25 admission standards for teacher education programs and initial certification requirements  
26 to the extent the State Board determines those standards and requirements are valid and  
27 consistent with the State goal of requiring rigorous professional requirements.  
28

#### 29 **IV. RIGOROUS STANDARDS FOR CONTINUING CERTIFICATION**

##### 30 31 **A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE YEAR**

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

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



1 approved programs. The certification program shall provide for initial certification after  
2 completion of preservice training, continuing certification after three years of teaching  
3 experience, and certificate renewal every five years thereafter.

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

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

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

18 (b) This section applies to teachers who have not received continuing certification  
19 prior to January 1, 1998.  
20

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

22 Section 8. The State Board of Education, in consultation with the Board of  
23 Governors of The University of North Carolina, shall evaluate and develop enhanced  
24 requirements for continuing certification. The new requirements shall reflect more  
25 rigorous standards for continuing certification and to the extent possible shall be aligned  
26 with quality professional development programs that reflect State priorities for improving  
27 student achievement. The State Board shall report to the Joint Legislative Education  
28 Oversight Committee by March 15, 1998, on the results of this evaluation. The State  
29 Board may consolidate the report required under this section with the report on Initial  
30 Certification required under Section 6 of this act and the report on Renewal of Teacher  
31 Certificates required under Section 14 of this act. The State Board of Education shall  
32 adopt new standards for continuing certification by May 15, 1998.  
33

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

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

38 Section 9. The State Board of Education shall develop a mentor program to  
39 provide ongoing support for teachers entering the profession. In developing the mentor  
40 program, the State Board shall conduct a comprehensive study of the needs of new  
41 teachers and how those needs can be met through an orientation and mentor support  
42 program. For the purpose of helping local boards to support new teachers, the State  
43

1 Board shall develop and distribute guidelines which address optimum teaching load,  
2 extracurricular duties, student assignment, and other working condition considerations.  
3 The State Board also shall develop and coordinate a mentor teacher training program.  
4 The State Board shall develop criteria for selecting excellent, experienced, and qualified  
5 teachers to be participants in the mentor teacher training program. The State Board shall  
6 report to the Joint Legislative Education Oversight Committee prior to February 15,  
7 1998, on its progress in implementing this section.

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

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

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

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

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

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

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

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

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

17  
18 **C. CAREER STATUS DECISION TO BE MADE ONE YEAR AFTER**  
19 **CONTINUING CERTIFICATION AWARDED**

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

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

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

- 1           (2)    Employment of a Career Teacher. – A teacher who has obtained career  
2           status in any North Carolina public school system need not serve  
3           another probationary period of more than two ~~years.~~ years, and may, at  
4           ~~the option of the board, be employed immediately.~~ The board may grant  
5           career status immediately upon employing the teacher, or after the first  
6           or second year of employment. as a career teacher. In any event, if the  
7           teacher is reemployed for a third consecutive school year, he shall  
8           automatically become a career teacher. A teacher with career status who  
9           resigns and within five years is reemployed by the same local school  
10          administrative unit need not serve another probationary period of more than  
11          one school year and may, at the option of the board, be reemployed as a career  
12          teacher. In any event, if he is reemployed for a second consecutive school  
13          year, he shall automatically become a career teacher. The board shall not  
14          reemploy the teacher if after the second consecutive year: (i) the board  
15          fails to vote on granting career status; (ii) a majority of the board votes  
16          against granting the teacher career status; or (iii) the board vote  
17          regarding granting the teacher career status results in a tie.
- 18          (2a)   Notice of Teachers Eligible to Achieve Career Status. – At least 30 days  
19          prior to any board action granting career status, the superintendent shall  
20          submit to the board a list of the names of all teachers who are eligible to  
21          achieve career status. Notwithstanding any other provision of law, the  
22          list shall be a public record under Chapter 132 of the General Statutes.
- 23          (3)    Ineligible for Career Status. – No employee of a local board of  
24          education except a teacher as defined by G.S. 115C-325(a)(6) is eligible  
25          to obtain career status or continue in a career status if he no longer  
26          performs the responsibilities of a teacher as defined in G.S. 115C-  
27          325(a)(6). No person who is working in a principal or supervisor  
28          position who did not acquire career status as a school administrator by  
29          June 30, 1997, shall have career status as an administrator. Further, no  
30          director or assistant principal is eligible to obtain career status as a  
31          school administrator unless he or she has already been conferred that  
32          status by the local board of education.
- 33          (4)    Leave of Absence. – A career teacher who has been granted a leave of  
34          absence by a board shall maintain his career status if he returns to his  
35          teaching position at the end of the authorized leave."
- 36          (b)    This section applies to teachers, as defined in G.S. 115C-325(a)(6), who have  
37          not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1998.

38  
39           **VI.    ADDITIONAL            PROFESSIONAL            DEVELOPMENT**  
40           **OPPORTUNITIES   AND   TOUGHER   STANDARDS   FOR**  
41           **TEACHERS WITH CAREER STATUS**  
42

1           **A.       MEANINGFUL       AND       CONTINUED       PROFESSIONAL**  
2           **DEVELOPMENT FOR TEACHERS**

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

4           "(25) Duty to Monitor and Make Recommendations Regarding Professional  
5           Development Programs. – The State Board of Education, in  
6           collaboration with the Board of Governors of The University of North  
7           Carolina, shall identify and make recommendations regarding  
8           meaningful professional development programs for professional public  
9           school employees. The programs shall be aligned with State education  
10           goals and directed toward improving student academic achievement.  
11           The State Board shall annually evaluate and make recommendations  
12           regarding professional development programs based upon reports  
13           submitted by the Board of Governors under G.S. 116-11(12a)."

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

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

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

27           (d) The Board of Governors of The University of North Carolina shall report to  
28           the Joint Legislative Education Oversight Committee by April 1, 1998, on a plan to  
29           coordinate and consolidate professional development programs for professional public  
30           school employees. This report may include recommendations for statutory or other  
31           organizational changes.

32  
33           **B.       TENURE STREAMLINED TO PROVIDE A FAIR AND EFFICIENT**  
34           **PROCESS FOR REMOVING POOR TEACHERS FROM THE**  
35           **CLASSROOM**

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

38           "**§ 115C-325. System of employment for public school teachers.**

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

41           (1a) 'Career employee' as used in this section means:

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

- 1           b. An employee who has obtained career status with that local  
2           board in an administrative position as provided in G.S. 115C-  
3           325(d)(2);  
4           c. A probationary teacher during the term of the contract as  
5           provided in G.S. 115C-325(m); and  
6           d. A school administrator during the term of a school administrator  
7           contract as provided in G.S. 115C-287.1(c).

8           (1b) 'Career school administrator' means a school administrator who has  
9           obtained career status in an administrative position as provided in G.S.  
10           115C-325(d)(2).

11           ~~(1)~~

12           (1c) 'Career teacher' means a teacher who has obtained career status as  
13           provided in G.S. 115C-325(c).

14           (1d) 'Case manager' means a person selected under G.S. 115C-325(h)(7).

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

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

19           (4) 'Demote' means to reduce the ~~compensation~~ salary of a person who is  
20           classified or paid by the State Board of Education as a classroom  
21           ~~teacher, teacher or as a school administrator. or to transfer him to a new~~  
22           ~~position carrying a lower salary, or to suspend him without pay to a maximum~~  
23           ~~of 60 days; provided, however, that a suspension without pay pursuant to the~~  
24           ~~provisions of G.S. 115C-325(f) shall not be considered a demotion.—The~~  
25           ~~word 'demote' does not include a reduction in compensation that results~~  
26           ~~from the elimination of a special duty, such as the duty of an athletic coach,~~  
27           ~~assistant principal, or a choral director. include: (i) a suspension without~~  
28           ~~pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction~~  
29           ~~of bonus payments, including merit-based supplements, or a systemwide~~  
30           ~~modification in the amount of any applicable local supplement; (iii) any~~  
31           ~~reduction in salary that results from the elimination of a special duty,~~  
32           ~~such as the duty of an athletic coach or a choral director; or (iv) the~~  
33           ~~transfer of a career school administrator from one position to another~~  
34           ~~position regardless of whether the transfer results in a reduction of the~~  
35           ~~career administrator's compensation or the transfer is to a~~  
36           ~~nonadministrative position.~~

37           (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or  
38           school administrator without pay for no more that 60 days under G.S.  
39           115C-325(f)(2).

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

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

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

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

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

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

36 (c) (1) Election of a Teacher to Career Status. – Except as otherwise  
37 provided in subdivision (3) of this subsection, when a teacher has  
38 been employed by a North Carolina public school system for four  
39 consecutive years, the board, near the end of the fourth year, shall  
40 vote upon whether to grant the teacher career status. The board shall  
41 give the teacher written notice of that decision by June 15. If a  
42 majority of the board votes to grant career status to the teacher, and if  
43 it has notified the teacher of the decision, it may not rescind that

1 action but must proceed under the provisions of this section for the  
2 demotion or dismissal of a teacher if it decides to terminate the  
3 teacher's employment. If a majority of the board votes against  
4 reemploying the teacher, the teacher shall not teach beyond the  
5 current school term. The board shall not reemploy the teacher if after  
6 the fourth consecutive year: (i) the board fails to vote on granting  
7 career status; (ii) a majority of the board votes against granting career  
8 status; or (iii) the board vote regarding granting the teacher career  
9 status results in a tie.

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

13 (2) Employment of a Career Teacher. – A teacher who has obtained career  
14 status in any North Carolina public school system need not serve  
15 another probationary period of more than two years. The board may  
16 grant career status immediately upon employing the teacher, or after the  
17 first or second year of employment. The board shall not reemploy the  
18 teacher if after the second consecutive year: (i) the board fails to vote on  
19 granting career status; (ii) a majority of the board votes against granting  
20 the teacher career status; or (iii) the board vote regarding granting the  
21 teacher career status results in a tie.

22 (2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days  
23 prior to any board action granting career status, the superintendent shall  
24 submit to the board a list of the names of all teachers who are eligible to  
25 achieve career status. Notwithstanding any other provision of law, the  
26 list shall be a public record under Chapter 132 of the General Statutes.

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

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

40 (d) Career Teachers and Career School Administrators.

41 (1) A career teacher or career school administrator shall not be subjected to  
42 the requirement of annual appointment nor shall he be dismissed,



1 demoted, or employed on a part-time basis without his consent except as  
2 provided in subsection (e).

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

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

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

34 A year, for purposes of computing time as a probationary  
35 principal or supervisor, shall not be less than 145 workdays  
36 performed as a full-time, permanent principal or supervisor in a  
37 contract year.

38 A principal or supervisor who has obtained career status in  
39 that position in any North Carolina public school system may be  
40 required by the board of education in another school system to  
41 serve an additional three-year probationary period in that position  
42 before being eligible for career status. However, he may, at the  
43 option of the board of education, be granted career status

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

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

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

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

42 (2) Reduction in Force. – Before recommending to a board the dismissal or  
43 demotion of the career ~~teacher~~ employee pursuant to G.S. 115C-

1 325(e)(1)l., the superintendent shall give written notice to the career  
2 ~~teacher-employee~~ by certified mail or personal delivery of his intention  
3 to make such recommendation and shall set forth as part of his  
4 recommendation the grounds upon which he believes such dismissal or  
5 demotion is justified. The notice shall include a statement to the effect  
6 that if the ~~teacher-career employee~~ within 15 days after receipt of the  
7 notice requests a review, he shall be entitled to have the proposed  
8 recommendations of the superintendent reviewed by the board. Within  
9 the 15-day period after receipt of the notice, the career ~~teacher-employee~~  
10 may file with the superintendent a written request for a hearing before  
11 the board within 10 days. If the ~~teacher-career employee~~ requests a  
12 hearing before the board, the hearing procedures provided in ~~G.S. 115C-~~  
13 ~~325(j)-~~G.S. 115C-325(j3) shall be followed. If no request is made within  
14 the 15-day period, the superintendent may file his recommendation with  
15 the board. If, after considering the recommendation of the  
16 superintendent and the evidence adduced at the hearing if there is one,  
17 the board concludes that the grounds for the recommendation are true  
18 and substantiated by a preponderance of the evidence, the board, if it  
19 sees fit, may by resolution order such dismissal. Provisions of this  
20 section which permit ~~appointment of, and investigation and review by, a~~  
21 ~~panel of the Professional Review Committee~~ a hearing by a case manager  
22 shall not apply to a dismissal or demotion recommended pursuant to  
23 G.S. 115C-325(e)(1)l.

24 When a career ~~teacher-employee~~ is dismissed pursuant to G.S. 115C-  
25 325(e)(1)l. above, his name shall be placed on a list of available ~~teachers~~  
26 career employees to be maintained by the board. Career ~~teachers~~  
27 employees whose names are placed on such a list shall have a priority  
28 on all positions in which they acquired career status and for which they  
29 are qualified which become available in that system for the three  
30 consecutive years succeeding their dismissal. However, if the local  
31 school administrative unit offers the dismissed ~~teacher-career employee~~ a  
32 position for which he is certified and he refuses it, his name shall be  
33 removed from the priority list.

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

42 (4) Three-Year Limitation on Basis of Dismissal or Demotion – Dismissal  
43 or demotion under subdivision (1) above, except ~~paragraph g~~ paragraphs

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

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

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

41       a.       Board hearing for disciplinary suspensions for more than 10 days  
42           or for certain types of intentional misconduct. – The procedures

1 for a board hearing under G.S. 115C-325(j3) shall apply if any of  
2 the following circumstances exist:

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

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

13 b. Board hearing for disciplinary suspensions of no more that 10  
14 days. – The procedures for a board hearing under G.S. 115C-  
15 325(j2) shall apply to all disciplinary suspensions of no more  
16 than 10 days that are not for intentional misconduct as specified  
17 in G.S. 115C-325(f)(2)a.2.

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

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

34 (1) ~~There is hereby created a Professional Review Committee which shall~~  
35 ~~consist of 132 citizens, 11 from each of the State's congressional~~  
36 ~~districts, five of whom shall be lay persons and six of whom shall have~~  
37 ~~been actively and continuously engaged in teaching or in supervision or~~  
38 ~~administration of schools in this State for the five years preceding their~~  
39 ~~appointment and who are broadly representative of the profession, to be~~  
40 ~~appointed by the Superintendent of Public Instruction with the advice~~  
41 ~~and consent of the State Board of Education. Each member shall be~~  
42 ~~appointed for a term of three years. The initial terms of office of the~~  
43 ~~persons appointed from the 12th Congressional District shall commence~~

1 on January 3, 1993, and expire on June 30, 1995. The Superintendent of  
2 Public Instruction, with the advice and consent of the State Board of  
3 Education, shall fill any vacancy which may occur in the Committee.  
4 The person appointed to fill the vacancy shall serve for the unexpired  
5 portion of the term of the member of the Committee whom he is  
6 appointed to replace.

7 (2) The Superintendent of Public Instruction shall provide for the  
8 Committee such training as he considers necessary or desirable for the  
9 purpose of enabling the members of the Committee to perform the  
10 functions required of them.

11 (3) The compensation of committee members while serving as a member of  
12 a hearing panel shall be as for State boards and commissions pursuant to  
13 G.S. 138-5. The compensation shall be paid by the State Board of  
14 Education.

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

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

19 (2) Before recommending to a board the dismissal or demotion of the career  
20 ~~teacher~~employee, the superintendent shall give written notice to the  
21 career ~~teacher~~employee by certified mail or personal delivery of his  
22 intention to make such recommendation and shall set forth as part of his  
23 recommendation the grounds upon which he believes such dismissal or  
24 demotion is justified. The superintendent also shall meet with the career  
25 employee and give him written notice of the charges against him, an  
26 explanation of the basis for the charges, and an opportunity to respond if  
27 the career employee has not done so under G.S. 115C-325(f)(1). The  
28 notice shall include a statement to the effect that if the ~~teacher~~career  
29 employee within ~~45~~seven days after the date of receipt of the notice  
30 requests a review, he shall be entitled to have the grounds for the  
31 proposed recommendations of the superintendent reviewed by a panel of  
32 the Committee~~case manager~~. A copy of G.S. 115C-325 and a current list  
33 of ~~the members of the Professional Review Committee~~case managers shall  
34 also be sent to the career ~~teacher~~employee. If the ~~teacher~~career  
35 employee does not request a ~~panel~~hearing with a case manager within  
36 the ~~45~~seven days provided, the superintendent may submit his  
37 recommendation to the board.

38 (3) Within the ~~45-day~~seven-day period after receipt of the notice, the career  
39 ~~teacher~~employee may file with the superintendent a written request for  
40 either (i) a review of the a hearing on the grounds for the superintendent's  
41 proposed recommendation by a panel of the Professional Review  
42 Committee~~case manager~~ or (ii) a hearing within five days before the  
43 board on the superintendent's recommendation. ~~within 10 days.~~ If the

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

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

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

35 (6) If a career employee requests a review by a case manager, the  
36 superintendent shall notify the Superintendent of Public Instruction  
37 within two days' receipt of the request. The notice shall contain a list of  
38 the case managers the career employee and the superintendent have  
39 eliminated from the master list or the name of a person, if any, jointly  
40 selected. Failure to exercise the right to eliminate names from the  
41 master list shall constitute a waiver of that right.

42 (7) The Superintendent of Public Instruction shall select a case manager  
43 within three days of receiving notice from the superintendent. The

1 Superintendent of Public Instruction shall designate the person jointly  
2 selected by the parties to serve as case manager provided the person  
3 agrees to serve as case manager and can meet the requirements for time  
4 frames for the hearing and report as provided in G.S. 115C-325(i1)(1).  
5 If a case manager was not jointly selected or if the case manager is not  
6 available, the Superintendent of Public Instruction shall select a case  
7 manager from the master list. No person eliminated by the career  
8 employee or superintendent shall be designated case manager.

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

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

13 (1) Each year the State Board of Education shall select and maintain a  
14 master list of no more than 42 qualified case managers.

15 (2) Persons selected by the State Board as case managers shall be: (i)  
16 certified as a North Carolina Superior Court mediator; (ii) a member of  
17 the American Arbitration Association's roster of arbitrators and  
18 mediators; or (iii) have comparable certification in alternative dispute  
19 resolution. Case managers must complete a special training course  
20 approved by the State Board of Education.

21 (3) The State Board of Education shall determine the compensation for a  
22 case manager. The State Board shall pay the case manager's  
23 compensation and reimbursement for expenses.

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

26 (1) ~~The career teacher and superintendent will each have the right to~~  
27 ~~designate not more than 33 of the 132 members of the Professional~~  
28 ~~Review Committee as not acceptable to the teacher or superintendent~~  
29 ~~respectively. No person so designated shall be appointed to the panel.~~  
30 ~~The career teacher shall specify to the superintendent those Committee~~  
31 ~~members who are not acceptable in his request for a review of the~~  
32 ~~superintendent's proposed recommendations provided for in subdivision~~  
33 ~~(h)(3) above. The superintendent's notice to the Superintendent of~~  
34 ~~Public Instruction provided for in subdivision (h)(4) above shall contain~~  
35 ~~a list of those members of the Committee not acceptable to the~~  
36 ~~superintendent and the teacher respectively. Failure to designate~~  
37 ~~nonacceptable members in accordance with this subsection shall~~  
38 ~~constitute a waiver of that right.~~

39 (2) ~~As soon as possible after the time of its designation, the panel shall elect~~  
40 ~~a chairman and shall conduct a hearing in accordance with G.S. 115C-~~  
41 ~~325(j) for the purpose of determining whether the grounds for the~~  
42 ~~recommendation are true and substantiated. The panel shall be furnished~~  
43 ~~assistance reasonably required to conduct its hearing and shall be~~



- 1           empowered to subpoena and swear witnesses and to require them to  
2           give testimony and to produce books and papers relevant to its  
3           investigation.
- 4           (3)    The career teacher and superintendent involved shall each have the right  
5           to meet with the panel accompanied by counsel or other person of his  
6           choice and to present any evidence and arguments which he considers  
7           pertinent to the considerations of the panel and to cross-examine  
8           witnesses.
- 9           (4)    When the panel has completed its hearing, it shall prepare a written  
10          report and send it to the superintendent and teacher. The report shall  
11          contain its findings as to whether or not the grounds for the  
12          recommendation are true and substantiated by a preponderance of the  
13          evidence, and a statement of the reasons for its findings. The panel shall  
14          complete its hearing and prepare the report within 20 days from the time  
15          of its designation, except in cases in which the panel finds that justice  
16          requires that a greater time be spent in connection with the investigation  
17          and the preparation of such report, and reports that finding to the  
18          superintendent and the teacher. Provided, that such extension does not  
19          exceed 10 days.
- 20          (5)    Within five days after the superintendent receives the report of the  
21          panel, the superintendent shall decide whether or not to submit a written  
22          recommendation for dismissal to the board or to drop the charges  
23          against the teacher and shall notify the teacher, in writing, of the  
24          decision. Within five days after receiving the superintendent's notice of  
25          his intent to recommend the teacher's dismissal to the board, the teacher  
26          shall decide whether to request a hearing before the board and shall  
27          notify the superintendent, in writing, of the decision. If the teacher  
28          requests a hearing before the board, the superintendent shall submit his  
29          written recommendation to the board with a copy to the teacher within  
30          five days after receiving the teacher's request. The superintendent's  
31          recommendation shall state the grounds for the recommendation and  
32          shall be accompanied by a copy of the report of the panel of the  
33          Committee.
- 34          (6)    Within seven days after receiving the superintendent's recommendation  
35          and before taking any formal action, the board shall set a time and place  
36          for the hearing and notify the teacher by certified mail of the date, time  
37          and place of the hearing. The time specified shall not be less than seven  
38          nor more than 20 days after the board has notified the teacher. If the  
39          teacher did not request a hearing, the board may, by resolution, dismiss  
40          the teacher. If the teacher can show that his request for a hearing was  
41          postmarked within the time provided, his right to a hearing is not  
42          forfeited.
- 43          (i1)   Report of Case Manager; Superintendent's Recommendation.

- 1           (1)    The case manager shall complete the hearing held in accordance with  
2           G.S. 115C-325(j) and prepare the report within 10 days from the time of  
3           the designation, except in cases in which the case manager finds that  
4           justice requires that a greater time be spent in connection with the  
5           investigation and the preparation of such report, and reports that finding  
6           to the superintendent and the career employee. No extension under this  
7           subdivision shall exceed five days.
- 8           (2)    The case manager shall make all necessary findings of fact, based upon  
9           the preponderance of the evidence, on all issues related to each and  
10          every ground for dismissal and on all relevant matters related to the  
11          question of whether the superintendent's recommendation is justified.  
12          The case manager also shall make a recommendation as to whether the  
13          findings of fact substantiate the superintendent's grounds for dismissal.  
14          The case manager shall deliver copies of the report to the superintendent  
15          and the career employee.
- 16          (3)    Within two days after receiving the case manager's report, the  
17          superintendent shall decide whether to submit a written  
18          recommendation to the local board for dismissal, demotion, or  
19          disciplinary suspension without pay to the board or to drop the charges  
20          against the career employee. The superintendent shall notify the career  
21          employee, in writing, of the decision.
- 22          (4)    If the superintendent contends that the case manager's report fails to  
23          address a critical factual issue, the superintendent shall within three days  
24          receipt of the case manager's report, request in writing with a copy to  
25          the career employee that the case manager prepare a supplement to the  
26          report. The superintendent shall specify what critical factual issue the  
27          superintendent contends the case manager failed to address. If the case  
28          manager determines that the report failed to address a critical factual  
29          issue, the case manager may prepare a supplement to the report to  
30          address the issue and deliver the supplement to both parties before the  
31          board hearing. The failure of the case manager to prepare a  
32          supplemental report or to address a critical factual issue shall not  
33          constitute a basis for appeal.
- 34          (j)    Hearing Procedure by a Case Manager. – The following provisions shall be  
35          applicable apply to any a hearing conducted pursuant to G.S. 115C-325(k) or (l) or to any  
36          hearing conducted by a board pursuant to G.S. 115C-325(h)(3) by the case manager.
- 37               (1)    The hearing shall be private.
- 38               (2)    The hearing shall be conducted in accordance with ~~such reasonable~~  
39               ~~rules and regulations as the board may adopt consistent with G.S. 115C-~~  
40               ~~325, or if no rules have been adopted, in accordance with reasonable~~  
41               rules and regulations adopted by the State Board of Education to govern  
42               ~~such case manager~~ hearings.

- 1 (3) At the hearing the ~~teacher-career employee~~ and the superintendent shall  
2 have the right to be present and to be heard, to be represented by  
3 counsel and to present through witnesses any competent testimony  
4 relevant to the issue of whether grounds for dismissal or demotion exist  
5 or whether the procedures set forth in G.S. 115C-325 have been  
6 followed.
- 7 (4) Rules of evidence shall not apply to a hearing conducted ~~pursuant to this~~  
8 ~~act and boards and panels of the Professional Review Committee~~ by a case  
9 manager and the case manager may give probative effect to evidence  
10 that is of a kind commonly relied on by reasonably prudent persons in  
11 the conduct of serious affairs.
- 12 (5) At least five days before the hearing, the superintendent shall provide to  
13 the ~~teacher-career employee~~ a list of witnesses the superintendent intends  
14 to present, a brief statement of the nature of the testimony of each  
15 witness and a copy of any documentary evidence ~~he~~ the superintendent  
16 intends to present. At least three days before the hearing, the ~~teacher~~  
17 career employee shall provide to the superintendent a list of witnesses  
18 the ~~teacher-career employee~~ intends to present, a brief statement of the  
19 nature of the testimony of each witness and a copy of any documentary  
20 evidence ~~he~~ the career employee intends to present. Additional  
21 witnesses or documentary evidence may not be presented except ~~upon~~  
22 ~~consent of both parties or upon a majority vote of the board or panel~~ upon a  
23 finding by the case manager that the new evidence is critical to the  
24 matter at issue and the party making the request could not, with  
25 reasonable diligence, have discovered and produced the evidence  
26 according to the schedule provided in this subdivision.
- 27 (6) The case manager may subpoena and swear witnesses and may require  
28 them to give testimony and to produce records and documents relevant  
29 to the grounds for dismissal.
- 30 (7) The case manager shall decide all procedural issues, including limiting  
31 cumulative evidence, necessary for a fair and efficient hearing.
- 32 (8) The superintendent shall provide for making a transcript of the hearing.  
33 If the career employee contemplates a hearing before the board or to  
34 appeal the board's decision to a court of law, the career employee may  
35 request and shall receive at no charge a transcript of the proceedings  
36 before the case manager.
- 37 (j1) Board Determination.
- 38 (1) Within two days after receiving the superintendent's notice of intent to  
39 recommend the career employee's dismissal to the board, the career  
40 employee shall decide whether to request a hearing before the board and  
41 shall notify the superintendent, in writing, of the decision. If the career  
42 employee can show that the request for a hearing was postmarked  
43 within the time provided, the career employee shall not forfeit the right

1 to a board hearing. Within two days after receiving the career  
2 employee's request for a board hearing, the superintendent shall submit  
3 to the board the written recommendation and shall provide a copy to the  
4 career employee. The superintendent's recommendation shall state the  
5 grounds for the recommendation and shall be accompanied by a copy of  
6 the case manager's report.

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

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

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

31 (5) The board shall make a determination and may (i) reject the  
32 superintendent's recommendation or (ii) accept or modify the  
33 recommendation and dismiss, demote, reinstate, or suspend the  
34 employee without pay.

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

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

40 (1) The hearing shall be private.

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

- 1 a. The whole record from the hearing held by the case manager,  
2 including a transcript of the hearing, as well as any other records,  
3 exhibits, and documentary evidence submitted to the case  
4 manager at the hearing.
- 5 b. The case manager's findings of fact, including any supplemental  
6 findings prepared by the case manager under G.S. 115C-325  
7 (i1)(4) or G.S. 115C-325(j1)(2).
- 8 c. The case manager's recommendation as to whether the grounds  
9 in G.S. 115C-325(e) submitted by the superintendent are  
10 substantiated.
- 11 d. The superintendent's recommendation and the grounds for the  
12 recommendation.
- 13 (3) If the career employee did not request a hearing by a case manager, the  
14 board shall receive the following:
- 15 a. Any documentary evidence the superintendent intends to use to  
16 support the recommendation. The superintendent shall provide  
17 the documentary evidence to the career employee seven days  
18 before the hearing.
- 19 b. Any documentary evidence the career employee intends to use to  
20 rebut the superintendent's recommendation. The career  
21 employee shall provide the superintendent with the documentary  
22 evidence three days before the hearing.
- 23 c. The superintendent's recommendation and the grounds for the  
24 recommendation.
- 25 (4) The superintendent and career employee may submit a written statement  
26 not less than three days before the hearing.
- 27 (5) The superintendent and career employee shall be permitted to make oral  
28 arguments to the board based on the record before the board.
- 29 (6) No new evidence may be presented at the hearing except upon a finding  
30 by the board that the new evidence is critical to the matter at issue and  
31 the party making the request could not, with reasonable diligence, have  
32 discovered and produced the evidence at the hearing before the case  
33 manager.
- 34 (7) The board shall accept the case manager's findings of fact unless a  
35 majority of the board determines that the findings of fact are not  
36 supported by substantial evidence when reviewing the record as a  
37 whole. In such an event, the board shall make alternative findings of  
38 fact. If a majority of the board determines that the case manager did not  
39 address a critical factual issue, the board may remand the findings of  
40 fact to the case manager to complete the report to the board. If the case  
41 manager does not submit the report within seven days receipt of the  
42 board's request, the board may determine its own findings of fact  
43 regarding the critical factual issues not addressed by the case manager.

1           The board's determination shall be based upon a preponderance of the  
2           evidence.

3           (8)   The board is not required to provide a transcript of the hearing to the  
4           career employee. If the board elects to make a transcript and if the  
5           career employee contemplates an appeal to a court of law, the career  
6           employee may request and shall receive at no charge a transcript of the  
7           proceedings. A career employee may have the hearing transcribed by a  
8           court reporter at the career employee's expense.

9           (j3)   Board Hearing for Certain Disciplinary Suspensions and for Reductions in  
10          Force. – The following procedures shall apply for a board hearing under G.S. 115C-  
11          325(e)(2) and G.S. 115C-325(f)(2)a.:

12          (1)   The hearing shall be private.

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

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

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

25          (5)   At least 10 days before the hearing, the superintendent shall provide to  
26          the career employee a list of witnesses the superintendent intends to  
27          present, a brief statement of the nature of the testimony of each witness,  
28          and a copy of any documentary evidence the superintendent intends to  
29          present.

30          (6)   At least six days before the hearing, the career employee shall provide  
31          the superintendent a list of witnesses the career employee intends to  
32          present, a brief statement of the nature of the testimony of each witness,  
33          and a copy of any documentary evidence the career employee intends to  
34          present.

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

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

- 1           (9)    The board shall decide all procedural issues, including limiting  
2           cumulative evidence, necessary for a fair and efficient hearing.
- 3           (10)   The superintendent shall provide for making a transcript of the hearing.  
4           If the career employee contemplates an appeal of the board's decision to  
5           a court of law, the career employee may request and shall receive at no  
6           charge a transcript of the proceedings.
- 7        ~~(k)    Panel Finds Grounds for Superintendent's Recommendation True and~~  
8        ~~Substantiated.~~
- 9           ~~(1)    If the panel found that the grounds for the recommendation of the~~  
10          ~~superintendent are true and substantiated, at the hearing the board shall~~  
11          ~~consider the recommendation of the superintendent, the report of the~~  
12          ~~panel, including any minority report, and any evidence which the~~  
13          ~~teacher or the superintendent may wish to present with respect to the~~  
14          ~~question of whether the grounds for the recommendation are true and~~  
15          ~~substantiated. The hearing may be conducted in an informal manner.~~
- 16          ~~(2)    If, after considering the recommendation of the superintendent, the~~  
17          ~~report of the panel and the evidence adduced at the hearing, the board~~  
18          ~~concludes that the grounds for the recommendation are true and~~  
19          ~~substantiated, by a preponderance of the evidence, the board, if it sees~~  
20          ~~fit, may by resolution order such dismissal.~~
- 21        ~~(l)    Panel Does Not Find That the Grounds for Superintendent's Recommendation~~  
22        ~~Are True and Substantiated.~~
- 23          ~~(1)    If the panel does not find that the grounds for the recommendation of~~  
24          ~~the superintendent are true and substantiated, at the hearing the board~~  
25          ~~shall determine whether the grounds for the recommendation of the~~  
26          ~~superintendent are true and substantiated upon the basis of competent~~  
27          ~~evidence adduced at the hearing by witnesses who shall testify under~~  
28          ~~oath or affirmation to be administered by any board member or the~~  
29          ~~secretary of the board.~~
- 30          ~~(2)    The procedure at the hearing shall be such as to permit and secure a full,~~  
31          ~~fair and orderly hearing and to permit all relevant competent evidence to~~  
32          ~~be received therein. The report of the panel of the committee shall be~~  
33          ~~deemed to be competent evidence. A full record shall be kept of all~~  
34          ~~evidence taken or offered at such hearing. Both counsel for the local~~  
35          ~~school administrative unit and the career teacher or his counsel shall~~  
36          ~~have the right to cross-examine witnesses.~~
- 37          ~~(3)    At the request of either the superintendent or the teacher, the board shall~~  
38          ~~issue subpoenas requiring the production of papers or records or the~~  
39          ~~attendance of persons residing within the State before the board.~~  
40          ~~Subpoenas for witnesses to testify at the hearing in support of the~~  
41          ~~recommendation of the superintendent or on behalf of the career teacher~~  
42          ~~shall, as requested, be issued in blank by the board over the signature of~~  
43          ~~its chairman or secretary. The board shall pay witness fees for up to five~~

1 witnesses subpoenaed on behalf of the teacher, except that it shall not  
2 pay for any witness who resides within the county in which the  
3 dismissal originates or who is an employee of the board. However, no  
4 employee of the board shall suffer any loss of compensation because he  
5 has been subpoenaed to testify at the hearing. These payments shall be  
6 as provided for witnesses in G.S. 7A-314.

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

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

16 (m) Probationary Teacher.

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

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

27 (n) **(See note)** Appeal. – Any ~~teacher-career employee~~ teacher-career employee who has been dismissed or  
28 demoted pursuant to under G.S. 115C-325(e)(2), or pursuant to subsections ~~(h), (k) or (l) of~~  
29 ~~this section~~ under G.S. 115C-325(j2), or who has been suspended without pay pursuant to  
30 G.S. 115C-325(a)(4), under G.S. 115C-325(a)(4a), or any school administrator whose  
31 contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher  
32 whose contract is not renewed under G.S. 115C-325-G.S. 115C-325(m)(2) shall have the  
33 right to appeal from the decision of the board to the superior court for the superior court  
34 district or set of districts as defined in G.S. 7A-41.1 in which the ~~teacher or school~~  
35 ~~administrator-career employee~~ employee is employed. This appeal shall be filed within a period of  
36 ~~30-15~~ days after notification of the decision of the board. The cost of preparing the  
37 transcript shall be ~~borne by the board.~~ determined under G.S. 115C-325(j2)(8) or G.S.  
38 115C-325(j3)(10). A ~~teacher-career employee~~ teacher-career employee who has been demoted or dismissed, or a  
39 school administrator whose contract is not renewed, who has not requested a hearing  
40 before the board of education pursuant to this section shall not be entitled to judicial  
41 review of the board's action.

42 (o) Resignation; Nonrenewal of Contract. – A teacher, career or probationary,  
43 should not resign without the consent of the superintendent unless he has given at least 30



1 days' notice. If the teacher does resign without giving at least 30 days' notice, the board  
2 may request that the State Board of Education revoke the teacher's certificate for the  
3 remainder of that school year. A copy of the request shall be placed in the teacher's  
4 personnel file.

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

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

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

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

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

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

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

36 (2) Notwithstanding any other provision of this section or any other law,  
37 this subdivision shall govern the State Board's dismissal of teachers,  
38 assistant principals, directors, and supervisors assigned to schools that  
39 the State Board has identified as low-performing and to which the State  
40 Board has assigned an assistance team under Article 8B of this Chapter.  
41 The State Board shall dismiss a teacher, assistant principal, director, or  
42 supervisor when the State Board receives two consecutive evaluations  
43 that include written findings and recommendations regarding that

1 person's inadequate performance from the assistance team. These  
2 findings and recommendations shall be substantial evidence of the  
3 inadequate performance of the teacher or school administrator.

4 The State Board may dismiss a teacher, assistant principal, director,  
5 or supervisor when:

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

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

21 (2a) Notwithstanding any other provision of this section or any other law,  
22 this subdivision shall govern the State Board's dismissal of certified  
23 staff members who have engaged in a remediation plan under G.S.  
24 115C-105.38A(a) but who, after two retests, fail to meet the competency  
25 standard set by the State Board. The failure to meet the competency  
26 standard after two retests shall be substantial evidence of the inadequate  
27 performance of the certified staff member.

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

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

40 (4) Neither party to a school administrator contract is entitled to damages  
41 under this subsection.

1 (5) The State Board shall have the right to subpoena witnesses and  
2 documents on behalf of any party to the proceedings under this  
3 subsection."

4 (b) This section applies to proceedings initiated after September 1, 1997.  
5

6 **C. STUDIES ON MAKING RENEWAL OF TEACHER CERTIFICATES**  
7 **MORE RIGOROUS**

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

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

22 Section 15. The State Board of Education, in consultation with local boards of  
23 education and the Board of Governors of The University of North Carolina, shall study  
24 and recommend ways to modify the administrator recertification process to ensure that all  
25 schools have well-qualified administrators. The State Board shall report the results of  
26 this study to the Joint Legislative Education Oversight Committee by February 15, 1998.  
27

28 **VII. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY**  
29 **TEACHERS – HIGHER STARTING SALARY, ENHANCED**  
30 **LONGEVITY PAY, AND SIGNIFICANT BUMPS IN THE**  
31 **SALARY SCHEDULE UPON ACHIEVING CONTINUING**  
32 **CERTIFICATION AND CAREER STATUS.**  
33

34 Section 16. (a) It is the goal of the General Assembly to increase teacher salaries  
35 over the next four years so as to attract and retain excellent teachers in the public schools;  
36 therefore, it is the goal of the General Assembly to implement, over the upcoming four  
37 fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent  
38 (20%). This would bring the starting salary to at least twenty-five thousand dollars  
39 (\$25,000) by the year 2000. Under this plan, the salary schedule would also contain  
40 significant "bumps" at the third step, which is the point at which teachers have attained  
41 continuing certification; and at the fourth, fifth, or sixth step, which is the point at which  
42 teachers may achieve career status.

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

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

7 **1997-98 SALARY SCHEDULE PLAN**  
8 **"A"TEACHERS**

10	Years	10-Month	10-Month
11	of	Salary, Salary,	
12	<u>Experience</u>	<u>Nontenured</u>	<u>Tenured</u>
13	0	\$22,150	—
14	1	\$22,570	—
15	2	\$23,000	—
16	3	\$23,780	\$23,780
17	4	\$24,060	\$25,290
18	5	\$24,530	\$25,760
19	6	\$25,010	\$26,240
20	7	\$25,500	\$26,730
21	8	\$25,990	\$27,220
22	9	\$26,480	\$27,710
23	10	\$26,980	\$28,210
24	11	\$27,500	\$28,730
25	12	\$28,030	\$29,260
26	13	\$28,570	\$29,800
27	14	\$29,120	\$30,350
28	15	\$29,680	\$30,910
29	16	\$30,250	\$31,480
30	17	\$30,830	\$32,060
31	18	\$31,430	\$32,660
32	19	\$32,040	\$33,270
33	20	\$32,670	\$33,900
34	21	\$33,300	\$34,530
35	22	\$33,940	\$35,170
36	23	\$34,590	\$35,820
37	24	\$35,260	\$36,490
38	25	\$35,950	\$37,180
39	26	\$36,650	\$37,880
40	27	\$37,360	\$38,590
41	28	\$38,090	\$39,320
42	29+	\$38,883	\$40,060

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

3 **1998-99 SALARY SCHEDULE PLAN**

4 "A"Teachers

5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
Years	of	Experience	10-Month	10-Month	Salary, Salary,	Tenured
0			Nontenured	Tenured		
1			\$23,100	—		
2			\$23,520	—		
3			\$23,950	—		
4			\$24,750	\$24,750		
5			\$25,110	\$26,380		
6			\$25,390	\$27,890		
7			\$25,860	\$28,360		
8			\$26,340	\$28,840		
9			\$26,830	\$29,330		
10			\$27,320	\$29,820		
11			\$27,810	\$30,310		
12			\$28,310	\$30,810		
13			\$28,830	\$31,330		
14			\$29,360	\$31,860		
15			\$29,900	\$32,400		
16			\$30,450	\$32,950		
17			\$31,010	\$33,510		
18			\$31,580	\$34,080		
19			\$32,160	\$34,660		
20			\$32,760	\$35,260		
21			\$33,370	\$35,870		
22			\$34,000	\$36,500		
23			\$34,630	\$37,130		
24			\$35,270	\$37,770		
25			\$35,920	\$38,420		
26			\$36,590	\$39,090		
27			\$37,280	\$39,780		
28			\$37,980	\$40,480		
29			\$38,690	\$41,190		
30			\$39,420	\$41,920		

39 **1999-2000 SALARY SCHEDULE PLAN**

40 **"A"TEACHERS**

41	42	43	44	45
Years	10-Month	10-Month	Salary, Salary,	Tenured

	of	Salary, Salary,	
	<u>Experience</u>	<u>Nontenured</u>	<u>Tenured</u>
1	0	\$24,050	—
2	1	\$24,470	—
3	2	\$24,900	—
4	3	\$25,700	\$25,700
5	4	\$26,300	\$27,580
6	5	\$26,660	\$29,210
7	6	\$26,940	\$30,720
8	7	\$27,410	\$31,190
9	8	\$27,890	\$31,670
10	9	\$28,380	\$32,160
11	10	\$28,870	\$32,650
12	11	\$29,360	\$33,140
13	12	\$29,860	\$33,640
14	13	\$30,380	\$34,160
15	14	\$30,910	\$34,690
16	15	\$31,450	\$35,230
17	16	\$32,000	\$35,780
18	17	\$32,560	\$36,340
19	18	\$33,130	\$36,910
20	19	\$33,710	\$37,490
21	20	\$34,310	\$38,090
22	21	\$34,920	\$38,700
23	22	\$35,550	\$39,330
24	23	\$36,180	\$39,960
25	24	\$36,820	\$40,600
26	25	\$37,470	\$41,250
27	26	\$38,140	\$41,920
28	27	\$38,830	\$42,610
29	28	\$39,530	\$43,310
30	29+	\$40,240	\$44,020

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

	Years	10-Month	10-Month
	of	Salary,	Salary,
	<u>Experience</u>	<u>Nontenured</u>	<u>Tenured</u>
37	0	\$25,000	—
38	1	\$25,420	—
39	2	\$25,850	—
40	3	\$26,650	\$26,650

1	4	\$26,950	\$28,240
2	5	\$27,550	\$30,120
3	6	\$27,910	\$31,750
4	7	\$28,190	\$33,260
5	8	\$28,660	\$33,730
6	9	\$29,140	\$34,210
7	10	\$29,630	\$34,700
8	11	\$30,120	\$35,190
9	12	\$30,610	\$35,680
10	13	\$31,110	\$36,180
11	14	\$31,630	\$36,700
12	15	\$32,160	\$37,230
13	16	\$32,700	\$37,770
14	17	\$33,250	\$38,320
15	18	\$33,810	\$38,880
16	19	\$34,380	\$39,450
17	20	\$34,960	\$40,030
18	21	\$35,560	\$40,630
19	22	\$36,170	\$41,240
20	23	\$36,800	\$41,870
21	24	\$37,430	\$42,500
22	25	\$38,070	\$43,140
23	26	\$38,720	\$43,790
24	27	\$39,390	\$44,460
25	28	\$40,080	\$45,150
26	29+	\$40,780	\$45,850

27  
28 It is the goal of the General Assembly that local school administrative units  
29 may use local salary supplements to increase the salaries of nontenured teachers.

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

33  
34 **VIII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL**  
35 **ASSIGNMENTS**

36  
37 **A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY**  
38 **THE STATE BOARD OF EDUCATION**

39 Section 17. (a) The State Board of Education, after consultation with the  
40 Board of Governors of The University of North Carolina, shall develop a new category of  
41 teacher certificate known as the "Masters/Advanced Competencies" certificate. To  
42 receive this certificate, an applicant shall successfully complete a masters degree program  
43 that includes rigorous academic preparation in the subject area in which the applicant will

1 teach and in the skills and knowledge expected of a master teacher or the applicant shall  
2 demonstrate to the satisfaction of the State Board that the candidate has acquired the  
3 skills and knowledge expected of a master teacher.

4 (b) The Board of Governors of The University of North Carolina shall develop  
5 a plan to revise the current masters of education degree programs at the constituent  
6 institutions. The plan shall provide for degree programs that require participants take a  
7 more rigorous course of study than is currently required and that includes concentrations  
8 in the academic content areas in which the participants will teach. The plan shall also  
9 consider methods for: (i) providing the more rigorous course of study using the same  
10 number of hours as are currently required for masters of education degrees; and (ii)  
11 providing participants the opportunity to complete the masters of education degree  
12 program as part-time students, by summer school attendance, and at sites not located at a  
13 constituent institution's campus provided there is sufficient demand for the off-campus  
14 programs.

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

19 (d) The State Board of Education shall report to the Joint Legislative Education  
20 Oversight Committee by January 15, 1998, on its progress in implementing subsection (a)  
21 of this section. The Board of Governors of The University of North Carolina shall report  
22 to the Joint Legislative Education Oversight Committee by January 15, 1998, on its plan  
23 to implement subsection (b) of this section.

## 24 25 **B. BONUS PLAN FOR "MASTERS/ADVANCED** 26 **COMPETENCIES" AND FOR NBPTS CERTIFICATION**

27 Section 18. It is the goal of the General Assembly to increase significantly the  
28 salaries of teachers who attain a "Masters/Advanced Competencies" certificate and  
29 teachers who are certified by the National Board for Professional Teaching Standards  
30 (NBPTS) so as to provide an incentive for good teachers to become excellent teachers. In  
31 order to do so, it is further the goal of the General Assembly to enact, for the 1997-98  
32 school year, a salary schedule plan that will provide a twelve percent (12%) bonus for  
33 teachers who attain NBPTS certification. It is further the goal of the General Assembly  
34 to enact by the year 2000 a salary schedule plan that will provide a ten percent (10%)  
35 bonus to teachers who attain a "Masters/Advanced Competencies" certification.

## 36 37 **C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM**

38 Section 19. It is the goal of the General Assembly to continue to pay for the  
39 National Board for Professional Teaching Standards participation fee and for up to three  
40 days of approved paid leave for teachers participating in the NBPTS program during the  
41 1997-98 school year and the 1998-99 school year and thereafter for teachers in the public  
42 schools.



1       **D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S**  
2 **PROGRAM**

3       Section 20. (a) It is the goal of the General Assembly to provide school-based  
4 incentive awards under G.S. 115C-105.36 (a) to schools at which students achieve higher  
5 than expected improvements in the basics and the skills they need to get a good job, and  
6 to schools at which students meet the expected improvements in the basics and the skills  
7 they need to get a good job. In accordance with State Board of Education policy,  
8 incentive awards in schools that achieve higher than expected improvements may be up  
9 to: (i) one thousand five hundred dollars (\$1,500) for each teacher and for certified  
10 personnel; and (ii) five hundred dollars (\$500.00) for each teacher assistant. In  
11 accordance with State Board of Education policy, incentive awards in schools that meet  
12 the expected improvements may be up to: (i) seven hundred fifty dollars (\$750.00) for  
13 each teacher and for certified personnel; and (ii) three hundred seventy-five dollars  
14 (\$375.00) for each teacher assistant.

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

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

21       "(b) Each identified low-performing school shall ~~notify~~ provide written notification  
22 to the parents of students attending that ~~school~~ school. The written notification shall  
23 include a statement that the State Board of Education has found that the school has ~~failed~~  
24 'failed' to meet the minimum growth standards, as defined by the State Board, and a  
25 majority of students in ~~that~~ the school are performing below grade ~~level~~ level.' This  
26 notification also shall include a description of the steps the school is taking to improve  
27 student performance."  
28

29       **E. EXTRA PAY FOR MENTOR TEACHERS**

30       Section 21. It is the goal of the General Assembly to fund a mentor teacher  
31 program that will recognize the achievements of excellent, experienced teachers and will  
32 provide each newly certified teacher with a qualified and well-trained mentor. The funds  
33 shall be used to compensate each mentor for serving as a mentor prior to and during the  
34 school year.  
35

36       **F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT**

37       Section 22. It is the goal of the General Assembly to compensate every newly  
38 certified teacher for three additional days of employment for orientation and classroom  
39 preparation.  
40

41       **G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT**

42       Section 23. It is the goal of the General Assembly to provide funds for  
43 teachers' participation in professional development programs that are aligned with State

1 educational goals and improved student achievement. The funds should be used for  
2 teacher development programs that enable teachers to renew continually their knowledge  
3 and professional skills, programs that train principals to observe and evaluate teachers,  
4 programs that train master teachers to observe teachers that have not achieved career  
5 status, programs that train mentors for beginning teachers, and other programs as directed  
6 by the State Board of Education.

#### 7 8 **H. EXTRA PAY FOR EXTRA DAYS**

9 Section 24. It is the goal of the General Assembly to provide funds to enable  
10 school systems to utilize better the teacher workdays within the calendar for planning,  
11 staff development, remediation, and other purposes. These funds shall be used to pay  
12 teachers for working on, and thereby forfeiting, vacation days.

#### 13 14 **I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL 15 RESPONSIBILITIES**

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

#### 27 28 **IX. FUNDS FOR COMPUTER SYSTEMS**

29  
30 Section 26. G.S. 115C-546.1(a) reads as rewritten:

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

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

35 "**§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General  
36 Fund; matching requirements.**

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

41 (b) ~~Monies~~ Counties shall use monies in the Fund ~~shall be used~~ for capital outlay  
42 projects including the planning, construction, reconstruction, enlargement, improvement,  
43 repair, or renovation of public school buildings and for the purchase of land for public

1 ~~school buildings.~~ buildings; for equipment to implement a local school technology plan  
2 that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a  
3 local school technology plan shall be transferred to the State School Technology Fund  
4 and allocated by that Fund to the local school administrative unit for equipment.

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

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

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

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

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

## 36 X. FUNDS FOR TEACHER SUPPLY AND DEMAND STUDY

37

38 Section 28. It is the goal of the General Assembly to provide funds for the  
39 State Board of Education to conduct a comprehensive teacher supply and demand study.  
40

## 41 XI. FUNDS FOR TRAINING AND COMPENSATING CASE MANAGERS

42

1           Section 29. It is the goal of the General Assembly to provide funds for training  
2 individuals who will serve as case managers. It is also the goal of the General Assembly  
3 to provide funds for compensating and reimbursing the expenses of case managers.  
4

5 **XII. FUNDS FOR DEVELOPING NEW EVALUATIONS**  
6

7           Section 30. It is the goal of the General Assembly to provide funds for  
8 developing and revising uniform performance standards and criteria to be used in  
9 evaluating professional public school employees including school administrators and for  
10 reviewing performance pay systems for teachers.  
11

12 **XIII. MISCELLANEOUS PROVISIONS**  
13

14       **A.       CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT LIMIT**  
15       **TEXT**

16           Section 31. The series of captions used in this act (the descriptive phrases in  
17 boldface and capital letters) are inserted for convenience and reference only, and they in  
18 no way define, limit, or prescribe the scope or application of the text of this act.  
19

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

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

26       **C.       EFFECTIVE DATES**

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