

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1426*

Short Title: Misc. Corrections/G.S. 115C-325.

(Public)

Sponsors: Representatives Arnold, Preston; and Hurley.

Referred to: Education.

May 25, 1998

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325.

The General Assembly of North Carolina enacts:

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

"(c) (1) Election of a Teacher to Career Status. -Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The board shall give the teacher written notice of that decision by June 15. If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher 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 the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach in that local school administrative unit beyond the current school term. If the board fails to vote on granting career status:

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- 1 a. It shall not reemploy the teacher for a fifth consecutive year;
2 b. As of June 16, the teacher shall be entitled to one month's pay as
3 compensation for the board's failure to vote upon the issue of
4 granting career status; and
5 c. The teacher shall be entitled to an additional month's pay for
6 every 30 days after June 16 that the board fails to vote upon the
7 issue of granting career status."

8 Section 2. G.S. 115C-325(h)(3) reads as rewritten:

9 "(3) Within the 14-day period after receipt of the notice, the career employee
10 may file with the superintendent a written request for either (i) a hearing
11 on the grounds for the superintendent's proposed recommendation by a
12 case manager or (ii) a hearing within ~~five~~ 10 days before the board on
13 the superintendent's recommendation. If the career employee requests
14 an immediate hearing before the board, he forfeits his right to a hearing
15 by a case manager. If no request is made within that period, the
16 superintendent may file his recommendation with the board. The board,
17 if it sees fit, may by resolution (i) reject the superintendent's
18 recommendation or (ii) accept or modify the superintendent's
19 recommendation and dismiss, demote, reinstate, or suspend the
20 employee without pay. If a request for review is made, the
21 superintendent shall not file his recommendation for dismissal with the
22 board until a report of the case manager is filed with the
23 superintendent."

24 Section 3. G.S. 115C-325(j)(3) reads as rewritten:

25 "(3) At the hearing the career employee and the ~~superintendent~~
26 superintendent, or the superintendent's designee, shall have the right to
27 be present and to be heard, to be represented by counsel and to present
28 through witnesses any competent testimony relevant to the issue of
29 whether grounds for dismissal or demotion exist or whether the
30 procedures set forth in G.S. 115C-325 have been followed."

31 Section 4. G.S. 115C-325(j1)(1) reads as rewritten:

32 "(1) Within two days after receiving the superintendent's notice of intent to
33 recommend the career employee's dismissal to the board, the career
34 employee shall decide whether to request a hearing before the board and
35 shall notify the superintendent, in writing, of the decision. If the career
36 employee can show that the request for a hearing was postmarked
37 within the time provided, the career employee shall not forfeit the right
38 to a board hearing. Within two days after receiving the career
39 employee's request for a board hearing, the superintendent shall request
40 that a transcript of the case manager hearing be made. Within two days
41 of receiving a copy of the transcript, the superintendent shall submit to
42 the board the written recommendation and shall provide a copy of the
43 recommendation to the career employee. The superintendent's

1 recommendation shall state the grounds for the recommendation and
2 shall be accompanied by a copy of the case manager's ~~report~~ report and
3 a copy of the transcript of the case manager's hearing."

4 Section 5. G.S. 115C-325(j3)(5) reads as rewritten:

5 "(5) At least ~~10~~ eight days before the hearing, the superintendent shall
6 provide to the career employee a list of witnesses the superintendent
7 intends to present, a brief statement of the nature of the testimony of
8 each witness, and a copy of any documentary evidence the
9 superintendent intends to present."

10 Section 6. G.S. 115C-325(o) reads as rewritten:

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

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

19 Section 7. This act is effective when it becomes law. Sections 2, 3, 4, and 5
20 apply to proceedings initiated on or after that date.