

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 272*

Education/Higher Education Committee Substitute Adopted 3/24/97

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".

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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**I. EFFORTS TO RAISE STUDENT PERFORMANCE
STANDARDS**

1 Section 2. The State Board of Education shall report to the Joint Legislative
2 Education Oversight Committee prior to September 15, 1997, and prior to February 15,
3 1998, on its comprehensive plan to raise student performance standards in reading,
4 writing, and mathematics. The reports shall include (i) comparisons of current standards
5 and the State Board's plan to raise student performance expectations as outlined in the
6 ABC's initiative, the standard course of study, the work of the North Carolina Education
7 Standards and Accountability Commission, and the work of the National Assessment of
8 Educational Progress (NAEP), and (ii) specific details and timetables on the State Board's
9 efforts to establish student performance benchmarks at grades four, eight, ten, and twelve.

10 11 **II. RIGOROUS STANDARDS FOR ENTERING THE TEACHING** 12 **PROFESSION**

13 14 **A. ENHANCED STANDARDS FOR TEACHER PREPARATION** 15 **PROGRAMS**

16 Section 3. G.S. 115C-296(b) reads as rewritten:

17 "(b) It is the policy of the State of North Carolina to maintain the highest quality
18 teacher education programs and school administrator programs in order to enhance the
19 competence of professional personnel certified in North Carolina. To the end that teacher
20 preparation programs are upgraded to reflect a more rigorous course of study, the State
21 Board of Education shall submit to the General Assembly not later than November 1, 1994, a
22 plan to promote this policy. ~~The State Board of Education, as lead agency in coordination~~
23 ~~and cooperation with the University Board of Governors, the Board of Community~~
24 ~~Colleges and such other public and private agencies as are necessary, shall continue to~~
25 ~~refine the several certification requirements, standards for approval of institutions of~~
26 ~~teacher education, standards for institution-based innovative and experimental programs,~~
27 ~~standards for implementing consortium-based teacher education, and standards for~~
28 ~~improved efficiencies in the administration of the approved programs. The State Board~~
29 ~~of Education, as lead agency in coordination and cooperation with The University Board~~
30 ~~of Governors, the Board of Community Colleges, and such other public and private~~
31 ~~agencies as are necessary, and in consultation with the North Carolina Professional~~
32 ~~Teaching Standards Commission, shall also continue to raise the standard for entry into~~
33 ~~institutions of teacher education and lengthen and enhance the internship period required~~
34 ~~of students in institutions of teacher education.~~

35 The standards for approval of institutions of teacher education shall require that
36 teacher education programs for students who do not major in special education include
37 courses in the identification and education of children with learning disabilities. The
38 State Board of Education shall incorporate the criteria developed in accordance with G.S.
39 116-74.21 for assessing proposals under the School Administrator Training Program into
40 its school administrator program approval standards."

41 42 **B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS**

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

1 "(a) The State Board of Education shall have entire control of certifying all
2 applicants for teaching positions in all public elementary and high schools of North
3 Carolina; and it shall prescribe the rules and regulations for the renewal and extension of
4 all certificates and shall determine and fix the salary for each grade and type of certificate
5 which it authorizes: Provided, that the State Board of Education shall require each
6 applicant for an initial ~~certificate or bachelors degree certificate or graduate degree~~
7 certificate to demonstrate his academic and professional preparation by achieving a
8 prescribed minimum score at least equivalent to that required by the Board on November 30,
9 1972, on a standard examination appropriate and adequate for that purpose: Provided,
10 further, that in the event the Board shall specify the National Teachers Examination for this
11 purpose, the required minimum score shall not be lower than that which the Board required on
12 November 30, 1972: Provided, further, that the State Board of Education shall not decrease the
13 certification standards for physical education teachers or health education teachers below the
14 standards in effect on June 1, 1988. purpose. The General Assembly urges the State Board
15 of Education, in consultation with the North Carolina Professional Teaching Standards
16 Commission, to continue to make the standard examination more rigorous and to raise the
17 prescribed minimum score as necessary to ensure that each applicant has adequate
18 academic and professional preparation to teach."

19 20 C. REPORT ON ENHANCEMENT OF STANDARDS

21 Section 5. The State Board of Education shall report to the Joint Legislative
22 Education Oversight Committee prior to February 15, 1998, on plans and actions taken
23 pursuant to Sections 3 and 4 of this act to enhance standards for entering the teaching
24 profession and for receiving State Board certification.

25 26 III. RIGOROUS STANDARDS FOR CONTINUING 27 CERTIFICATION

28 A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE 29 YEAR

30 Section 6. (a) G.S. 115C-296(b), as rewritten by Section 3 of this act, reads as
31 rewritten:

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

1 experience, and certificate renewal every five years thereafter. The State Board of
2 Education, as lead agency in coordination and cooperation with The University Board of
3 Governors, the Board of Community Colleges, and such other public and private agencies
4 as are necessary, and in consultation with the North Carolina Professional Teaching
5 Standards Commission, shall also continue to raise the standard for entry into institutions
6 of teacher education and lengthen and enhance the internship period required of students
7 in institutions of teacher education.

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

14 (b) This section applies to teachers who have not received continuing certification
15 prior to January 1, 1999.

16 17 **B. ENHANCED STANDARDS FOR CONTINUING** 18 **CERTIFICATION**

19 Section 7. The State Board of Education, in consultation with the North
20 Carolina Professional Teaching Standards Commission, local boards of education, and
21 the Board of Governors of The University of North Carolina, shall reevaluate and
22 enhance the requirements for continuing certification. The State Board shall consider
23 modifications to the continuing certification process to align it with State education goals
24 and to make it a performance-based system in which portfolios, videos, and evaluations
25 by National Board Certified or other excellent teachers are considered. The State Board
26 shall report to the Joint Legislative Education Oversight Committee prior to February 15,
27 1998, on the results of this study and on any actions taken to make renewal of teacher
28 certificates more rigorous.

29 30 **IV. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT** 31 **BEFORE CAREER STATUS IS CONSIDERED**

32 33 **A. MENTORS PROVIDED FOR ALL BEGINNING TEACHERS**

34 Section 8. The State Board of Education shall develop a mentor program that
35 will recognize the achievements of excellent, experienced teachers and will provide each
36 initially certified teacher with a qualified and well-trained mentor. The State Board shall
37 report to the Joint Legislative Education Oversight Committee prior to February 15,
38 1998, on its progress in developing this program.

39 40 **B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY** 41 **WELL-** 42 **TRAINED EVALUATORS BEFORE CAREER STATUS IS** 43 **CONSIDERED**

1 Section 9. G.S. 115C-326(a) reads as rewritten:

2 "(a) The State Board of Education, in consultation with the North Carolina
3 Standards Board for Public School Administration, the North Carolina Professional
4 Teaching Standards Commission, and local boards of education, shall develop uniform
5 performance standards and criteria to be used in evaluating professional public school
6 employees. The State Board of Education shall take into consideration standards
7 developed by the National Board for Professional Teaching Standards when developing
8 the criteria to be used in evaluating professional public school employees. It shall
9 develop rules to recommend the use of these standards and criteria in the employee
10 evaluation process. The performance standards and criteria may be modified ~~in~~ at the
11 discretion of the State Board.

12 The State Board of Education, in collaboration with the Board of Governors of The
13 University of North Carolina and in consultation with the North Carolina Standards
14 Board for Public School Administration, the North Carolina Professional Teaching
15 Standards Commission, and local boards of education shall also develop programs to
16 train administrators and others to improve the evaluation and supervision of professional
17 public school employees.

18 Local boards of education shall adopt rules to provide for the evaluation of all
19 professional employees defined as teachers in G.S. 115C-325(a)(6). All teachers who
20 have not attained career status shall be observed at least three times annually by a
21 qualified administrator or a designee and at least once annually by a teacher. All other
22 teachers shall be evaluated annually unless a local board adopts rules that allow specified
23 categories of teachers with career status to be evaluated less frequently. Local boards may
24 also adopt rules requiring the annual evaluation of other school employees not
25 specifically covered in this section. Local boards may develop and use alternative
26 evaluation approaches for teachers provided the evaluations are properly validated. Local
27 boards that do not develop alternative evaluations shall utilize the performance standards
28 and criteria adopted by the State Board of Education, but are not limited to those
29 standards and criteria."

30
31 **C. CAREER STATUS DECISION TO BE MADE ONE YEAR**
32 **AFTER CONTINUING CERTIFICATION AWARDED**

33 Section 10. (a) G.S. 115C-325(c) reads as rewritten:

34 "(c) (1) Election of a Teacher to Career Status. – Except as otherwise
35 provided in subdivision (3) of this subsection, when a teacher will
36 have been employed by a North Carolina public school system for
37 ~~three-four~~ consecutive years, the board, near the end of the ~~third-fourth~~
38 year, shall vote upon his employment for the next school year. The
39 board shall give him written notice of that decision by June 1 of his
40 ~~third-fourth~~ year of employment. If a majority of the board votes to
41 reemploy the teacher, and if it has notified him of the decision, it may
42 not rescind that action but must proceed under the provisions of this
43 section for the demotion or dismissal of a teacher if it decides to

1 terminate his employment. If a majority of the board votes against
2 reemploying the teacher, he shall not teach beyond the current school
3 term. If the board fails to vote on granting career status but reemploys
4 him for the next year, he automatically becomes a career teacher on
5 the first day of the ~~fourth~~-fifth year of employment.

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

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

21 (3) Ineligible for Career Status. – No employee of a local board of
22 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible
23 to obtain career status or continue in a career status if he no longer
24 performs the responsibilities of a teacher as defined in G.S. 115C-
25 325(a)(6). No person who is working in a principal or supervisor
26 position who did not acquire career status as a school administrator by
27 June 30, 1997, shall have career status as an administrator. Further, no
28 director or assistant principal is eligible to obtain career status as a
29 school administrator unless he or she has already been conferred that
30 status by the local board of education.

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

34 (b) This section applies to teachers, as defined in G.S. 115C-325(a)(6), who have
35 not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1999.

36
37 **V. ADDITIONAL PROFESSIONAL DEVELOPMENT**
38 **OPPORTUNITIES AND TOUGHER STANDARDS FOR**
39 **TEACHERS WITH CAREER STATUS**

40
41 **A. MEANINGFUL AND CONTINUED PROFESSIONAL**
42 **DEVELOPMENT FOR TEACHERS**

1 Section 11. The State Board of Education, in consultation with the Board of
2 Governors of The University of North Carolina and the North Carolina Professional
3 Teaching Standards Commission, shall study methods for providing meaningful
4 professional development opportunities, which are aligned with State education goals, for
5 each teacher. The State Board shall report the results of this study to the Joint Legislative
6 Education Oversight Committee prior to February 15, 1998.

7
8 **B. TENURE STREAMLINED TO PROVIDE A FAIR AND**
9 **EFFICIENT PROCESS FOR REMOVING POOR TEACHERS**
10 **FROM THE CLASSROOM**

11 Section 12. (a) G.S. 115C-325, as rewritten by Section 10(a) of this act, reads
12 as rewritten:

13 **"§ 115C-325. System of employment for public school teachers.**

14 "(a) Definition of Terms. – As used in this section unless the context requires
15 otherwise:

16 (1a) 'Career employee' as used in this section means:

- 17 a. An employee who has obtained career status with that local
18 board as a teacher as provided in G.S. 115C-325(c);
19 b. An employee who has obtained career status with that local
20 board in an administrative position as provided in G.S. 115C-
21 325(d)(2);
22 c. A probationary teacher during the term of the contract as
23 provided in G.S. 115C-325(m); and
24 d. A school administrator during the term of a school administrator
25 contract as provided in G.S. 115C-287.1(c).

26 (1b) 'Career school administrator' means a school administrator who has
27 obtained career status in an administrative position as provided in G.S.
28 115C-325(d)(2).

29 (+)

30 (1c) 'Career teacher' means a teacher who has obtained career status as
31 provided in G.S. 115C-325(c).

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

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

36 (4) 'Demote' means to reduce the ~~compensation~~ salary of a person who is
37 classified or paid by the State Board of Education as a classroom
38 ~~teacher, teacher or as a school administrator, or to transfer him to a new~~
39 ~~position carrying a lower salary, or to suspend him without pay to a maximum~~
40 ~~of 60 days; provided, however, that a suspension without pay pursuant to the~~
41 ~~provisions of G.S. 115C-325(f) shall not be considered a demotion.—The~~
42 ~~word 'demote' does not include a reduction in compensation that results~~
43 ~~from the elimination of a special duty, such as the duty of an athletic coach,~~

1 ~~assistant principal, or a choral director.~~ include: (i) a suspension without
2 pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction
3 of bonus payments, including merit-based supplements, or a systemwide
4 modification in the amount of any applicable local supplement; or (iii)
5 any reduction in salary that results from the elimination of a special
6 duty, such as the duty of an athletic coach or a choral director.

7 (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or
8 school administrator without pay up to a maximum of 60 days pursuant
9 to G.S. 115C-325(f)(2).

10 (5) 'Probationary teacher' means a certificated person, other than a
11 superintendent, associate superintendent, or assistant superintendent,
12 who has not obtained career-teacher status and whose major
13 responsibility is to teach or to supervise teaching.

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

20 (7) 'Year' for purposes of computing time as a probationary teacher shall be
21 not less than 120 workdays performed as a teacher in a full-time
22 permanent position in a school year.

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

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

1 (c) (1) Election of a Teacher to Career Status. – Except as otherwise
2 provided in subdivision (3) of this subsection, when a teacher will
3 have been employed by a North Carolina public school system for
4 four consecutive years, the board, near the end of the fourth year, shall
5 vote upon his employment for the next school year. The board shall
6 give him written notice of that decision by June 1 of his fourth year of
7 employment. If a majority of the board votes to reemploy the teacher,
8 and if it has notified him of the decision, it may not rescind that action
9 but must proceed under the provisions of this section for the demotion
10 or dismissal of a teacher if it decides to terminate his employment. If a
11 majority of the board votes against reemploying the teacher, he shall
12 not teach beyond the current school term. If the board fails to vote on
13 granting career status but reemploys him for the next year, he
14 automatically becomes a career teacher on the first day of the fifth
15 consecutive year of employment.

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

19 (2) Employment of a Career Teacher. – A teacher who has obtained career
20 status in any North Carolina public school system need not serve
21 another probationary period of more than two years, and may, at the
22 option of the board, be employed immediately or after one year as a
23 career teacher. In any event, if the teacher is reemployed for a third
24 consecutive school year, he shall automatically become a career teacher.
25 ~~A teacher with career status who resigns and within five years is reemployed~~
26 ~~by the same local school administrative unit need not serve another~~
27 ~~probationary period of more than one school year and may, at the option of~~
28 ~~the board, be reemployed as a career teacher. In any event, if he is reemployed~~
29 ~~for a second consecutive school year, he shall automatically become a career~~
30 ~~teacher.~~

31 (3) Ineligible for Career Status. – No employee of a local board of
32 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible
33 to obtain career status or continue in a career status as a teacher if he no
34 longer performs the responsibilities of a teacher as defined in G.S.
35 115C-325(a)(6). No person who is ~~working in a principal or supervisor~~
36 ~~position~~ employed as a school administrator as defined in G.S. 115C-
37 287.1(a) who did not acquire career status as a school administrator by
38 June 30, 1997, shall have career status as an administrator. Further, no
39 director or assistant principal is eligible to obtain career status as a
40 school administrator unless he or she has already been conferred that
41 status by the local board of education.

- 1 (4) Leave of Absence. – A career teacher who has been granted a leave of
2 absence by a board shall maintain his career status if he returns to his
3 teaching position at the end of the authorized leave.
- 4 (d) Career Teachers and Career Administrators.
- 5 (1) A career teacher or administrator shall not be subjected to the
6 requirement of annual appointment nor shall he be dismissed, demoted,
7 or employed on a part-time basis without his consent except as provided
8 in subsection (e).
- 9 (2) a. The provisions of this subdivision do not apply to a person who is
10 ineligible for career status as provided by G.S. 115C-325(c)(3).
- 11 b. Transfer of career administrators. – Whether or not he has
12 previously attained career status as a teacher, a person who has
13 performed the duties of a principal in the school system for three
14 consecutive years or has performed the duties of a supervisor in
15 the school system for three consecutive years shall not be
16 transferred from that position to a lower paying administrative
17 position or to a lower paying nonadministrative position without
18 his consent except for the reasons given in G.S. 115C-325(e)(1)
19 and in accordance with the provisions for the dismissal of a
20 career teacher set out in this section. Transfer of a principal or a
21 supervisor is not a transfer to a lower paying position if the
22 principal's or supervisor's salary is maintained at the previous
23 salary amount. A school administrator who acquired career status
24 in an administrative position on or before June 30, 1997, may be
25 transferred from that position to any nonadministrative position
26 so long as the administrator's salary is maintained at the previous
27 salary amount.
- 28 c. Granting of career status in administrative positions. – Subject to
29 G.S. 115C-287.1, when ~~When~~ a teacher has performed the duties
30 of supervisor or principal for three consecutive years, the board,
31 near the end of the third year, shall vote upon his employment for
32 the next school year. The board shall give him written notice of
33 that decision by June 1 of his third year of employment as a
34 supervisor or principal. If a majority of the board votes to
35 reemploy the teacher as a principal or supervisor, and it has
36 notified him of that decision, it may not rescind that action but
37 must proceed under the provisions of this section. If a majority of
38 the board votes not to reemploy the teacher as a principal or
39 supervisor, he shall retain career status as a teacher if that status
40 was attained prior to assuming the duties of supervisor or
41 principal. A supervisor or principal who has not held that
42 position for three years and whose contract will not be renewed
43 for the next school year shall be notified by June 1 and shall

1 retain career status as a teacher if that status was attained prior to
2 assuming the duties of supervisor or principal.

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

7 A principal or supervisor who has obtained career status in
8 that position in any North Carolina public school system may be
9 required by the board of education in another school system to
10 serve an additional three-year probationary period in that position
11 before being eligible for career status. However, he may, at the
12 option of the board of education, be granted career status
13 immediately or after serving a probationary period of one or two
14 additional years. A principal or supervisor with career status who
15 resigns and within five years is reemployed by the same school
16 system need not serve another probationary period in that
17 position of more than two years and may, at the option of the
18 board, be reemployed immediately as a career principal or
19 supervisor or be given career status after only one year. In any
20 event, if he is reemployed for a third consecutive year, he shall
21 automatically become a career principal or supervisor.

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

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

- 25 a. Inadequate performance.
26 b. Immorality.
27 c. Insubordination.
28 d. Neglect of duty.
29 e. Physical or mental incapacity.
30 f. Habitual or excessive use of alcohol or nonmedical use of a
31 controlled substance as defined in Article 5 of Chapter 90 of the
32 General Statutes.
33 g. Conviction of a felony or a crime involving moral turpitude.
34 h. Advocating the overthrow of the government of the United States
35 or of the State of North Carolina by force, violence, or other
36 unlawful means.
37 i. Failure to fulfill the duties and responsibilities imposed upon
38 teachers or school administrators by the General Statutes of this
39 State.
40 j. Failure to comply with such reasonable requirements as the board
41 may prescribe.

- 1 k. Any cause which constitutes grounds for the revocation of ~~such~~
2 the career teacher's teaching certificate ~~certificate~~ or the career
3 school administrator's administrator certificate.
4 l. A justifiable decrease in the number of positions due to district
5 reorganization, decreased enrollment, or decreased funding,
6 provided that there is compliance with subdivision (2).
7 m. Failure to maintain his certificate in a current status.
8 n. Failure to repay money owed to the State in accordance with the
9 provisions of Article 60, Chapter 143 of the General Statutes.
10 o. Providing false information or knowingly omitting a material fact
11 on an application for employment or in response to a
12 preemployment inquiry.

13 (2) Reduction in Force. – Before recommending to a board the dismissal or
14 demotion of the career ~~teacher~~ employee pursuant to G.S. 115C-
15 325(e)(1)l., the superintendent shall give written notice to the career
16 ~~teacher~~ employee by certified mail or personal delivery of his intention
17 to make such recommendation and shall set forth as part of his
18 recommendation the grounds upon which he believes such dismissal or
19 demotion is justified. The notice shall include a statement to the effect
20 that if the ~~teacher~~ career employee within 15 days after receipt of the
21 notice requests a review, he shall be entitled to have the proposed
22 recommendations of the superintendent reviewed by the board. Within
23 the 15-day period after receipt of the notice, the career ~~teacher~~ employee
24 may file with the superintendent a written request for a hearing before
25 the board within 10 days. If the ~~teacher~~ career employee requests a
26 hearing before the board, the hearing procedures provided in ~~G.S. 115C-~~
27 ~~325(j)~~ G.S. 115C-325(j3) shall be followed. If no request is made within
28 the 15-day period, the superintendent may file his recommendation with
29 the board. If, after considering the recommendation of the
30 superintendent and the evidence adduced at the hearing if there is one,
31 the board concludes that the grounds for the recommendation are true
32 and substantiated by a preponderance of the evidence, the board, if it
33 sees fit, may by resolution order such dismissal. Provisions of this
34 section which permit ~~appointment of, and investigation and review by, a~~
35 ~~panel of the Professional Review Committee~~ a hearing by a case manager
36 shall not apply to a dismissal or demotion recommended pursuant to
37 G.S. 115C-325(e)(1)l.

38 When a career ~~teacher~~ employee is dismissed pursuant to G.S. 115C-
39 325(e)(1)l. above, his name shall be placed on a list of available ~~teachers~~
40 career employees to be maintained by the board. Career ~~teachers~~
41 employees whose names are placed on such a list shall have a priority
42 on all positions in which they acquired career status and for which they
43 are qualified which become available in that system for the three

1 consecutive years succeeding their dismissal. However, if the local
2 school administrative unit offers the dismissed ~~teacher~~-career employee a
3 position for which he is certified and he refuses it, his name shall be
4 removed from the priority list.

5 (3) Inadequate Performance. – In determining whether the professional
6 performance of a career ~~teacher~~-employee is adequate, consideration
7 shall be given to regular and special evaluation reports prepared in
8 accordance with the published policy of the employing local school
9 administrative unit and to any published standards of performance
10 which shall have been adopted by the board. Failure to notify a career
11 ~~teacher~~-employee of an inadequacy in his performance shall be
12 conclusive evidence of satisfactory performance.

13 (4) Three-Year Limitation on Basis of Dismissal or Demotions. –
14 Dismissal or demotion under subdivision (1) above, except ~~paragraph g~~
15 paragraphs g. and o. thereof, shall not be based on conduct or actions
16 which occurred more than three years before the written notice of the
17 superintendent's intention to recommend dismissal or demotion is
18 mailed to the ~~teacher~~-career employee. The three-year limitation shall not
19 apply to dismissals or demotions pursuant to subdivision (1)b. above
20 when the charge of immorality is based upon a ~~teacher's~~-career
21 employee's sexual misconduct toward or sexual harassment of students
22 or staff.

23 (f) (1) Suspension without Pay. – If a superintendent believes that
24 cause exists for dismissing a ~~probationary or career~~ ~~teacher~~-employee
25 for any reason specified in G.S. 115C-325(e)(1)a. ~~through 115C-~~
26 ~~325(e)(1)j.~~ and that immediate suspension of the ~~teacher~~-career
27 employee is necessary, the superintendent may suspend him without
28 pay. Before suspending a ~~teacher~~-career employee without pay, the
29 superintendent shall meet with the ~~teacher~~-career employee and give
30 him written notice of the charges against him, an explanation of the
31 bases for the charges, and an opportunity to respond. Within five days
32 after a suspension under this paragraph, the superintendent shall
33 initiate a ~~dismissal~~-dismissal, demotion, or disciplinary suspension
34 without pay as provided in this section. If it is finally determined that
35 no grounds for ~~dismissal~~-dismissal, demotion, or disciplinary
36 suspension without pay exist, the ~~teacher~~-career employee shall be
37 reinstated ~~immediately and immediately,~~ shall be paid for the period of
38 suspension, and all records of the suspension with pay shall be
39 removed from the career employee's personnel file.

40 (2) Disciplinary Suspension Without Pay. – A ~~teacher~~-career employee
41 recommended for suspension without pay pursuant to G.S. ~~115C-~~
42 ~~325(a)(4)-115C-325(a)(4a)~~ may request a hearing before the board. ~~If the~~
43 ~~teacher requests a hearing before the board, the procedures provided in G.S.~~

1 115C-325(j) shall be followed. If no request is made within 15 days, the
2 superintendent may file his recommendation with the board. If, after
3 considering the recommendation of the superintendent and the evidence
4 adduced at the hearing if one is held, the board concludes that the
5 grounds for the recommendation are true and substantiated by a
6 preponderance of the evidence, the board, if it sees fit, may by
7 resolution order such suspension. ~~Provisions of this section which permit~~
8 ~~appointment of, and investigation and review by, a panel of the Professional~~
9 ~~Review Committee shall not apply to a suspension without pay pursuant to~~
10 ~~G.S. 115C-325(a)(4).~~

11 a. Board hearing for disciplinary suspensions for greater than 10
12 days or for certain types of intentional misconduct. – The
13 procedures for a board hearing under G.S. 115C-325(j3) shall
14 apply if any of the following circumstances exist:

15 1. The recommended disciplinary suspension without pay is
16 for greater than 10 days; or

17 2. The disciplinary suspension is for intentional misconduct,
18 such as inappropriate sexual or physical conduct,
19 immorality, insubordination, habitual or excessive alcohol
20 or nonmedical use of a controlled substance, as defined in
21 Article 5 of Chapter 90 of the General Statutes, any cause
22 which constitutes grounds for the revocation of the
23 teacher's license, or providing false information.

24 b. Board hearing for disciplinary suspensions of up to 10 days. –
25 The procedures provided in G.S. 115C-325(j2) shall be followed
26 for all disciplinary suspensions up to 10 days that are not for
27 intentional misconduct as specified in G.S. 115C-325(f)(2)a.2.
28 In addition, the superintendent shall provide the career employee
29 with any documentary evidence the superintendent intends to use
30 to support his recommendation seven days before the hearing,
31 and the career employee shall provide the superintendent with
32 any documentary evidence to rebut the superintendent's
33 recommendation three days before the hearing.

34 (f1) Suspension with Pay. – If a superintendent believes that cause may exist for
35 dismissing or demoting a ~~probationary or career teacher-employee~~ for any reasons
36 specified in G.S. 115C-325(e)(1)~~b through 115C-325(e)(1)j~~, but that additional
37 investigation of the facts is necessary and circumstances are such that the ~~teacher-career~~
38 ~~employee~~ should be removed immediately from his duties, the superintendent may
39 suspend the ~~teacher-career employee~~ with pay for a reasonable period of time, not to
40 exceed 90 days. The superintendent shall ~~immediately~~ notify the board of education
41 within two days of his action and shall notify the career employee within two days of the
42 action and the reasons for it. If the superintendent has not initiated dismissal or demotion
43 proceedings against the ~~teacher-career employee~~ within the 90-day period, the ~~teacher~~

1 career employee shall be reinstated to his duties immediately and all records of the
2 suspension with pay shall be removed from the teacher's-career employee's personnel file
3 at his request. request: provided, however, if the superintendent and the employee have
4 agreed to extend the 90-day period, the superintendent may initiate dismissal or
5 demotion proceedings against the career employee at any time during the period of the
6 extension.

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

8 (1) ~~There is hereby created a Professional Review Committee which shall~~
9 ~~consist of 132 citizens, 11 from each of the State's congressional~~
10 ~~districts, five of whom shall be lay persons and six of whom shall have~~
11 ~~been actively and continuously engaged in teaching or in supervision or~~
12 ~~administration of schools in this State for the five years preceding their~~
13 ~~appointment and who are broadly representative of the profession, to be~~
14 ~~appointed by the Superintendent of Public Instruction with the advice~~
15 ~~and consent of the State Board of Education. Each member shall be~~
16 ~~appointed for a term of three years. The initial terms of office of the~~
17 ~~persons appointed from the 12th Congressional District shall commence~~
18 ~~on January 3, 1993, and expire on June 30, 1995. The Superintendent of~~
19 ~~Public Instruction, with the advice and consent of the State Board of~~
20 ~~Education, shall fill any vacancy which may occur in the Committee.~~
21 ~~The person appointed to fill the vacancy shall serve for the unexpired~~
22 ~~portion of the term of the member of the Committee whom he is~~
23 ~~appointed to replace.~~

24 (2) ~~The Superintendent of Public Instruction shall provide for the~~
25 ~~Committee such training as he considers necessary or desirable for the~~
26 ~~purpose of enabling the members of the Committee to perform the~~
27 ~~functions required of them.~~

28 (3) ~~The compensation of committee members while serving as a member of~~
29 ~~a hearing panel shall be as for State boards and commissions pursuant to~~
30 ~~G.S. 138-5. The compensation shall be paid by the State Board of~~
31 ~~Education.~~

32 (h) Procedure for Dismissal or Demotion of Career TeacherEmployee.

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

36 (2) Before recommending to a board the dismissal or demotion of the career
37 teacher-employee, the superintendent shall give written notice to the
38 career teacher-employee by certified mail or personal delivery of his
39 intention to make such recommendation and shall set forth as part of his
40 recommendation the grounds upon which he believes such dismissal or
41 demotion is justified. The superintendent also shall meet with the career
42 employee and give him written notice of the charges against him, an
43 explanation of the basis for the charges, and an opportunity to respond if

1 he has not done so pursuant to G.S. 115C-325(f)(1). The notice shall
2 include a statement to the effect that if the ~~teacher-career employee~~
3 within 15 days after the date of receipt of the notice requests a review,
4 he shall be entitled to have the grounds for the proposed
5 recommendations of the superintendent reviewed by a panel of the
6 Committee case manager. A copy of G.S. 115C-325 and a current list of
7 ~~the members of the Professional Review Committee~~ case managers shall
8 also be sent to the career ~~teacher~~employee. If the ~~teacher-career employee~~
9 does not request a panel hearing with a case manager within the 15 days
10 provided, the superintendent may submit his recommendation to the
11 board.

12 (3) Within the 15-day period after receipt of the notice, the career ~~teacher~~
13 employee may file with the superintendent a written request for either
14 (i) a review of the a hearing on the grounds for the superintendent's
15 proposed recommendation by a panel of the Professional Review
16 Committee case manager or (ii) a hearing within 10 days before the
17 board on the superintendent's recommendation. within 10 days. If the
18 ~~teacher-career employee~~ requests an immediate hearing before the board,
19 he forfeits his right to a hearing by a ~~panel of the Professional Review~~
20 ~~Committee~~. A hearing conducted by the board pursuant to this subdivision
21 ~~shall be conducted pursuant to G.S. 115C-325(j) and (l)~~ a case manager. If
22 no request is made within that period, the superintendent may file his
23 recommendation with the board. The board, if it sees fit, may by
24 resolution ~~dismiss such teacher.~~ (i) reject the superintendent's
25 recommendation or (ii) accept or modify it and dismiss, demote,
26 reinstate, or suspend the employee without pay. such teacher. If a
27 request for review is made, the superintendent shall not file his
28 recommendation for dismissal with the board until a report of a ~~panel of~~
29 ~~the Committee~~ the case manager is filed with the superintendent.

30 (4) ~~If a request for review is made, the superintendent, within five days of~~
31 ~~filing such request for review, shall notify the Superintendent of Public~~
32 ~~Instruction who, within seven days from the time of receipt of such~~
33 ~~notice, shall designate a panel of five members of the Committee, at~~
34 ~~least two of whom shall be lay persons, who shall not be employed in or~~
35 ~~be residents of the county in which the request for review is made, to~~
36 ~~review the proposed recommendations of the superintendent for the~~
37 ~~purpose of determining whether in its opinion the grounds for the~~
38 ~~recommendation are true and substantiated. The teacher or principal~~
39 ~~making the request for review shall have the right to require that at least~~
40 ~~two members of the panel shall be members of his professional peer~~
41 ~~group.~~

42 (5) If the career employee elects to request a hearing by a case manager, the
43 career employee and superintendent shall each have the right to

1 eliminate up to one-third of the names on the approved list of case
2 managers. The career employee shall specify to the Superintendent of
3 Public Instruction those case managers who are not acceptable in his
4 request for a review of the superintendent's proposed recommendation
5 provided for in G.S. 115C-325(h)(3). The superintendent and career
6 employee may jointly select a person to serve as case manager. Such
7 person need not be on the master list of case managers maintained by
8 the Superintendent of Public Instruction.

9 (6) If a career employee requests a review by a case manager, the
10 superintendent shall notify the Superintendent of Public Instruction
11 within three days of receipt of such request. The notice shall contain a
12 list of those case managers eliminated from the master list by the career
13 employee and the superintendent and the name of a person, if any,
14 jointly selected. Failure to exercise the right to eliminate names from
15 the master list shall constitute a waiver of that right.

16 (7) The Superintendent of Public Instruction shall select a case manager
17 within three days of notice from the superintendent. The Superintendent
18 of Public Instruction shall designate the person jointly selected by the
19 parties to serve as case manager provided such person agrees to serve as
20 case manager and can meet the requirements for time frames for the
21 hearing and report as provided in G.S. 115C-325(i1)(1). If a case
22 manager was not jointly selected or if the case manager is not available,
23 the Superintendent of Public Instruction shall select a case manager
24 from the master list. No person eliminated by the career employee or
25 superintendent shall be designated case manager.

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

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

30 (1) Each year the Superintendent of Public Instruction shall select and
31 maintain a master list of no more than 42 qualified case managers.

32 (2) Case managers shall be selected from persons who are certified as North
33 Carolina Superior Court mediators, as an arbitrator by the American
34 Arbitration Association, or comparable certification in alternative
35 dispute resolution, and who have completed a special training course for
36 case managers approved by the State Board of Education.

37 (3) The compensation for a case manager shall be comparable to that paid
38 for certified North Carolina Superior Court mediators. The
39 compensation and reimbursement for expenses shall be paid by the State
40 Board of Education.

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

- 1 ~~(1) The career teacher and superintendent will each have the right to~~
2 ~~designate not more than 33 of the 132 members of the Professional~~
3 ~~Review Committee as not acceptable to the teacher or superintendent~~
4 ~~respectively. No person so designated shall be appointed to the panel.~~
5 ~~The career teacher shall specify to the superintendent those Committee~~
6 ~~members who are not acceptable in his request for a review of the~~
7 ~~superintendent's proposed recommendations provided for in subdivision~~
8 ~~(h)(3) above. The superintendent's notice to the Superintendent of~~
9 ~~Public Instruction provided for in subdivision (h)(4) above shall contain~~
10 ~~a list of those members of the Committee not acceptable to the~~
11 ~~superintendent and the teacher respectively. Failure to designate~~
12 ~~nonacceptable members in accordance with this subsection shall~~
13 ~~constitute a waiver of that right.~~
- 14 ~~(2) As soon as possible after the time of its designation, the panel shall elect~~
15 ~~a chairman and shall conduct a hearing in accordance with G.S. 115C-~~
16 ~~325(j) for the purpose of determining whether the grounds for the~~
17 ~~recommendation are true and substantiated. The panel shall be furnished~~
18 ~~assistance reasonably required to conduct its hearing and shall be~~
19 ~~empowered to subpoena and swear witnesses and to require them to~~
20 ~~give testimony and to produce books and papers relevant to its~~
21 ~~investigation.~~
- 22 ~~(3) The career teacher and superintendent involved shall each have the right~~
23 ~~to meet with the panel accompanied by counsel or other person of his~~
24 ~~choice and to present any evidence and arguments which he considers~~
25 ~~pertinent to the considerations of the panel and to cross-examine~~
26 ~~witnesses.~~
- 27 ~~(4) When the panel has completed its hearing, it shall prepare a written~~
28 ~~report and send it to the superintendent and teacher. The report shall~~
29 ~~contain its findings as to whether or not the grounds for the~~
30 ~~recommendation are true and substantiated by a preponderance of the~~
31 ~~evidence, and a statement of the reasons for its findings. The panel shall~~
32 ~~complete its hearing and prepare the report within 20 days from the time~~
33 ~~of its designation, except in cases in which the panel finds that justice~~
34 ~~requires that a greater time be spent in connection with the investigation~~
35 ~~and the preparation of such report, and reports that finding to the~~
36 ~~superintendent and the teacher. Provided, that such extension does not~~
37 ~~exceed 10 days.~~
- 38 ~~(5) Within five days after the superintendent receives the report of the~~
39 ~~panel, the superintendent shall decide whether or not to submit a written~~
40 ~~recommendation for dismissal to the board or to drop the charges~~
41 ~~against the teacher and shall notify the teacher, in writing, of the~~
42 ~~decision. Within five days after receiving the superintendent's notice of~~
43 ~~his intent to recommend the teacher's dismissal to the board, the teacher~~

1 shall decide whether to request a hearing before the board and shall
2 notify the superintendent, in writing, of the decision. If the teacher
3 requests a hearing before the board, the superintendent shall submit his
4 written recommendation to the board with a copy to the teacher within
5 five days after receiving the teacher's request. The superintendent's
6 recommendation shall state the grounds for the recommendation and
7 shall be accompanied by a copy of the report of the panel of the
8 Committee.

9 (6) ~~Within seven days after receiving the superintendent's recommendation
10 and before taking any formal action, the board shall set a time and place
11 for the hearing and notify the teacher by certified mail of the date, time
12 and place of the hearing. The time specified shall not be less than seven
13 nor more than 20 days after the board has notified the teacher. If the
14 teacher did not request a hearing, the board may, by resolution, dismiss
15 the teacher. If the teacher can show that his request for a hearing was
16 postmarked within the time provided, his right to a hearing is not
17 forfeited.~~

18 (i1) Report of Case Manager; Superintendent's Recommendation.

19 (1) The case manager shall complete the hearing held in accordance with
20 G.S. 115C-325(j) and prepare the report within 20 days from the time of
21 the designation, except in cases in which the case manager finds that
22 justice requires that a greater time be spent in connection with the
23 investigation and the preparation of such report, and reports that finding
24 to the superintendent and the career employee: Provided, that such
25 extension does not exceed 10 days.

26 (2) The case manager shall make all necessary findings of fact, based upon
27 the preponderance of the evidence, on all issues related to each and
28 every ground for dismissal and on all relevant matters related to the
29 question of whether the superintendent's recommendation is justified.
30 The case manager also shall make a recommendation as to whether the
31 findings of fact substantiate the superintendent's grounds for dismissal.
32 The case manager shall deliver copies of the report to the superintendent
33 and the career employee.

34 (3) Within three days after the superintendent receives the report of the case
35 manager, the superintendent shall decide whether or not to submit a
36 written recommendation for dismissal, demotion, or disciplinary
37 suspension without pay to the board or to drop the charges against the
38 career employee and shall notify the career employee, in writing, of the
39 decision.

40 (4) If the Superintendent contends that the case manager's report fails to
41 address a critical factual issue, he shall, within seven days of his receipt
42 of the case manager's report, request in writing with a copy to the career
43 employee that the case manager prepare a supplement to his report. The

1 superintendent shall specify what critical factual issue he contends the
2 case manager failed to address. If the case manager determines that he
3 failed to address a critical factual issue, he may prepare a supplement to
4 his report to address such issue and cause the supplement to be
5 delivered to both parties prior to the board hearing. The failure of the
6 case manager to address a critical factual issue shall not constitute a
7 basis for appeal.

8 (j) Hearing Procedure by a Case Manager. – The following provisions shall be
9 applicable to ~~any a hearing conducted pursuant to G.S. 115C-325(k) or (l) or to any hearing~~
10 ~~conducted by a board pursuant to G.S. 115C-325(h)(3) by the case manager.~~

11 (1) The hearing shall be private.

12 (2) The hearing shall be conducted in accordance with any such reasonable
13 ~~rules and regulations as the board may adopt consistent with G.S. 115C-~~
14 ~~325, or if no rules have been adopted, in accordance with reasonable~~
15 ~~rules and regulations adopted by the State Board of Education to govern~~
16 ~~such hearings.~~

17 (3) At the hearing the ~~teacher-career employee~~ and the superintendent shall
18 have the right to be present and to be heard, to be represented by
19 counsel and to present through witnesses any competent testimony
20 relevant to the issue of whether grounds for dismissal or demotion exist
21 or whether the procedures set forth in G.S. 115C-325 have been
22 followed.

23 (4) Rules of evidence shall not apply to a hearing conducted pursuant to this
24 act and ~~boards and panels of the Professional Review Committee~~ the case
25 manager may give probative effect to evidence that is of a kind
26 commonly relied on by reasonably prudent persons in the conduct of
27 serious affairs.

28 (5) At least ~~five~~ 10 days before the hearing, the superintendent shall provide
29 to the ~~teacher-career employee~~ a list of witnesses the superintendent
30 intends to present, a brief statement of the nature of the testimony of
31 each witness and a copy of any documentary evidence he intends to
32 present. At least ~~three~~ six days before the hearing, the ~~teacher-career~~
33 ~~employee shall provide to the superintendent a list of witnesses the~~
34 ~~teacher-career employee intends to present, a brief statement of the~~
35 ~~nature of the testimony of each witness and a copy of any documentary~~
36 ~~evidence he intends to present. Additional witnesses or documentary~~
37 ~~evidence may not be presented except upon consent of both parties or upon~~
38 ~~a majority vote of the board or panel.~~ upon a finding by the case manager
39 that the new evidence is critical to the matter at issue and the person
40 making the request could not, with reasonable diligence, have
41 discovered and produced the evidence according to the schedule
42 provided in this subdivision.

- 1 (6) The case manager shall be empowered to subpoena and swear witnesses
2 and to require them to give testimony and to produce records and
3 documents relevant to the grounds for dismissal.
- 4 (7) The case manager shall decide all procedural issues necessary for a fair
5 and efficient hearing, including limiting cumulative evidence.
- 6 (8) The superintendent shall provide for making a transcript of the hearing.
7 If the career employee contemplates a hearing before the board or on
8 appeal of the board's decision to a court of law, the career employee
9 may request and shall receive at no charge a transcript of the
10 proceedings.
- 11 (j1) Board Determination.
- 12 (1) Within three days after receiving the superintendent's notice of his intent
13 to recommend the career employee's dismissal to the board, the career
14 employee shall decide whether to request a hearing before the board and
15 shall notify the superintendent, in writing, of the decision. If the career
16 employee requests a hearing before the board, the superintendent shall
17 submit his written recommendation to the board with a copy to the
18 career employee within two days after receiving the career employee's
19 request. The superintendent's recommendation shall state the grounds
20 for the recommendation and shall be accompanied by a copy of the
21 report of the case manager.
- 22 (2) If the career employee contends that the case manager's report fails to
23 address a critical factual issue, he shall, at the same time he notifies the
24 superintendent of his request for a board hearing pursuant to G.S. 115C-
25 325(j1)(1), request in writing with a copy to the superintendent that the
26 case manager prepare a supplement to his report. The career employee
27 shall specify what critical factual issue he contends the case manager
28 failed to address. If the case manager determines that he failed to
29 address a critical factual issue, he may prepare a supplement to his
30 report to address such issue and cause the supplement to be delivered to
31 both parties prior to the board hearing. The failure of the case manager
32 to address a critical factual issue shall not constitute a basis for appeal.
- 33 (3) Within five days after receiving the superintendent's recommendation
34 and before taking any formal action, the board shall set a time and place
35 for the hearing and notify the career employee by certified mail or
36 personal delivery of the date, time, and place of the hearing. The time
37 specified shall not be less than seven nor more than 20 days after the
38 board has notified the career employee. If the career employee did not
39 request a hearing, the board may, by resolution, reject the
40 superintendent's decision, or accept or modify the decision and dismiss,
41 demote, reinstate, or suspend the career employee without pay. If the
42 career employee can show that his request for a hearing was postmarked
43 within the time provided, his right to a hearing is not forfeited.

- 1 (4) If requested, a hearing shall be conducted in accordance with G.S.
2 115C-325(j2).
- 3 (5) The board shall make a determination and may (i) reject the
4 superintendent's recommendation or (ii) accept or modify the
5 recommendation and dismiss, demote, reinstate, or suspend the
6 employee without pay.
- 7 (6) Within five days following the hearing, the board shall send a written
8 copy of its findings and determination to the career employee and
9 superintendent.
- 10 (j2) Board Hearing. – The following procedures shall be applicable to a hearing
11 conducted by the board:
- 12 (1) The hearing shall be private.
- 13 (2) The board shall receive the following:
- 14 a. The whole record from any hearing held by the case manager,
15 including a transcript of the hearing, as well as any other records,
16 exhibits, and documentary evidence submitted to the case
17 manager at the hearing.
- 18 b. If a hearing was held, the case manager's findings of fact.
- 19 c. If a hearing was held, the case manager's recommendation as to
20 whether grounds in G.S. 115C-325(e) submitted by the
21 superintendent are substantiated.
- 22 d. If the career employee did not request a hearing before a case
23 manager, the evidence before the board shall consist of any
24 documentary evidence the superintendent intends to use to
25 support his recommendation and any documentary evidence the
26 career employee intends to use to rebut the superintendent's
27 recommendation. The superintendent shall provide the
28 documentary evidence to the career employee seven days before
29 the hearing. The career employee shall provide the
30 superintendent with the documentary evidence three days before
31 the hearing. The board shall also receive evidence provided
32 under sub-subdivisions e. and f. of this subdivision.
- 33 e. The superintendent's recommendation and the grounds for the
34 recommendation.
- 35 f. The superintendent and career employee also may submit a
36 written statement not less than three days prior to the hearing.
- 37 (3) The superintendent and career employee shall be permitted to make oral
38 arguments to the board based on the record before the board.
- 39 (4) No new evidence may be presented at the review except upon a finding
40 by the board that the new evidence is critical to the matter at issue and
41 the person making the request could not, with reasonable diligence,
42 have discovered and produced the evidence at the hearing before the
43 case manager.

- 1 (5) The board shall accept the case manager's findings of fact unless a
2 majority of the board determines that the findings of fact are not
3 supported by substantial evidence when reviewing the record as a
4 whole. In such an event, the board shall make alternative findings of
5 fact. If a majority of the board determines that the case manager did not
6 address a critical factual issue, the board may remand the findings of
7 fact to the case manager to complete the report to the board. If the case
8 manager does not submit the report within seven days upon receipt of
9 the board's request, the board may establish its own findings of fact on
10 the critical factual issues not addressed by the case manager based upon
11 a preponderance of the evidence.
- 12 (6) The board need not provide a transcript of the hearing. If the board
13 elects to make a transcript and if the career employee contemplates an
14 appeal to a court of law, the career employee may request and shall
15 receive at no charge a transcript of the proceedings. Nothing in this
16 provision shall prevent the career employee from having the hearing
17 transcribed by a court reporter at the employee's cost.
- 18 (j3) Board Hearing for Disciplinary Suspensions for Greater Than 10 Days or for
19 Certain Types of Intentional Misconduct. – The following procedures shall apply for a
20 board hearing under G.S. 115C-325(f)(2)a:
- 21 (1) The hearing shall be private.
- 22 (2) The hearing shall be conducted in accordance with any reasonable rules
23 adopted by the State Board of Education to govern such hearings.
- 24 (3) At the hearing the career employee and the superintendent shall have the
25 right to be present and to be heard, to be represented by counsel, and to
26 present through witnesses any competent testimony relevant to the issue
27 of whether grounds for a disciplinary suspension without pay under G.S.
28 115C-325(f)(2)a. exist.
- 29 (4) Rules of evidence shall not apply to a hearing under this subsection and
30 the board may give probative effect to evidence that is of a kind
31 commonly relied on by reasonably prudent persons in the conduct of
32 serious affairs.
- 33 (5) At least 10 days before the hearing, the superintendent shall provide to
34 the career employee a list of witnesses the superintendent intends to
35 present, a brief statement of the nature of the testimony of each witness,
36 and a copy of any documentary evidence he intends to present. At least
37 six days before the hearing, the career employee shall provide the
38 superintendent a list of witnesses the career employee intends to present,
39 a brief statement of the nature of the testimony of each witness, and a
40 copy of any documentary evidence he intends to present. No new
41 evidence may be presented at the hearing except upon a finding by the
42 board that the new evidence is critical to the matter at issue and the
43 person making the request could not, with reasonable diligence, have

- 1 discovered and produced the evidence according to the schedule
2 provided in this subdivision.
- 3 (6) The board shall be empowered to subpoena and swear witnesses and to
4 require them to give testimony and to produce records and documents
5 relevant to the grounds for suspension without pay.
- 6 (7) The board shall decide all procedural issues necessary for a fair and
7 efficient hearing, including limiting cumulative evidence.
- 8 (8) The superintendent shall provide for making a transcript of the hearing.
9 If the career employee contemplates an appeal of the board's decision to
10 a court of law, the career employee may request and shall receive at no
11 charge a transcript of the proceedings.
- 12 (k) ~~Panel Finds Grounds for Superintendent's Recommendation True and~~
13 ~~Substantiated.~~
- 14 (1) ~~If the panel found that the grounds for the recommendation of the~~
15 ~~superintendent are true and substantiated, at the hearing the board shall~~
16 ~~consider the recommendation of the superintendent, the report of the~~
17 ~~panel, including any minority report, and any evidence which the~~
18 ~~teacher or the superintendent may wish to present with respect to the~~
19 ~~question of whether the grounds for the recommendation are true and~~
20 ~~substantiated. The hearing may be conducted in an informal manner.~~
- 21 (2) ~~If, after considering the recommendation of the superintendent, the~~
22 ~~report of the panel and the evidence adduced at the hearing, the board~~
23 ~~concludes that the grounds for the recommendation are true and~~
24 ~~substantiated, by a preponderance of the evidence, the board, if it sees~~
25 ~~fit, may by resolution order such dismissal.~~
- 26 (l) ~~Panel Does Not Find That the Grounds for Superintendent's Recommendation~~
27 ~~Are True and Substantiated.~~
- 28 (1) ~~If the panel does not find that the grounds for the recommendation of~~
29 ~~the superintendent are true and substantiated, at the hearing the board~~
30 ~~shall determine whether the grounds for the recommendation of the~~
31 ~~superintendent are true and substantiated upon the basis of competent~~
32 ~~evidence adduced at the hearing by witnesses who shall testify under~~
33 ~~oath or affirmation to be administered by any board member or the~~
34 ~~secretary of the board.~~
- 35 (2) ~~The procedure at the hearing shall be such as to permit and secure a full,~~
36 ~~fair and orderly hearing and to permit all relevant competent evidence to~~
37 ~~be received therein. The report of the panel of the committee shall be~~
38 ~~deemed to be competent evidence. A full record shall be kept of all~~
39 ~~evidence taken or offered at such hearing. Both counsel for the local~~
40 ~~school administrative unit and the career teacher or his counsel shall~~
41 ~~have the right to cross-examine witnesses.~~
- 42 (3) ~~At the request of either the superintendent or the teacher, the board shall~~
43 ~~issue subpoenas requiring the production of papers or records or the~~

1 attendance of persons residing within the State before the board.
2 Subpoenas for witnesses to testify at the hearing in support of the
3 recommendation of the superintendent or on behalf of the career teacher
4 shall, as requested, be issued in blank by the board over the signature of
5 its chairman or secretary. The board shall pay witness fees for up to five
6 witnesses subpoenaed on behalf of the teacher, except that it shall not
7 pay for any witness who resides within the county in which the
8 dismissal originates or who is an employee of the board. However, no
9 employee of the board shall suffer any loss of compensation because he
10 has been subpoenaed to testify at the hearing. These payments shall be
11 as provided for witnesses in G.S. 7A-314.

12 (4) ~~At the conclusion of the hearing provided in this section, the board shall~~
13 ~~render its decision on the evidence submitted at such hearing and not~~
14 ~~otherwise. The board's decision shall be based on a preponderance of~~
15 ~~the evidence.~~

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

21 (m) Probationary Teacher.

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

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

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

1 requested a hearing before the board of education pursuant to this section shall not be
2 entitled to judicial review of the board's action.

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

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

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

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

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

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

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

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

40 (2) Notwithstanding any other provision of this section or any other law,
41 this subdivision shall govern the State Board's dismissal of teachers,
42 assistant principals, directors, and supervisors assigned to schools that
43 the State Board has identified as low-performing and to which the State

1 Board has assigned an assistance team under Article 8B of this Chapter.
2 The State Board shall dismiss a teacher, assistant principal, director, or
3 supervisor when the State Board receives two consecutive evaluations
4 that include written findings and recommendations regarding that
5 person's inadequate performance from the assistance team. These
6 findings and recommendations shall be substantial evidence of the
7 inadequate performance of the teacher or school administrator.

8 The State Board may dismiss a teacher, assistant principal, director,
9 or supervisor when:

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

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

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

- 29 (4) Neither party to a school administrator contract is entitled to damages
30 under this subsection.

- 31 (5) The State Board shall have the right to subpoena witnesses and
32 documents on behalf of any party to the proceedings under this
33 subsection."

- 34 (b) This section applies to proceedings initiated after January 1, 1998.

35 36 **C. STUDIES ON MAKING RENEWAL OF TEACHER 37 CERTIFICATES MORE RIGOROUS**

38 Section 13. The State Board of Education, in consultation with the North
39 Carolina Professional Teaching Standards Commission, local boards of education, and
40 the Board of Governors of The University of North Carolina, shall reevaluate and
41 enhance the requirements for renewal of teacher certificates. The State Board shall
42 consider modifications in the certificate renewal process to align the process with State
43 education goals and to make it a mechanism for teachers to renew continually their

1 knowledge and professional skills. The State Board shall report the results of this study
 2 and any actions taken to make renewal of teacher certificates more rigorous to the Joint
 3 Legislative Education Oversight Committee prior to February 15, 1998.

4 Section 14. The North Carolina Standards Board for Public School
 5 Administration, in consultation with the State Board of Education, local boards of
 6 education, and the Board of Governors of The University of North Carolina, shall
 7 recommend ways to modify the administrator recertification process to ensure that all
 8 schools have well-qualified administrators. The Standards Board shall report the results
 9 of this study to the Joint Legislative Education Oversight Committee prior to February
 10 15, 1998.

11
 12 VI. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY
 13 TEACHERS – HIGHER STARTING SALARY, SIGNIFICANT
 14 BUMPS IN THE SALARY SCHEDULE AT YEARS 3, 4, AND 8,
 15 DEFERRED BONUS SET ASIDE AT YEAR 8 AND PAID AT YEAR
 16 13, FEWER STEPS IN SALARY SCHEDULE, ENHANCED
 17 LONGEVITY PAY

18 Section 15. (a) It is the goal of the General Assembly to increase teacher salaries
 19 over the next four years so as to attract and retain excellent teachers in the public schools;
 20 therefore, it is the goal of the General Assembly to implement, over the upcoming four
 21 fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent
 22 (20%). This would bring the starting salary to at least twenty-five thousand dollars
 23 (\$25,000) by the year 2000. Under this plan, the salary schedule would also contain
 24 significant "bumps" at the third step, which is the point at which teachers have attained
 25 continuing certification; at the fourth step, which is the point at which teachers have
 26 received career status; and at the eighth step, which is the point at which teachers have
 27 attained certificate renewal.

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

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

34 **1997-98 SALARY SCHEDULE PLAN**
 35 **"A"TEACHERS**

<u>Years of</u> <u>Experience</u>	<u>10-Month</u> <u>Salary</u>
0	\$22,150
1	122,570
2	223,000
3	324,360
4	424,950
5	525,430

1	625,920
2	726,410
3	827,140
4	927,640
5	10 28,160
6	11 28,690
7	12 29,230
8	13 29,780
9	14 30,340
10	15 30,910
11	16 31,490
12	17 32,090
13	18 32,700
14	19 33,330
15	20 33,960
16	21 34,600
17	22 35,250
18	23 35,920
19	24 36,610
20	25 37,310
21	26 38,020
22	27 38,750
23	28 39,490

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

1998-99 SALARY SCHEDULE PLAN

"A"TEACHERS

	<u>Years of Experience</u>	<u>10-Month Salary</u>
28		
29		
30	0	\$23,100
31		123,520
32		223,950
33		325,910
34		426,650
35		527,130
36		627,620
37		728,110
38		829,140
39		929,640
40	10	30,160
41	11	30,690
42	12	31,230
43	13	31,780

1	14	32,340
2	15	32,910
3	16	33,490
4	17	34,090
5	18	34,700
6	19	35,330
7	20	35,960
8	21	36,600
9	22	37,250
10	23	37,920
11	24	38,610
12	25	39,310
13	26	40,020
14	27+	40,750

**1999-2000 SALARY SCHEDULE PLAN
"A"TEACHERS**

	<u>Years of Experience</u>	<u>10-Month Salary</u>
20	0	\$24,050
21		124,470
22		224,900
23		327,580
24		428,500
25		528,980
26		629,470
27		729,960
28		831,350
29		931,850
30	10	32,370
31	11	32,900
32	12	33,440
33	13	33,990
34	14	34,550
35	15	35,120
36	16	35,700
37	17	36,300
38	18	36,910
39	19	37,540
40	20	38,170
41	21	38,810
42	22	39,460
43	23	40,130

1	24	40,820
2	25	41,520
3	26+	42,230

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

	<u>Years of Experience</u>	<u>10-Month Salary</u>
9	0	\$25,000
10		125,420
11		225,850
12		329,050
13		430,100
14		530,580
15		631,070
16		731,560
17		833,210
18		933,710
19	10	34,230
20	11	34,760
21	12	35,300
22	13	35,850
23	14	36,410
24	15	36,980
25	16	37,560
26	17	38,160
27	18	38,770
28	19	39,400
29	20	40,030
30	21	40,670
31	22	41,320
32	23	41,990
33	24	42,680
34	25+	43,380

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

39 (c) To further implement this plan, it is the goal of the General Assembly to set
 40 aside a deferred bonus of two thousand five hundred dollars (\$2,500) for teachers in their
 41 eighth year of teaching. The teachers can earn this deferred bonus by continuing to teach
 42 through their thirteenth year of teaching and renewing their licenses during that five-year
 43 period.

1 In order to phase in this bonus for the 1997-98 school year, deferred bonuses of
2 lesser amounts would be set aside for teachers in their ninth through their twelfth year of
3 teaching during the 1997-98 school year, in accordance with the following chart:
4

<u>Years of Service,</u> <u>During the 1997-98</u> <u>School Year</u>	<u>Amount of Bonus</u>
8 years	\$2,500
9 years	2,000
10 years	1,500
11 years	1,000
12 years	500

13 At the end of the thirteenth year of teaching, the teacher could either receive the bonus
14 plus interest in a lump sum or have the funds placed in a tax-deferred retirement account.
15

16 **VII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL** 17 **ASSIGNMENTS**

18 19 **A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY** 20 **THE STATE BOARD OF EDUCATION**

21 Section 16. (a) The State Board of Education, after consultation with the
22 Board of Governors of The University of North Carolina and the North Carolina
23 Professional Teaching Standards Commission, shall develop a new category of teacher
24 certificate known as the "Masters/Advanced Competencies" certificate. To receive this
25 certificate, an applicant shall successfully complete a masters degree program that
26 includes rigorous academic preparation in the skills and knowledge expected of a master
27 teacher or otherwise demonstrate to the satisfaction of the State Board that the candidate
28 has acquired the skills and knowledge expected of a master teacher.

29 (b) Persons who qualify for a "G" certificate prior to September 1, 2000, shall
30 be awarded a Masters/Advanced Competencies Certificate without meeting additional
31 requirements. On and after September 1, 2000, no additional "G" certificates shall be
32 awarded.

33 (c) The State Board of Education shall report to the Joint Legislative Education
34 Oversight Committee prior to January 15, 1998, on its progress in implementing
35 subsection (a) of this section.
36

37 **B. BONUS PLAN FOR "MASTERS/ADVANCED** 38 **COMPETENCIES" AND FOR NBPTS CERTIFICATION**

39 Section 17. It is the goal of the General Assembly to increase significantly the
40 salaries of teachers who attain a "Masters/Advanced Competencies" certificate and
41 teachers who are certified by the National Board for Professional Teaching Standards so
42 as to provide an incentive for good teachers to become excellent teachers. In order to do
43 so, it is further the goal of the General Assembly to enact, for the 1997-98 school year, a

1 salary schedule plan that will provide a twelve percent (12%) bonus for teachers who
2 attain NBPTS certification. It is further the goal of the General Assembly to enact by the
3 year 2000 and after the "Masters/Advanced Competencies" under Section 16(a) of this
4 act have been developed, a salary schedule plan that will provide a ten percent (10%)
5 bonus to teachers who attain a "Masters/Advanced Competencies" certification. With
6 these bonuses, the top salary under the plan for teachers with both the
7 "Masters/Advanced Competencies" certification and the NBPTS certification would be a
8 minimum of fifty-three thousand dollars (\$53,000) a year by the year 2000.

9 10 **C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM**

11 Section 18. It is the goal of the General Assembly to continue to pay for the
12 National Board for Professional Teaching Standards (NBPTS) participation fee and for
13 up to three days of approved paid leave for eligible, State-paid teachers participating in
14 the NBPTS program during the 1997-98 school year and the 1998-99 school year and
15 thereafter for teachers in the public schools.

16 17 **D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S 18 PROGRAM**

19 Section 19. It is the goal of the General Assembly to provide school-based
20 incentive awards under the ABC's Program to schools at which students achieve higher
21 than expected improvements in the basics and the skills they need to get a good job. In
22 accordance with the State Board of Education policy, incentive awards may be up to one
23 thousand dollars (\$1,000) for each teacher and up to five hundred dollars (\$500.00) for
24 each teacher assistant.

25 It is further the goal of the General Assembly to provide funds to provide
26 assistance teams to low-performing schools.

27 28 **E. EXTRA PAY FOR MENTOR TEACHERS**

29 Section 20. It is the goal of the General Assembly to fund a mentor teacher
30 program that will recognize the achievements of excellent, experienced teachers and will
31 provide each newly certified teacher with a qualified and well-trained mentor. The funds
32 shall be used to compensate each mentor for serving as a mentor prior to and during the
33 school year.

34 35 **F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT**

36 Section 21. It is the goal of the General Assembly to compensate every newly
37 certified teacher for three additional days of employment for orientation and classroom
38 preparation.

39 40 **G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT**

41 Section 22. It is the goal of the General Assembly to provide funds for
42 teachers' participation in professional development related to standards and accountability
43 consistent with the State education policies. The funds should be used for teacher

1 development programs that enable teachers to renew continually their knowledge and
2 professional skills, programs that train principals and master teachers to evaluate teachers
3 with and without career status, programs that train mentors for beginning teachers, and
4 other programs as directed by the State Board of Education.

6 H. EXTRA PAY FOR EXTRA DAYS

7 Section 23. It is the goal of the General Assembly to provide funds to enable
8 school systems to utilize better the teacher workdays within the calendar for planning,
9 staff development, remediation, and other purposes. These funds shall be used to pay
10 teachers for working on, and thereby forfeiting, vacation days.

12 I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL 13 RESPONSIBILITIES

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

25 VIII. FUNDS FOR COMPUTER SYSTEMS

26 Section 25. G.S. 115C-546.1(a) reads as rewritten:

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

30 Section 26. G.S. 115C-546.2 reads as rewritten:

31 "**§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General
32 Fund; matching requirements.**

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

37 (b) ~~Monies—Counties shall use monies in the Fund shall be used for capital outlay~~
38 projects including the planning, construction, reconstruction, enlargement, improvement,
39 repair, or renovation of public school buildings and for the purchase of land for public
40 school ~~buildings—buildings; for equipment to implement a local school technology plan~~
41 that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a
42 local school technology plan shall be transferred to the State School Technology Fund
43 and allocated by that Fund to the local school administrative unit for equipment.

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

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

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

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

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

31 IX. MISCELLANEOUS PROVISIONS

32 A. CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT 33 LIMIT TEXT

34 Section 27. The series of captions used in this act (the descriptive phrases in
35 boldface and capital letters) are inserted for convenience and reference only, and they in
36 no way define, limit, or prescribe the scope or application of the text of this act.
37

38 B. NO APPROPRIATIONS REQUIRED BY ACT

39 Section 28. This act shall not be construed to obligate the General Assembly
40 to appropriate any funds to implement the provisions of this act. Nothing in Sections 15
41 through 24 of this act shall be construed to create any rights or causes of action.
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C. EFFECTIVE DATES

Section 29. This act is effective when it becomes law.