

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1056*

Short Title: School Employee Continuing Contracts.

(Public)

Sponsors: Representatives Colton; Cummings, Gist, H. Hunter, Jeffus, Jenkins, and Warner.

Referred to: Public Employees.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT NONCERTIFICATED PUBLIC SCHOOL EMPLOYEES BE HIRED ON A CONTINUING CONTRACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-315 reads as rewritten:

"§ 115C-315. Hiring of school personnel.

(a) ~~Janitors and Maids. — In the city administrative units, janitors and maids shall be appointed by the board of education of such local school administrative unit upon the recommendation of the superintendent.~~ Election of Noncertificated Employees. — Noncertificated employees shall be elected by the local board of education upon the recommendation of the superintendent, in accordance with G.S. 115C-276(j).

(b) ~~Election by Local Boards. — School personnel shall be elected by the local board of education upon the recommendation of the superintendent, in accordance with the provisions of G.S. 115C-276(j).~~ Continuing Contracts; Dismissal. — Noncertificated employees shall be employed on a continuing contract. Dismissal of a noncertificated employee may occur for just cause or loss of funding so long as due process is afforded, including 30 days notice.

It is the policy of the State of North Carolina to encourage and provide for the most efficient and cost-effective method of meeting the needs of local school administrative units for noncertified support personnel. To this end, the State Board of Education shall recommend to the General Assembly by November 1, 1984, a system using factors and formulas to determine the total number of noncertified support personnel allotted to local school administrative units. The recommended system for allotting noncertified

1 support personnel shall include the proposed State's funding obligation for these
2 positions and shall be developed in consultation with school-based support personnel or
3 their representatives.

4 (c) Prerequisites for Employment. – All professional personnel employed in the
5 public schools of the State or in schools receiving public funds shall be required either
6 to hold or be qualified to hold a certificate in compliance with the provision of the law
7 or in accordance with the regulations of the State Board of Education: Provided, that
8 nothing herein shall prevent the employment of temporary personnel under such rules as
9 the State Board of Education may prescribe.

10 (d) Certification for Professional Positions. – The State Board of Education shall
11 have entire control of certifying all applicants for professional positions in all public
12 elementary and high schools of North Carolina; and it shall prescribe the rules and
13 regulations for the renewal and extension of all certificates and shall determine and fix
14 the salary for each grade and type of certificate which it authorizes: Provided, that the
15 State Board of Education shall require each applicant for an initial certificate or
16 graduate certificate to demonstrate his or her academic and professional preparation by
17 achieving a prescribed minimum score at least equivalent to that required by the Board
18 on November 30, 1972, on a standard examination appropriate and adequate for that
19 purpose: Provided, further, that in the event the Board shall specify the National
20 Teachers Examination for this purpose, the required minimum score shall not be lower
21 than that which the Board required on November 30, 1972.

22 (e) Repealed by Session Laws 1989, c. 385, s. 3.

23 (f) Employing Persons Not Holding Nor Qualified to Hold Certificate. – It shall
24 be unlawful for any board of education to employ or keep in service any professional
25 person who neither holds nor is qualified to hold a certificate in compliance with the
26 provisions of the law or in accordance with the regulations of the State Board of
27 Education."

28 Sec. 2. This act becomes effective July 1, 1993.