

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 884

Short Title: Teachers' Personnel Files/Content.

(Public)

---

Sponsors: Senators Allran; Gulley, Cochrane, Codington, Forrester, Winner of Mecklenburg, Carpenter, Gunter, and Kerr.

---

Referred to: Judiciary II.

---

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW SCHOOL SUPERINTENDENTS TO CHOOSE NOT TO PUT ALL LETTERS OF COMPLAINTS IN TEACHERS' PERSONNEL FILES.

The General Assembly of North Carolina enacts:

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

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superintendent may elect not to place in a teacher's file (i) a letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue.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the local board of education to remove any information from his personnel file that he deems invalid, irrelevant, or outdated.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board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

The personnel file shall be open for the teacher's inspection at all reasonable times but shall be open to other persons only in accordance with such rules and regulations as the board adopts. Any preemployment data or other information obtained about a teacher before his employment by the board may be kept in a file separate from his personnel file and need not be made available to him. No data placed in the

1 preemployment file may be introduced as evidence at a hearing on the dismissal or  
2 demotion of a teacher."

3           Sec. 2. G.S. 115C-276(1) reads as rewritten:

4       "(l) To Maintain Personnel Files and to Participate in Firing and Demoting of  
5 Staff. – The superintendent shall maintain in his office a personnel file for each teacher  
6 that contains ~~any complaint, commendation, or suggestion for correction~~ complaints,  
7 commendations, or suggestions for correction or improvement about the teacher and  
8 shall participate in the firing and demoting of ~~staff~~ staff, as provided in G.S. 115C-325."

9           Sec. 3. This act is effective upon ratification.