

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 386

Short Title: GPAC/School Admin. Job Protection.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Government Performance Audit.

February 24, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT
PERFORMANCE AUDIT COMMITTEE TO REPLACE CURRENT SCHOOL
TENURE LAWS WITH LAWS AND REGULATIONS THAT PROVIDE
PROTECTION FOR ADMINISTRATORS FROM ARBITRARY OR
CAPRICIOUS ACTION BY A SUPERVISOR.

The General Assembly of North Carolina enacts:

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

"(c) (1) Election of a Teacher to Career Status. – When a teacher will have been employed by a North Carolina public school system for three consecutive years, the board, near the end of the third year, shall vote upon his employment for the next school year. The board shall give him written notice of that decision by June 1 of his third year of employment. If a majority of the board votes to reemploy the teacher, and if it has notified him of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate his employment. If a majority of the board votes against reemploying the teacher, he shall not teach beyond the current school term. If the board fails to vote on granting career status but reemploys him for the next year, he automatically becomes a career teacher on the first day of the fourth year of employment.

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

4 (2) Employment of a Career Teacher. – A teacher who has obtained career
5 status in any North Carolina public school system need not serve
6 another probationary period of more than two years, and may, at the
7 option of the board, be employed immediately as a career teacher. In
8 any event, if the teacher is reemployed for a third consecutive school
9 year, he shall automatically become a career teacher. A teacher with
10 career status who resigns and within five years is reemployed by the
11 same local school administrative unit need not serve another
12 probationary period of more than one school year and may, at the
13 option of the board, be reemployed as a career teacher. In any event, if
14 he is reemployed for a second consecutive school year, he shall
15 automatically become a career teacher.

16 (3) Ineligible for Career Status. – No superintendent, associate
17 superintendent, assistant superintendent or other school employee who
18 is not a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain
19 career status or continue in a career status if he no longer performs the
20 responsibilities of a teacher as defined in G.S. 115C-325(a)(6). No
21 person who is promoted to or employed in a principal, director, or
22 supervisor position after July 1, 1995, is eligible to obtain career status
23 as an administrator. If the person acquired career status as a teacher in
24 a local school administrative unit before being promoted to or
25 employed in a principal, director, or supervisor position, the person
26 shall retain career status as a teacher and the person has a right to
27 reassignment to a teaching position in the event the person is not
28 continued in employment as a principal, director, or supervisor.

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

32 Sec. 2. G.S. 115C-325(d) reads as rewritten:

33 "(d) Career Teachers.

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

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

40 b. Whether or not he has previously attained career status as a
41 teacher, a person who has performed the duties of a principal in
42 the school system for three consecutive years or has performed
43 the duties of a supervisor in the school system for three
44 consecutive years shall not be transferred from that position to a

1 lower paying administrative position or to a lower paying
2 nonadministrative position without his consent except for the
3 reasons given in G.S. 115C-325(e)(1) and in accordance with
4 the provisions for the dismissal of a career teacher set out in this
5 section. Transfer of a principal or a supervisor is not a transfer
6 to a lower paying position if the principal's or supervisor's
7 salary is maintained at the previous salary amount.

8 When a teacher has performed the duties of supervisor or principal
9 for three consecutive years, the board, near the end of the third year,
10 shall vote upon his employment for the next school year. The board
11 shall give him written notice of that decision by June 1 of his third
12 year of employment as a supervisor or principal. If a majority of the
13 board votes to reemploy the teacher as a principal or supervisor, and it
14 has notified him of that decision, it may not rescind that action but
15 must proceed under the provisions of this section. If a majority of the
16 board votes not to reemploy the teacher as a principal or supervisor, he
17 shall retain career status as a teacher if that status was attained prior to
18 assuming the duties of supervisor or principal. A supervisor or
19 principal who has not held that position for three years and whose
20 contract will not be renewed for the next school year shall be notified
21 by June 1 and shall retain career status as a teacher if that status was
22 attained prior to assuming the duties of supervisor or principal.

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

26 A principal or supervisor who has obtained career status in that
27 position in any North Carolina public school system may be required
28 by the board of education in another school system to serve an
29 additional three-year probationary period in that position before being
30 eligible for career status. However, he may, at the option of the board
31 of education, be granted career status immediately or after serving a
32 probationary period of one or two additional years. A principal or
33 supervisor with career status who resigns and within five years is
34 reemployed by the same school system need not serve another
35 probationary period in that position of more than two years and may, at
36 the option of the board, be reemployed immediately as a career
37 principal or supervisor or be given career status after only one year. In
38 any event, if he is reemployed for a third consecutive year, he shall
39 automatically become a career principal or supervisor."

40 Sec. 3. G.S. 115C-287 reads as rewritten:

41 "**§ 115C-287. Tenure as principal or supervisor. Method of employment of principals,**
42 **directors, and supervisors.**

1 (a) Tenure of a principal or supervisor who is not ineligible for career status as
2 provided by G.S. 115C-325(c)(3) shall be determined in accordance with the provisions
3 of G.S. 115C-325.

4 (b) Local boards of education shall employ principals, directors, and supervisors,
5 who are ineligible for career status as provided by G.S. 115C-325(c)(3), upon the
6 recommendation of the superintendent for a term of two to four years. Contracts shall
7 be renewed only at the end of the contract period. Rolling annual contract renewals are
8 not allowed.

9 The term of employment shall be stated in a written contract that shall be entered
10 into between the board of education and the administrator. The administrator shall not
11 be dismissed or demoted during the term of the contract except for the grounds and by
12 the procedure by which a career teacher may be dismissed or demoted as set forth in
13 G.S. 115C-325.

14 If the superintendent elects not to recommend the reemployment of an administrator
15 at the end of the contract's term, the superintendent shall notify the administrator at least
16 30 days prior to the end of the contract's term that the administrator will not be offered
17 reemployment beyond the contract's term. No action by the board of education shall be
18 necessary.

19 If the superintendent elects to recommend the reemployment of an administrator for
20 a successive contract or to recommend a new and extended term of an administrator's
21 contract, the superintendent may do so at any time more than 90 days prior to the end of
22 the current contract's term. The board of education may approve or disapprove the
23 superintendent's recommendation for any cause that it deems sufficient. If the board
24 decides not to offer the administrator employment beyond the end of the contract's term,
25 the administrator shall be notified of that fact at least 30 days prior to the end of the
26 contract's term.

27 If the superintendent or the board of education fails to notify an administrator at least
28 90 days prior to the end of the contract's term that the administrator will not be offered
29 employment beyond the end of the contract term, the administrator shall be entitled to
30 90 days of additional employment or severance pay beyond the date the administrator
31 receives notice that the contract will not be renewed.

32 If the administrator acquired career status prior to appointment as an administrator,
33 an administrator who has not served in a position for four years and whose contract as
34 an administrator is not renewed or extended by the superintendent or the board of
35 education shall be entitled to reassignment and employment in the position of
36 employment in which the administrator previously acquired career status."

37 Sec. 4. This act becomes effective July 1, 1993.