

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-221
SENATE BILL 272

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. PURPOSE OF THE EXCELLENT SCHOOLS ACT

Section 2. The purpose of The Excellent Schools Act is to improve student academic achievement and to reduce teacher attrition. To accomplish this purpose, it is the goal of the General Assembly to: (i) concentrate student learning in the core academic areas; (ii) improve teacher skills and teacher knowledge as those skills and knowledge relate to improved student academic achievement; and (iii) reward teachers for their improved skills and knowledge and for improved student academic achievement. It is also the goal of the General Assembly to annually review the implementation of the revised and more rigorous teacher preparation, professional development, and certification standards developed by the State Board of Education in compliance with this act. Clear and specific evidence demonstrating identifiable progress toward implementing more rigorous teacher professional standards must exist on an annual basis before the General Assembly may consider continued implementation of this act.

II. EFFORTS TO RAISE STUDENT PERFORMANCE STANDARDS

Section 3. (a) Part 3 of Article 8B of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"§ 115C-105.38A. Teacher competency assurance.

(a) General Knowledge Test. – The State Board of Education shall require all certified staff members working in schools at the time the schools are identified as low-performing under this Article and to which the State Board has assigned an assistance team to demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board. The first general knowledge test shall be administered at the end of the 1997-98 school year. In subsequent years, the State Board shall determine when to administer the test for certified staff members in schools that are identified that year as low-performing and assigned an assistance team.

(b) Exemptions. – The following certified staff members shall be exempt from taking the general knowledge test required under subsection (a) of this section.

(1) Certified staff members who have:

a. Taken and passed the PRAXIS I exam as a condition of entry into a school of education; and

b. Taken and passed the PRAXIS II exam after July 1, 1996.

(2) Certified staff members who have previously taken and passed the general knowledge test.

The exemptions under this subsection shall expire July 1, 2000, unless the State Board adopts a policy to continue them.

(c) Remediation. – Certified staff members who do not acquire a passing score on the general knowledge test shall engage in a remediation plan based upon the deficiencies identified by the test. The remediation plan for deficiencies of individual certified staff members shall consist of up to a semester of university or community college training or coursework or both. The remediation shall be developed by the State Board of Education in consultation with the Board of Governors of The University of North Carolina. The State Board shall reimburse the institution providing the remediation any tuition and fees incurred under this section. If the remediation plan requires that the staff member engage in a full-time course of study or training, the staff member shall be considered on leave with pay.

(d) Retesting. – Upon completion of the first remediation plan, the certified staff member shall take the general knowledge test a second time. If the certified staff member fails to acquire a passing score on the second test, the State Board shall provide a program of further remediation under subsection (c) of this section.

(e) Dismissal. – Upon completion of the second remediation plan, the certified staff member shall take the general knowledge test a third time. If the certified staff member fails to acquire a passing score on the third test, the State Board shall begin dismissal proceedings under G.S. 115C-325(q)(2a).

(f) Other Actions Not Precluded. – Nothing in this section shall be construed to restrict or postpone the following actions:

(1) The dismissal of a principal under G.S. 115C-325(q)(1);

(2) The dismissal of a teacher, assistant principal, director, or supervisor under G.S. 115C-325(q)(2);

- (3) The dismissal or demotion of a career employee for any of the grounds listed under G.S. 115C-325(e);
- (4) The nonrenewal of a school administrator's or probationary teacher's contract of employment; or
- (5) The decision to grant career status.

(g) Future Testing. – The State Board shall develop a plan for testing and shall test all certified staff members in low-performing schools identified at the end of the 1999-2000 school year. When developing the plan, the State Board shall consider administering tests in the area of an individual's certification as well as the general knowledge test. The State Board shall report this plan to the Joint Legislative Education Oversight Committee prior to November 15, 1998."

(b) The State Board of Education shall develop a plan to provide competent certified substitute teachers to teach in the classrooms of teachers who are required to be absent because they are participating in a remediation plan. The plan shall include a provision to use State funds to pay the substitute teachers according to the teacher salary schedule.

(c) The State Board of Education shall develop and implement a plan to provide for the remediation of teachers who have been identified as lacking competence in their areas of certification or lacking adequate classroom management skills. The remediation may include coursework, assignment to the classroom of another teacher, or other appropriate measures. The State Board shall report to the Joint Legislative Education Oversight Committee prior to February 15, 1999, on its progress in implementing this section.

(d) The State Board of Education shall develop a comprehensive plan to address any deficiencies identified in certified staff in low-performing schools. The plan shall include a study of the demographics and characteristics of students and teachers in low-performing schools assigned assistance teams, including teacher experience and whether teachers are teaching within their area of certification. The State Board shall report this plan to the Joint Legislative Education Oversight Committee by November 15, 1998.

(e) The State Board of Education shall develop a plan to create rigorous student academic performance standards for kindergarten through eighth grade and student academic performance standards for courses in grades 9-12. The performance standards shall align, whenever possible, with the student academic performance standards developed for the National Assessment of Educational Progress (NAEP). The plan also shall include clear and understandable methods of reporting individual student academic performance to parents.

(f) The State Board of Education shall report on the implementation of subsections (a) and (b) of this section to the Joint Legislative Education Oversight Committee as part of its required reports on the implementation of the School-Based Management and Accountability Program. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the student performance standards and reports developed under subsection (e) of this section.

III. RIGOROUS STANDARDS FOR ENTERING THE TEACHING PROFESSION

A. ENHANCED STANDARDS FOR TEACHER PREPARATION PROGRAMS

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

"(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, ~~the State Board of Education shall submit to the General Assembly not later than November 1, 1994, a plan to promote this policy.~~ The State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs.

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

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

All North Carolina institutions of higher education that offer teacher education programs, masters degree programs in education, or masters degree programs in school administration shall provide performance reports to the State Board of Education. The performance reports shall follow a common format, shall be submitted according to a plan developed by the State Board and shall include the information required under the plan developed by the State Board."

(b) The State Board of Education shall develop a plan to provide a focused review of teacher education programs and the current process of accrediting these programs in order to ensure that the programs produce graduates that are well prepared to teach. The plan shall include the development and implementation of a school of education performance report for each teacher education program in North Carolina. The performance report shall include at least the following elements: (i) quality of students entering the schools of education, including the average grade point average and average score on preprofessional skills tests that assess reading, writing, math, and

other competencies; (ii) graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on professional and content area examinations for the purpose of certification; (v) percentage of graduates receiving initial certification; (vi) percentage of graduates hired as teachers; (vii) percentage of graduates remaining in teaching for four years; (viii) graduate satisfaction based on a common survey; and (ix) employer satisfaction based on a common survey. The performance reports shall follow a common format. The performance reports shall be submitted annually for the 1998-99, 1999-2000, and 2000-2001 school years. The performance reports shall be submitted biannually thereafter to coincide with the Board of Governors' biannual report on institutional effectiveness. The State Board of Education shall develop a plan to be implemented beginning in the 1998-99 school year to reward and sanction approved teacher education programs and masters of education programs and to revoke approval of those programs based on the performance reports and other criteria established by the State Board of Education.

The State Board also shall develop and implement a plan for annual performance reports for all masters degree programs in education and school administration in North Carolina. To the extent it is appropriate, the performance report shall include similar indicators to those developed for the performance report for teacher education programs. The performance reports shall follow a common format.

Both plans for performance reports also shall include a method to provide the annual performance reports to the Board of Governors of The University of North Carolina, the State Board of Education, and the boards of trustees of the independent colleges. The State Board of Education shall review the schools of education performance reports and the performance reports for masters degree programs in education and school administration each year the performance reports are submitted.

The State Board of Education shall report to the Joint Legislative Education Oversight Committee by February 15, 1998, on the plans for schools of education performance reports and performance reports for masters degree programs in education and school administration developed under this subsection.

(c) The State Board of Education, in coordination with the Board of Governors of The University of North Carolina and independent colleges and universities that offer teacher education programs, shall conduct a comprehensive teacher supply and demand study. The study shall examine predicted trends over the course of the next decade and include information regarding the effect of teacher attrition rates on supply and demand. The study shall include information on characteristics of new teachers hired with teaching experience in other states and information regarding graduates of North Carolina schools of education who have not received certification. The survey also shall include school unit analysis and Southern Regional Education Board comparative analysis where appropriate. The State Board of Education shall report the results of the supply and demand study to the Joint Legislative Education Oversight Committee by November 15, 1998.

(d) The State Board of Education, in coordination with the Board of Governors of The University of North Carolina, and independent colleges and universities that offer masters degree programs in school administration shall conduct a comprehensive

school administrator supply and demand study. The study shall examine retirement and attrition rates and the sources of the supply of new school administrators. The study also shall include school unit analysis and the characteristics, including quality, of individuals currently certified but not employed as school administrators. The study also shall include recommendations regarding continued data collection and periodic reporting of teacher and school administrator supply and demand trends. The State Board of Education shall report the results of the supply and demand study to the Joint Legislative Education Oversight Committee by November 15, 1998. The State Board of Education and the Board of Governors of The University of North Carolina may combine this supply and demand study with the study required under G.S. 116-74.21(c).

(e) By March 15, 1998, the Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee on the efforts to improve teacher preparation through implementation of a second major requirement. The report shall include recommendations to strengthen the requirement and provide greater consistency for second majors throughout the system.

B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS

Section 5. G.S. 115C-296(a) reads as rewritten:

"(a) The State Board of Education shall have entire control of certifying all applicants for teaching positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates and shall determine and fix the salary for each grade and type of certificate which it authorizes: Provided, that the State Board of Education shall require each applicant for an initial ~~certificate or bachelors degree certificate or graduate degree~~ certificate to demonstrate ~~his~~ the applicant's academic and professional preparation by achieving a prescribed minimum score ~~at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose: Provided, further, that in the event the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972: Provided, further, that the State Board of Education shall not decrease the certification standards for physical education teachers or health education teachers below the standards in effect on June 1, 1988.~~ purpose. The State Board of Education shall make the standard initial certification exam sufficiently rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has adequate academic and professional preparation to teach."

C. REPORT ON ENHANCEMENT OF INITIAL CERTIFICATION STANDARDS

Section 6. (a) The State Board of Education shall review the admission standards for teacher education programs and the initial certification requirements that were adopted by the Board on July 6, 1994. The State Board shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the results of the review. The State Board may consolidate the report required under this subsection with

the report on continuing certification required under Section 8 of this act and the report on renewal of teacher certificates required under Section 14 of this act.

(b) By March 15, 1999, the State Board shall implement the July 6, 1994, admission standards for teacher education programs and initial certification requirements to the extent the State Board determines those standards and requirements are valid and consistent with the State goal of requiring rigorous professional requirements.

IV. RIGOROUS STANDARDS FOR CONTINUING CERTIFICATION

A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE YEAR

Section 7. (a) G.S. 115C-296(b), as rewritten by Section 4(a) of this act, reads as rewritten:

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

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

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

All North Carolina institutions of higher education that offer teacher education programs, masters degree programs in education, or masters degree programs in school administration shall provide performance reports to the State Board of Education. The performance reports shall follow a common format, shall be submitted according to a plan developed by the State Board, and shall include the information required under the plan developed by the State Board.

(b) This section applies to teachers who have not received continuing certification prior to January 1, 1998.

B. ENHANCED STANDARDS FOR CONTINUING CERTIFICATION

Section 8. The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing certification. The new requirements shall reflect more rigorous standards for continuing certification and to the extent possible shall be aligned with quality professional development programs that reflect State priorities for improving student achievement. The State Board shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the results of this evaluation. The State Board may consolidate the report required under this section with the report on initial certification required under Section 6 of this act and the report on renewal of teacher certificates required under Section 14 of this act. The State Board of Education shall adopt new standards for continuing certification by May 15, 1998.

V. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT BEFORE CAREER STATUS IS CONSIDERED

A. SUPPORT AND MENTORS PROVIDED FOR ALL BEGINNING TEACHERS

Section 9. The State Board of Education shall develop a mentor program to provide ongoing support for teachers entering the profession. In developing the mentor program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program. For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines which address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. The State Board also shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program. The State Board shall report to the Joint Legislative Education Oversight Committee prior to February 15, 1998, on its progress in implementing this section.

B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY WELL-TRAINED EVALUATORS BEFORE CAREER STATUS IS CONSIDERED

Section 10. (a) G.S. 115C-326(a) reads as rewritten:

"(a) The State Board of Education, in consultation with local boards of education, shall revise and develop uniform performance standards and criteria to be used in evaluating professional public school employees. It employees, including school administrators. These standards and criteria shall include improving student achievement and employee skills and employee knowledge. The standards and criteria for school administrators also shall include building-level gains in student learning and

effectiveness in carrying out the responsibility of providing for school safety and enforcing student discipline. The Board shall develop rules to recommend the use of these standards and criteria in the employee evaluation process. The performance standards and criteria may be modified in-at the discretion of the Board.

The State Board of Education, in collaboration with the Board of Governors of The University of North Carolina, shall develop training programs for practicing school administrators to improve their evaluation of professional public school employees based on the employee's skills and knowledge and student achievement. These programs shall include evaluative methods to determine whether an employee's performance has improved student learning, as well as the appropriate process for professional improvement, contract nonrenewal, and dismissal of school personnel whose performance is inadequate. The Board of Governors of The University of North Carolina shall ensure that the subject matter of the training programs is incorporated into the masters in school administration programs offered by the constituent institutions.

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

(b) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the development of programs to train administrators to improve the evaluation of professional public school employees.

(c) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the revision and development of uniform performance standards and criteria to be used in evaluating professional public school employees including school administrators. The State Board of Education shall adopt new performance standards and criteria by May 15, 1998.

(d) The State Board of Education shall develop guidelines for evaluating superintendents. The guidelines shall include criteria for evaluating superintendent effectiveness in providing safe schools and enforcing student discipline. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by April 15, 1998, on the development of the guidelines. The State Board of Education shall adopt guidelines for evaluating superintendents by July 15, 1998.

C. CAREER STATUS DECISION TO BE MADE ONE YEAR AFTER CONTINUING CERTIFICATION AWARDED

Section 11. (a) G.S. 115C-325(c) reads as rewritten:

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

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

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

(2) Employment of a Career Teacher. – A teacher who has obtained career status in any North Carolina public school system need not serve another probationary period of more than two ~~years.~~ years, and may, at the option of the board, be employed immediately as a career teacher. ~~In any event, if the teacher is reemployed for a third consecutive school year, he shall automatically become a career teacher. A teacher with career status who resigns and within five years is reemployed by the same local school administrative unit need not serve another probationary period of more than one school year and may, at the option of the board, be reemployed as a career teacher. In any event, if he is reemployed for a second consecutive school year, he shall automatically become a career teacher.~~ The board may grant career status immediately upon employing the teacher, or after the first or second year of employment. If a majority of the board votes against

granting career status, the teacher shall not teach beyond the current term. If after two consecutive years of employment, the board fails to vote on the issue of granting career status:

- a. It shall not reemploy the teacher for a third consecutive year;
- b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
- c. The teacher shall be entitled to one additional month's pay for every 30 days beyond June 16 that the board fails to vote upon the issue of granting career status.

(2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days prior to any board action granting career status, the superintendent shall submit to the board a list of the names of all teachers who are eligible to achieve career status. Notwithstanding any other provision of law, the list shall be a public record under Chapter 132 of the General Statutes.

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

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

(b) This section applies to teachers, as defined in G.S. 115C-325(a)(6), who have not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1998.

VI. ADDITIONAL PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOUGHER STANDARDS FOR TEACHERS WITH CAREER STATUS

A. MEANINGFUL AND CONTINUED PROFESSIONAL DEVELOPMENT FOR TEACHERS

Section 12. (a) G.S. 115C-12 is amended by adding a new subdivision to read:

"(26) Duty to Monitor and Make Recommendations Regarding Professional Development Programs. – The State Board of Education, in collaboration with the Board of Governors of The University of North Carolina, shall identify and make recommendations regarding meaningful professional development programs for professional public

school employees. The programs shall be aligned with State education goals and directed toward improving student academic achievement. The State Board shall annually evaluate and, after consultation with the Board of Governors, make recommendations regarding professional development programs based upon reports submitted by the Board of Governors under G.S. 116-11(12a)."

(b) G.S. 116-11 is amended by adding a new subdivision to read:

"(12a) The Board of Governors of The University of North Carolina shall implement, administer, and revise programs for meaningful professional development for professional public school employees based upon the evaluations and recommendations made by the State Board of Education under G.S. 115C-12(26). The programs shall be aligned with State education goals and directed toward improving student academic achievement. The Board of Governors shall submit to the State Board of Education an annual report evaluating the professional development programs administered by the Board of Governors."

(c) The State Board of Education shall report to the Board of Governors of The University of North Carolina by January 15, 1998, on its initial recommendations for implementation of subsection (a) of this section.

(d) The Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee by April 1, 1998, on a plan to coordinate the subject matter and consolidate components of the professional development programs for professional public school employees. This report may include recommendations for statutory or other organizational changes.

B. TENURE STREAMLINED TO PROVIDE A FAIR AND EFFICIENT PROCESS FOR REMOVING POOR TEACHERS FROM THE CLASSROOM

Section 13. (a) G.S. 115C-325, as rewritten by Section 11(a) of this act, reads as rewritten:

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

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

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

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

- (1b) 'Career school administrator' means a school administrator who has obtained career status in an administrative position as provided in G.S. 115C-325(d)(2).
(1)
- (1c) 'Career teacher' means a teacher who has obtained career status as provided in G.S. 115C-325(c).
- (1d) 'Case manager' means a person selected under G.S. 115C-325(h)(7).
- (2) ~~'Committee' means the Professional Review Committee created under G.S. 115C-325(g).~~
- (3) 'Day' means calendar day. In computing any period of time, Rule 6 of the North Carolina Rules of Civil Procedure shall apply.
- (4) 'Demote' means to reduce the ~~compensation~~ salary of a person who is classified or paid by the State Board of Education as a classroom teacher, ~~teacher or as a school administrator. or to transfer him to a new position carrying a lower salary, or to suspend him without pay to a maximum of 60 days; provided, however, that a suspension without pay pursuant to the provisions of G.S. 115C-325(f) shall not be considered a demotion.~~—The word 'demote' does not include a reduction in compensation that results from the elimination of a special duty, such as the duty of an athletic coach, assistant principal, or a choral director. include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement; or (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach or a choral director.
- (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or school administrator without pay for no more than 60 days under G.S. 115C-325(f)(2).
- (5) 'Probationary teacher' means a certificated person, other than a superintendent, associate superintendent, or assistant superintendent, who has not obtained career-teacher status and whose major responsibility is to supervise teaching.
- (6) 'Teacher' means a person who holds at least a current, not provisional or expired, Class A certificate or a regular, not provisional or expired, vocational certificate issued by the Department of Public Instruction; whose major responsibility is to teach or directly supervises teaching or who is classified by the State Board of Education or is paid as a classroom teacher; and who is employed to fill a full-time, permanent position.
- (7) 'School administrator' means a principal, assistant principal, supervisor, or director whose major function includes the direct or indirect supervision of teaching or any other part of the instructional program as provided in G.S. 115C-287.1(a)(3).

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

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

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

- (c) (1) Election of a Teacher to Career Status. – Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The board shall give the teacher written notice of that decision by June 15. If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status:
- a. It shall not reemploy the teacher for a fifth consecutive year;
 - b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
 - c. The teacher shall be entitled to an additional month's pay for every 30 days after June 16 that the board fails to vote upon the issue of granting career status.

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

- (2) Employment of a Career Teacher. – A teacher who has obtained career status in any North Carolina public school system need not serve another probationary period of more than two years. The board may grant career status immediately upon employing the teacher, or after the first or second year of employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after two consecutive years of employment, the board fails to vote on the issue of granting career status:
 - a. It shall not reemploy the teacher for a third consecutive year;
 - b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
 - c. The teacher shall be entitled to one additional month's pay for every 30 days beyond June 16 that the board fails to vote upon the issue of granting career status.
- (2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days prior to any board action granting career status, the superintendent shall submit to the board a list of the names of all teachers who are eligible to achieve career status. Notwithstanding any other provision of law, the list shall be a public record under Chapter 132 of the General Statutes.
- (3) Ineligible for Career Status. – No employee of a local board of education except a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain career status or continue in a career status as a teacher if he no longer performs the responsibilities of a teacher as defined in G.S. 115C-325(a)(6). No person who is ~~working in a principal or supervisor position~~ employed as a school administrator who did not acquire career status as a school administrator by June 30, 1997, shall have career status as an administrator. Further, no director or assistant principal is eligible to obtain career status as a school administrator unless he or she has already been conferred that status by the local board of education.
- (4) Leave of Absence. – A career teacher who has been granted a leave of absence by a board shall maintain his career status if he returns to his teaching position at the end of the authorized leave.
- (d) Career Teachers and Career School Administrators.
 - (1) A career teacher or career school administrator shall not be subjected to the requirement of annual appointment nor shall he be dismissed, demoted, or employed on a part-time basis without his consent except as provided in subsection (e).

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

b. ~~Whether or not he has previously attained career status as a teacher, a person who has performed the duties of a principal in the school system for three consecutive years or has performed the duties of a supervisor in the school system for three consecutive years shall not be transferred from that position to a lower paying administrative position or to a lower paying nonadministrative position without his consent except for the reasons given in G.S. 115C-325(e)(1) and in accordance with the provisions for the dismissal of a career teacher set out in this section. Transfer of a principal or a supervisor is not a transfer to a lower paying position if the principal's or supervisor's salary is maintained at the previous salary amount.~~

c. Subject to G.S. 115C-287.1, when ~~When~~—a teacher has performed the duties of supervisor or principal for three consecutive years, the board, near the end of the third year, shall vote upon his employment for the next school year. The board shall give him written notice of that decision by June 1 of his third year of employment as a supervisor or principal. If a majority of the board votes to reemploy the teacher as a principal or supervisor, and it has notified him of that decision, it may not rescind that action but must proceed under the provisions of this section. If a majority of the board votes not to reemploy the teacher as a principal or supervisor, he shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal. A supervisor or principal who has not held that position for three years and whose contract will not be renewed for the next school year shall be notified by June 1 and shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal.

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

A principal or supervisor who has obtained career status in that position in any North Carolina public school system may be required by the board of education in another school system to serve an additional three-year probationary period in that position before being eligible for career status. However, he may, at the option of the board of education, be granted career status immediately or after serving a probationary period of one or two additional years. A principal or supervisor with career

status who resigns and within five years is reemployed by the same school system need not serve another probationary period in that position of more than two years and may, at the option of the board, be reemployed immediately as a career principal or supervisor or be given career status after only one year. In any event, if he is reemployed for a third consecutive year, he shall automatically become a career principal or supervisor.

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

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

- a. Inadequate performance.
- b. Immorality.
- c. Insubordination.
- d. Neglect of duty.
- e. Physical or mental incapacity.
- f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.
- g. Conviction of a felony or a crime involving moral turpitude.
- h. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
- i. Failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes of this State.
- j. Failure to comply with such reasonable requirements as the board may prescribe.
- k. Any cause which constitutes grounds for the revocation of ~~such the career teacher's teaching certificate. certificate or the career school administrator's administrator certificate.~~
- l. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided that there is compliance with subdivision (2).
- m. Failure to maintain his certificate in a current status.
- n. Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes.
- o. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.

(2) Reduction in Force. – Before recommending to a board the dismissal or demotion of the career ~~teacher~~employee pursuant to G.S. 115C-325(e)(1)l., the superintendent shall give written notice to the career ~~teacher~~employee by certified mail or personal delivery of his intention

to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal or demotion is justified. The notice shall include a statement to the effect that if the ~~teacher-career employee~~ within 15 days after receipt of the notice requests a review, he shall be entitled to have the proposed recommendations of the superintendent reviewed by the board. Within the 15-day period after receipt of the notice, the career ~~teacher employee~~ may file with the superintendent a written request for a hearing before the board within 10 days. If the ~~teacher-career employee~~ requests a hearing before the board, the hearing procedures provided in ~~G.S. 115C-325(j)~~ G.S. 115C-325(j3) shall be followed. If no request is made within the 15-day period, the superintendent may file his recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if there is one, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal. Provisions of this section which permit ~~appointment of, and investigation and review by, a panel of the Professional Review Committee a hearing by a case manager~~ shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)l.

When a career ~~teacher-employee~~ is dismissed pursuant to G.S. 115C-325(e)(1)l. above, his name shall be placed on a list of available ~~teachers-career employees~~ to be maintained by the board. Career ~~teachers-employees~~ whose names are placed on such a list shall have a priority on all positions in which they acquired career status and for which they are qualified which become available in that system for the three consecutive years succeeding their dismissal. However, if the local school administrative unit offers the dismissed ~~teacher-career employee~~ a position for which he is certified and he refuses it, his name shall be removed from the priority list.

- (3) Inadequate Performance. – In determining whether the professional performance of a career ~~teacher-employee~~ is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the published policy of the employing local school administrative unit and to any published standards of performance which shall have been adopted by the board. Failure to notify a career ~~teacher-employee~~ of an inadequacy in his performance shall be conclusive evidence of satisfactory performance.
- (4) Three-Year Limitation on Basis of Dismissal or Demotion. – Dismissal or demotion under subdivision (1) above, except ~~paragraph g-paragraphs g. and o.~~ thereof, shall not be based on conduct or actions which occurred more than three years before the written notice of the superintendent's intention to recommend dismissal or demotion is

mailed to the ~~teacher~~ career employee. The three-year limitation shall not apply to dismissals or demotions pursuant to subdivision (1)b. above when the charge of immorality is based upon a ~~teacher's~~ career employee's sexual misconduct toward or sexual harassment of students or staff.

- (f) (1) Suspension without Pay. – If a superintendent believes that cause exists for dismissing a ~~probationary or career teacher~~ employee for any reason specified in ~~G.S. 115C-325(e)(1)a. through 115C-325(e)(1)j.~~ G.S. 115C-325(e)(1) and that immediate suspension of the ~~teacher~~ career employee is necessary, the superintendent may suspend ~~him~~ the career employee without pay. Before suspending a ~~teacher~~ career employee without pay, the superintendent shall meet with the ~~teacher~~ career employee and give him written notice of the charges against him, an explanation of the bases for the charges, and an opportunity to respond. Within five days after a suspension under this paragraph, the superintendent shall initiate a ~~dismissal~~ dismissal, demotion, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for ~~dismissal~~ dismissal, demotion, or disciplinary suspension without pay exist, the ~~teacher~~ career employee shall be reinstated ~~immediately and~~ immediately, shall be paid for the period of ~~suspensions~~ suspension, and all records of the suspension shall be removed from the career employee's personnel file.
- (2) Disciplinary Suspension Without Pay. – A ~~teacher~~ career employee recommended for suspension without pay pursuant to ~~G.S. 115C-325(a)(4)~~ 115C-325(a)(4) may request a hearing before the board. ~~If the teacher requests a hearing before the board, the procedures provided in G.S. 115C-325(j) shall be followed.~~ If no request is made within 15 days, the superintendent may file his recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such suspension. ~~Provisions of this section which permit appointment of, and investigation and review by, a panel of the Professional Review Committee shall not apply to a suspension without pay pursuant to G.S. 115C-325(a)(4).~~
- a. Board hearing for disciplinary suspensions for more than 10 days or for certain types of intentional misconduct. – The procedures for a board hearing under G.S. 115C-325(j3) shall apply if any of the following circumstances exist:
1. The recommended disciplinary suspension without pay is for more than 10 days; or
 2. The disciplinary suspension is for intentional misconduct, such as inappropriate sexual or physical

conduct, immorality, insubordination, habitual or excessive alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes, any cause that constitutes grounds for the revocation of the teacher's or school administrator's certificate, or providing false information.

- b. Board hearing for disciplinary suspensions of no more than 10 days. – The procedures for a board hearing under G.S. 115C-325(j2) shall apply to all disciplinary suspensions of no more than 10 days that are not for intentional misconduct as specified in G.S. 115C-325(f)(2)a.2.

(f1) Suspension with Pay. – If a superintendent believes that cause may exist for dismissing or demoting a ~~probationary or career teacher-employee~~ for any reasons specified in ~~G.S. 115C 325(e)(1)b through 115C 325(e)(1)j~~, G.S. 115C-325(e)(1), but that additional investigation of the facts is necessary and circumstances are such that the ~~teacher-career employee~~ should be removed immediately from his duties, the superintendent may suspend the ~~teacher-career employee~~ with pay for a reasonable period of time, not to exceed 90 days. The superintendent shall ~~immediately~~ notify the board of education within two days of his action and shall notify the career employee within two days of the action and the reasons for it. If the superintendent has not initiated dismissal or demotion proceedings against the ~~teacher-career employee~~ within the 90-day period, the ~~teacher-career employee~~ shall be reinstated to his duties immediately and all records of the suspension with pay shall be removed from the ~~teacher's-career employee's~~ personnel file at his ~~request.~~ However, if the superintendent and the employee agree to extend the 90-day period, the superintendent may initiate dismissal or demotion proceedings against the career employee at any time during the period of the extension.

(f2) Procedure for Demotion of Career School Administrator. – If a superintendent intends to recommend the demotion of a career school administrator, the superintendent shall give written notice to the career school administrator by certified mail or personal delivery and shall include in the notice the grounds upon which the superintendent believes the demotion is justified. The notice shall include a statement that if the career school administrator requests a hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the grounds for the proposed demotion reviewed by the local board of education. If the career school administrator does not request a board hearing within 15 days, the superintendent may file the recommendation of demotion with the board. If, after considering the superintendent's recommendation and the evidence presented at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board may by resolution order the demotion. The procedures for a board hearing under G.S. 115C-325(j3) shall apply to all demotions of career school administrators.

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

- (1) ~~There is hereby created a Professional Review Committee which shall consist of 132 citizens, 11 from each of the State's congressional districts, five of whom shall be lay persons and six of whom shall have been actively and continuously engaged in teaching or in supervision or administration of schools in this State for the five years preceding their appointment and who are broadly representative of the profession, to be appointed by the Superintendent of Public Instruction with the advice and consent of the State Board of Education. Each member shall be appointed for a term of three years. The initial terms of office of the persons appointed from the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1995. The Superintendent of Public Instruction, with the advice and consent of the State Board of Education, shall fill any vacancy which may occur in the Committee. The person appointed to fill the vacancy shall serve for the unexpired portion of the term of the member of the Committee whom he is appointed to replace.~~
 - (2) ~~The Superintendent of Public Instruction shall provide for the Committee such training as he considers necessary or desirable for the purpose of enabling the members of the Committee to perform the functions required of them.~~
 - (3) ~~The compensation of committee members while serving as a member of a hearing panel shall be as for State boards and commissions pursuant to G.S. 138-5. The compensation shall be paid by the State Board of Education.~~
- (h) Procedure for Dismissal or Demotion of Career ~~Teacher~~Employee.
- (1)
 - a. A career ~~teacher~~employee may not be dismissed, demoted, or reduced to part-time employment except upon the superintendent's recommendation.
 - b. G.S. 115C-325(f2) shall apply to the demotion of a career school administrator.
 - (2) Before recommending to a board the dismissal or demotion of the career ~~teacher~~employee, the superintendent shall give written notice to the career ~~teacher~~employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal or demotion is justified. The superintendent also shall meet with the career employee and give him written notice of the charges against him, an explanation of the basis for the charges, and an opportunity to respond if the career employee has not done so under G.S. 115C-325(f)(1). The notice shall include a statement to the effect that if the ~~teacher~~career employee within ~~15~~14 days after the date of receipt of the notice requests a review, he shall be entitled to have the grounds for the proposed recommendations of the superintendent reviewed by a panel of the Committee~~case manager~~. A copy of G.S.

115C-325 and a current list of ~~the members of the Professional Review Committee—case managers~~ shall also be sent to the career ~~teacher~~employee. If the ~~teacher—career employee~~ does not request a ~~panel hearing with a case manager~~ within the ~~15-14~~ days provided, the superintendent may submit his recommendation to the board.

- (3) Within the ~~15-day~~ 14-day period after receipt of the notice, the career ~~teacher—employee~~ may file with the superintendent a written request for either (i) ~~a review of the a hearing on the grounds for the superintendent's proposed recommendation by a panel of the Professional Review Committee—case manager~~ or (ii) a hearing within five days before the board on the superintendent's recommendation. ~~within 10 days.~~ If the ~~teacher—career employee~~ requests an immediate hearing before the board, he forfeits his right to a hearing by ~~a panel of the Professional Review Committee.~~ A hearing conducted by the board pursuant to ~~this subdivision shall be conducted pursuant to G.S. 115C-325(j) and (l)~~ a case manager. If no request is made within that period, the superintendent may file his recommendation with the board. The board, if it sees fit, may by resolution ~~dismiss such teacher.~~ (i) reject the superintendent's recommendation or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or suspend the employee without pay. If a request for review is made, the superintendent shall not file his recommendation for dismissal with the board until a report of ~~a panel of the Committee—the case manager~~ is filed with the superintendent.
- (4) ~~If a request for review is made, the superintendent, within five days of filing such request for review, shall notify the Superintendent of Public Instruction who, within seven days from the time of receipt of such notice, shall designate a panel of five members of the Committee, at least two of whom shall be lay persons, who shall not be employed in or be residents of the county in which the request for review is made, to review the proposed recommendations of the superintendent for the purpose of determining whether in its opinion the grounds for the recommendation are true and substantiated. The teacher or principal making the request for review shall have the right to require that at least two members of the panel shall be members of his professional peer group.~~
- (5) If the career employee elects to request a hearing by a case manager, the career employee and superintendent shall each have the right to eliminate up to one-third of the names on the approved list of case managers. The career employee shall specify those case managers who are not acceptable in the career employee's request for a review of the superintendent's proposed recommendation under G.S. 115C-325(h)(3). The superintendent and career employee may jointly select a person to serve as case manager. The person need not be on the

master list of case managers maintained by the Superintendent of Public Instruction.

- (6) If a career employee requests a review by a case manager, the superintendent shall notify the Superintendent of Public Instruction within two days' receipt of the request. The notice shall contain a list of the case managers the career employee and the superintendent have eliminated from the master list or the name of a person, if any, jointly selected. Failure to exercise the right to eliminate names from the master list shall constitute a waiver of that right.
- (7) The Superintendent of Public Instruction shall select a case manager within three days of receiving notice from the superintendent. The Superintendent of Public Instruction shall designate the person jointly selected by the parties to serve as case manager provided the person agrees to serve as case manager and can meet the requirements for time frames for the hearing and report as provided in G.S. 115C-325(i1)(1). If a case manager was not jointly selected or if the case manager is not available, the Superintendent of Public Instruction shall select a case manager from the master list. No person eliminated by the career employee or superintendent shall be designated case manager.
- (8) The superintendent and career employee shall provide each other with copies of all documents submitted to the Superintendent of Public Instruction or to the designated case manager.
- (h1) Case Managers; Qualifications; Training; Compensation.
 - (1) Each year the State Board of Education shall select and maintain a master list of no more than 42 qualified case managers.
 - (2) Persons selected by the State Board as case managers shall be: (i) certified as a North Carolina Superior Court mediator; (ii) a member of the American Arbitration Association's roster of arbitrators and mediators; or (iii) have comparable certification in alternative dispute resolution. Case managers must complete a special training course approved by the State Board of Education.
 - (3) The State Board of Education shall determine the compensation for a case manager. The State Board shall pay the case manager's compensation and reimbursement for expenses.
- ~~(i) Hearing by Panel of Professional Review Committee; Report; Action of Superintendent; Review by Board.~~
 - ~~(1) The career teacher and superintendent will each have the right to designate not more than 33 of the 132 members of the Professional Review Committee as not acceptable to the teacher or superintendent respectively. No person so designated shall be appointed to the panel. The career teacher shall specify to the superintendent those Committee members who are not acceptable in his request for a review of the superintendent's proposed recommendations provided for in~~

~~subdivision (h)(3) above. The superintendent's notice to the Superintendent of Public Instruction provided for in subdivision (h)(4) above shall contain a list of those members of the Committee not acceptable to the superintendent and the teacher respectively. Failure to designate nonacceptable members in accordance with this subsection shall constitute a waiver of that right.~~

- ~~(2) As soon as possible after the time of its designation, the panel shall elect a chairman and shall conduct a hearing in accordance with G.S. 115C-325(j) for the purpose of determining whether the grounds for the recommendation are true and substantiated. The panel shall be furnished assistance reasonably required to conduct its hearing and shall be empowered to subpoena and swear witnesses and to require them to give testimony and to produce books and papers relevant to its investigation.~~
- ~~(3) The career teacher and superintendent involved shall each have the right to meet with the panel accompanied by counsel or other person of his choice and to present any evidence and arguments which he considers pertinent to the considerations of the panel and to cross-examine witnesses.~~
- ~~(4) When the panel has completed its hearing, it shall prepare a written report and send it to the superintendent and teacher. The report shall contain its findings as to whether or not the grounds for the recommendation are true and substantiated by a preponderance of the evidence, and a statement of the reasons for its findings. The panel shall complete its hearing and prepare the report within 20 days from the time of its designation, except in cases in which the panel finds that justice requires that a greater time be spent in connection with the investigation and the preparation of such report, and reports that finding to the superintendent and the teacher: Provided, that such extension does not exceed 10 days.~~
- ~~(5) Within five days after the superintendent receives the report of the panel, the superintendent shall decide whether or not to submit a written recommendation for dismissal to the board or to drop the charges against the teacher and shall notify the teacher, in writing, of the decision. Within five days after receiving the superintendent's notice of his intent to recommend the teacher's dismissal to the board, the teacher shall decide whether to request a hearing before the board and shall notify the superintendent, in writing, of the decision. If the teacher requests a hearing before the board, the superintendent shall submit his written recommendation to the board with a copy to the teacher within five days after receiving the teacher's request. The superintendent's recommendation shall state the grounds for the recommendation and shall be accompanied by a copy of the report of the panel of the Committee.~~

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

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

(1) The case manager shall complete the hearing held in accordance with G.S. 115C-325(j) and prepare the report within 10 days from the time of the designation. The case manager may extend the period of time by up to five additional days if the case manager informs the superintendent and the career employee that justice requires that a greater time be spent in connection with the investigation and the preparation of the report. Furthermore, the superintendent and the career employee may agree to an extension of more than five days.

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

(3) Within two days after receiving the case manager's report, the superintendent shall decide whether to submit a written recommendation to the local board for dismissal, demotion, or disciplinary suspension without pay to the board or to drop the charges against the career employee. The superintendent shall notify the career employee, in writing, of the decision.

(4) If the superintendent contends that the case manager's report fails to address a critical factual issue, the superintendent shall within three days receipt of the case manager's report, request in writing with a copy to the career employee that the case manager prepare a supplement to the report. The superintendent shall specify what critical factual issue the superintendent contends the case manager failed to address. If the case manager determines that the report failed to address a critical factual issue, the case manager may prepare a supplement to the report to address the issue and deliver the supplement to both parties before the board hearing. The failure of the case manager to prepare a supplemental report or to address a critical factual issue shall not constitute a basis for appeal.

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

- (1) The hearing shall be private.
- (2) The hearing shall be conducted in accordance with ~~such reasonable rules and regulations as the board may adopt consistent with G.S. 115C 325, or if no rules have been adopted,~~ in accordance with reasonable rules and regulations adopted by the State Board of Education to govern such case manager hearings.
- (3) At the hearing the ~~teacher-career employee~~ and the superintendent shall have the right to be present and to be heard, to be represented by counsel and to present through witnesses any competent testimony relevant to the issue of whether grounds for dismissal or demotion exist or whether the procedures set forth in G.S. 115C-325 have been followed.
- (4) Rules of evidence shall not apply to a hearing conducted ~~pursuant to this act and boards and panels of the Professional Review Committee~~ by a case manager and the case manager may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- (5) At least five days before the hearing, the superintendent shall provide to the ~~teacher-career employee~~ a list of witnesses the superintendent intends to present, a brief statement of the nature of the testimony of each witness and a copy of any documentary evidence ~~he—the superintendent~~ intends to present. At least three days before the hearing, the ~~teacher-career employee~~ shall provide to the superintendent a list of witnesses the ~~teacher-career employee~~ intends to present, a brief statement of the nature of the testimony of each witness and a copy of any documentary evidence ~~he—the career employee~~ intends to present. Additional witnesses or documentary evidence may not be presented except ~~upon consent of both parties or upon a majority vote of the board or panel.~~ upon a finding by the case manager that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule provided in this subdivision.
- (6) The case manager may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for dismissal.
- (7) The case manager shall decide all procedural issues, including limiting cumulative evidence, necessary for a fair and efficient hearing.
- (8) The superintendent shall provide for making a transcript of the hearing. If the career employee contemplates a hearing before the board or to appeal the board's decision to a court of law, the career

employee may request and shall receive at no charge a transcript of the proceedings before the case manager.

(j1) Board Determination.

- (1) Within two days after receiving the superintendent's notice of intent to recommend the career employee's dismissal to the board, the career employee shall decide whether to request a hearing before the board and shall notify the superintendent, in writing, of the decision. If the career employee can show that the request for a hearing was postmarked within the time provided, the career employee shall not forfeit the right to a board hearing. Within two days after receiving the career employee's request for a board hearing, the superintendent shall submit to the board the written recommendation and shall provide a copy to the career employee. The superintendent's recommendation shall state the grounds for the recommendation and shall be accompanied by a copy of the case manager's report.
- (2) If the career employee contends that the case manager's report fails to address a critical factual issue the career employee shall, at the same time he notifies the superintendent of a request for a board hearing pursuant to G.S. 115C-325(j1)(1), request in writing with a copy to the superintendent that the case manager prepare a supplement to the case manager's report. The career employee shall specify the critical factual issue he contends the case manager failed to address. If the case manager determines that the report failed to address a critical factual issue, the case manager may prepare a supplement to the report to address the issue and shall deliver the supplement to both parties before the board hearing. The failure of the case manager to prepare a supplemental report or to address a critical factual issue shall not constitute a basis for appeal.
- (3) Within two days after receiving the superintendent's recommendation and before taking any formal action, the board shall set a time and place for the hearing and shall notify the career employee by certified mail or personal delivery of the date, time, and place of the hearing. The time specified shall not be less than seven nor more than 10 days after the board has notified the career employee, unless both parties agree to an extension. If the career employee did not request a hearing, the board may, by resolution, reject the superintendent's decision, or accept or modify the decision and dismiss, demote, reinstate, or suspend the career employee without pay.
- (4) If the career employee requests a board hearing, it shall be conducted in accordance with G.S. 115C-325(j2).
- (5) The board shall make a determination and may (i) reject the superintendent's recommendation or (ii) accept or modify the recommendation and dismiss, demote, reinstate, or suspend the employee without pay.

- (6) Within two days following the hearing, the board shall send a written copy of its findings and determination to the career employee and the superintendent.
- (j2) Board Hearing. – The following procedures shall apply to a hearing conducted by the board:
- (1) The hearing shall be private.
 - (2) If the career employee requested a hearing by a case manager, the board shall receive the following:
 - a. The whole record from the hearing held by the case manager, including a transcript of the hearing, as well as any other records, exhibits, and documentary evidence submitted to the case manager at the hearing.
 - b. The case manager's findings of fact, including any supplemental findings prepared by the case manager under G.S. 115C-325 (i1)(4) or G.S. 115C-325(j1)(2).
 - c. The case manager's recommendation as to whether the grounds in G.S. 115C-325(e) submitted by the superintendent are substantiated.
 - d. The superintendent's recommendation and the grounds for the recommendation.
 - (3) If the career employee did not request a hearing by a case manager, the board shall receive the following:
 - a. Any documentary evidence the superintendent intends to use to support the recommendation. The superintendent shall provide the documentary evidence to the career employee seven days before the hearing.
 - b. Any documentary evidence the career employee intends to use to rebut the superintendent's recommendation. The career employee shall provide the superintendent with the documentary evidence three days before the hearing.
 - c. The superintendent's recommendation and the grounds for the recommendation.
 - (4) The superintendent and career employee may submit a written statement not less than three days before the hearing.
 - (5) The superintendent and career employee shall be permitted to make oral arguments to the board based on the record before the board.
 - (6) No new evidence may be presented at the hearing except upon a finding by the board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence at the hearing before the case manager.
 - (7) The board shall accept the case manager's findings of fact unless a majority of the board determines that the findings of fact are not supported by substantial evidence when reviewing the record as a

whole. In such an event, the board shall make alternative findings of fact. If a majority of the board determines that the case manager did not address a critical factual issue, the board may remand the findings of fact to the case manager to complete the report to the board. If the case manager does not submit the report within seven days receipt of the board's request, the board may determine its own findings of fact regarding the critical factual issues not addressed by the case manager. The board's determination shall be based upon a preponderance of the evidence.

- (8) The board is not required to provide a transcript of the hearing to the career employee. If the board elects to make a transcript and if the career employee contemplates an appeal to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings. A career employee may have the hearing transcribed by a court reporter at the career employee's expense.

(j3) Board Hearing for Certain Disciplinary Suspensions, Demotions of Career School Administrators, and for Reductions in Force. – The following procedures shall apply for a board hearing under G.S. 115C-325(e)(2), G.S. 115C-325(f2), and G.S. 115C-325(f)(2)a.:

- (1) The hearing shall be private.
- (2) The hearing shall be conducted in accordance with reasonable rules adopted by the State Board of Education to govern such hearings.
- (3) At the hearing, the career employee and the superintendent shall have the right to be present and to be heard, to be represented by counsel, and to present through witnesses any competent testimony relevant to the issue of whether grounds exist for a disciplinary suspension without pay under G.S. 115C-325(f)(2)a., a demotion of a career school administrator under G.S. 115C-325(f2), or whether the grounds for a dismissal or demotion due to a reduction in force is justified.
- (4) Rules of evidence shall not apply to a hearing under this subsection and the board may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- (5) At least 10 days before the hearing, the superintendent shall provide to the career employee a list of witnesses the superintendent intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the superintendent intends to present.
- (6) At least six days before the hearing, the career employee shall provide the superintendent a list of witnesses the career employee intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the career employee intends to present.

- (7) No new evidence may be presented at the hearing except upon a finding by the board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule provided in this subsection.
- (8) The board may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for suspension without pay.
- (9) The board shall decide all procedural issues, including limiting cumulative evidence, necessary for a fair and efficient hearing.
- (10) The superintendent shall provide for making a transcript of the hearing. If the career employee contemplates an appeal of the board's decision to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings.

~~(k) Panel Finds Grounds for Superintendent's Recommendation True and Substantiated.~~

- ~~(1) If the panel found that the grounds for the recommendation of the superintendent are true and substantiated, at the hearing the board shall consider the recommendation of the superintendent, the report of the panel, including any minority report, and any evidence which the teacher or the superintendent may wish to present with respect to the question of whether the grounds for the recommendation are true and substantiated. The hearing may be conducted in an informal manner.~~
- ~~(2) If, after considering the recommendation of the superintendent, the report of the panel and the evidence adduced at the hearing, the board concludes that the grounds for the recommendation are true and substantiated, by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal.~~

~~(l) Panel Does Not Find That the Grounds for Superintendent's Recommendation Are True and Substantiated.~~

- ~~(1) If the panel does not find that the grounds for the recommendation of the superintendent are true and substantiated, at the hearing the board shall determine whether the grounds for the recommendation of the superintendent are true and substantiated upon the basis of competent evidence adduced at the hearing by witnesses who shall testify under oath or affirmation to be administered by any board member or the secretary of the board.~~
- ~~(2) The procedure at the hearing shall be such as to permit and secure a full, fair and orderly hearing and to permit all relevant competent evidence to be received therein. The report of the panel of the committee shall be deemed to be competent evidence. A full record shall be kept of all evidence taken or offered at such hearing. Both counsel for the local school administrative unit and the career teacher or his counsel shall have the right to cross-examine witnesses.~~

- (3) ~~At the request of either the superintendent or the teacher, the board shall issue subpoenas requiring the production of papers or records or the attendance of persons residing within the State before the board. Subpoenas for witnesses to testify at the hearing in support of the recommendation of the superintendent or on behalf of the career teacher shall, as requested, be issued in blank by the board over the signature of its chairman or secretary. The board shall pay witness fees for up to five witnesses subpoenaed on behalf of the teacher, except that it shall not pay for any witness who resides within the county in which the dismissal originates or who is an employee of the board. However, no employee of the board shall suffer any loss of compensation because he has been subpoenaed to testify at the hearing. These payments shall be as provided for witnesses in G.S. 7A-314.~~
- (4) ~~At the conclusion of the hearing provided in this section, the board shall render its decision on the evidence submitted at such hearing and not otherwise. The board's decision shall be based on a preponderance of the evidence.~~
- (5) ~~Within five days following the hearing, the board shall send a written copy of its findings and order to the teacher and superintendent. The board shall provide for making a transcript of its hearing. If the teacher contemplates an appeal to a court of law, he may request and shall receive at no charge a transcript of the proceedings.~~
- (m) Probationary Teacher.
- (1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career ~~teacher~~ employee may be dismissed as set forth in subsections ~~(e)-(e), (f), (f1), and (h) to (l)-(j3)~~ above.
- (2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.
- (n) **(See note)** Appeal. – Any ~~teacher~~ career employee who has been dismissed or demoted ~~pursuant to under G.S. 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of this section under G.S. 115C-325(j2), or who has been suspended without pay pursuant to G.S. 115C-325(a)(4), under G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed under G.S. 115C-325-G.S. 115C-325(m)(2)~~ shall have the right to appeal from the decision of the board to the superior court for the superior court district or set of districts as defined in G.S. 7A-41.1 in which the ~~teacher or school administrator~~ career employee is employed. This appeal shall be filed within a period of 30 days after notification of the decision of the board.

The cost of preparing the transcript shall be ~~borne by the board.~~ determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A ~~teacher-career employee~~ who has been demoted or dismissed, or a school administrator whose contract is not renewed, who has not requested a hearing before the board of education pursuant to this section shall not be entitled to judicial review of the board's action.

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

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

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

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

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

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

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

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

(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of teachers,

assistant principals, directors, and supervisors assigned to schools that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

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

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

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

- (2a) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of certified staff members who have engaged in a remediation plan under G.S. 115C-105.38A(a) but who, after two retests, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after two retests shall be substantial evidence of the inadequate performance of the certified staff member.

A certified staff member may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to certified staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

- (3) The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to

renew the contract of any person employed in a school identified as low-performing under G.S. 115C-105.37.

- (4) Neither party to a school administrator contract is entitled to damages under this subsection.
- (5) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection."
- (b) This section applies to proceedings initiated after September 1, 1997.

C. STUDIES ON MAKING RENEWAL OF TEACHER CERTIFICATES MORE RIGOROUS

Section 14. The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall reevaluate and enhance the requirements for renewal of teacher certificates. The State Board shall consider modifications in the certificate renewal process to align the process with State education goals and improved student achievement and to make it a mechanism for teachers to renew continually their knowledge and professional skills. The State Board of Education shall report to the Joint Legislative Oversight Committee by March 15, 1998, on the proposed new standards for the renewal of teacher certificates. The State Board may consolidate the report required under this section with the report on initial certification required under Section 6 of this act and the report on continuing certification required under Section 8 of this act.

The State Board of Education shall adopt new standards for the renewal of teacher certificates by May 15, 1998. The new standards adopted by the State Board shall apply to certificates that expire after July 1, 1998.

Section 15. The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall study and recommend ways to modify the administrator recertification process to ensure that all schools have well-qualified administrators. The State Board shall report the results of this study to the Joint Legislative Education Oversight Committee by February 15, 1998.

VII. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY TEACHERS – HIGHER STARTING SALARY, ENHANCED LONGEVITY PAY, AND SIGNIFICANT BUMPS IN THE SALARY SCHEDULE UPON ACHIEVING CONTINUING CERTIFICATION AND CAREER STATUS

Section 16. (a) It is the goal of the General Assembly to increase teacher salaries over the next four years so as to attract and retain excellent teachers in the public schools; therefore, it is the goal of the General Assembly to implement, over the upcoming four fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent (20%). This would bring the starting salary to at least twenty-five thousand dollars (\$25,000) by the year 2000. Under this plan, the salary schedule would also contain significant "bumps" at the third step, which is the point at which

teachers have attained continuing certification; and at the fourth step, which is the point at which teachers may achieve career status.

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

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

1997-98 Salary Schedule Plan
"A" Teachers

Years of Experience	10-Month Salary
0	\$22,150
1	\$22,570
2	\$23,000
3	\$24,270
4	\$25,280
5	\$25,750
6	\$26,230
7	\$26,720
8	\$27,210
9	\$27,700
10	\$28,200
11	\$28,720
12	\$29,250
13	\$29,790
14	\$30,340
15	\$30,900
16	\$31,470
17	\$32,050
18	\$32,650
19	\$33,260
20	\$33,890
21	\$34,520
22	\$35,160
23	\$35,810
24	\$36,480
25	\$37,170
26	\$37,870
27	\$38,580
28	\$39,310
29	\$40,050

30+ \$40,050

1998-99 Salary Schedule Plan
"A" Teachers

Years of Experience	10-Month Salary
0	\$23,100
1	\$23,520
2	\$23,950
3	\$25,510
4	\$26,780
5	\$27,790
6	\$28,260
7	\$28,740
8	\$29,230
9	\$29,720
10	\$30,210
11	\$30,710
12	\$31,230
13	\$31,760
14	\$32,300
15	\$32,850
16	\$33,410
17	\$33,980
18	\$34,560
19	\$35,160
20	\$35,770
21	\$36,400
22	\$37,030
23	\$37,670
24	\$38,320
25	\$38,990
26	\$39,680
27	\$40,380
28	\$41,090
29	\$41,820
30+	\$41,820

1999-2000 Salary Schedule Plan
"A" Teachers

Years of Experience	0-Month Salary
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0	\$24,050
1	\$24,470
2	\$24,900
3	\$26,680
4	\$28,240
5	\$29,510
6	\$30,520
7	\$30,990
8	\$31,470
9	\$31,960
10	\$32,450
11	\$32,940
12	\$33,440
13	\$33,960
14	\$34,490
15	\$35,030
16	\$35,580
17	\$36,140
18	\$36,710
19	\$37,290
20	\$37,890
21	\$38,500
22	\$39,130
23	\$39,760
24	\$40,400
25	\$41,050
26	\$41,720
27	\$42,410
28	\$43,110
29	\$43,820
30+	\$43,820

2000-2001 School Year Plan
"A" Teachers

Years of Experience	10-Month Salary
0	\$25,000
1	\$25,420
2	\$25,850
3	\$27,370
4	\$28,750
5	\$30,060
6	\$31,330

7	\$32,340
8	\$32,810
9	\$33,290
10	\$33,780
11	\$34,270
12	\$34,760
13	\$35,260
14	\$35,780
15	\$36,310
16	\$36,850
17	\$37,400
18	\$37,960
19	\$38,530
20	\$39,110
21	\$39,710
22	\$40,320
23	\$40,950
24	\$41,580
25	\$42,220
26	\$42,870
27	\$43,540
28	\$44,230
29	\$44,930
30+	\$44,930

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

VIII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL ASSIGNMENTS

A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY THE STATE BOARD OF EDUCATION

Section 17. (a) The State Board of Education, after consultation with the Board of Governors of The University of North Carolina, shall develop a new category of teacher certificate known as the "Masters/Advanced Competencies" certificate. To receive this certificate, an applicant shall successfully complete a masters degree program that includes rigorous academic preparation in the subject area in which the applicant will teach and in the skills and knowledge expected of a master teacher or the applicant shall demonstrate to the satisfaction of the State Board that the candidate has acquired the skills and knowledge expected of a master teacher.

(b) The Board of Governors of The University of North Carolina shall develop a plan to revise the current masters of education degree programs at the constituent

institutions. The plan shall provide for degree programs that require participants take a more rigorous course of study than is currently required and that includes concentrations in the academic content areas in which the participants will teach. The plan shall also consider methods for: (i) providing the more rigorous course of study using the same number of hours as are currently required for masters of education degrees; and (ii) providing participants the opportunity to complete the masters of education degree program as part-time students, by summer school attendance, and at sites not located at a constituent institution's campus provided there is sufficient demand for the off-campus programs.

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

(d) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by January 15, 1998, on its progress in implementing subsection (a) of this section. The Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee by January 15, 1998, on its plan to implement subsection (b) of this section.

B. SALARY DIFFERENTIAL PLAN FOR "MASTERS/ADVANCED COMPETENCIES" AND FOR NBPTS CERTIFICATION

Section 18. It is the goal of the General Assembly to increase significantly the salaries of teachers who attain a "Masters/Advanced Competencies" certificate and teachers who are certified by the National Board for Professional Teaching Standards (NBPTS) so as to provide an incentive for good teachers to become excellent teachers. In order to do so, it is further the goal of the General Assembly to enact, for the 1997-98 school year, a salary schedule plan that will provide a twelve percent (12%) salary differential for teachers who attain NBPTS certification. It is further the goal of the General Assembly to enact by the year 2000 a salary schedule plan that will provide a ten percent (10%) salary differential to teachers who attain a "Masters/Advanced Competencies" certification. With these salary differentials, the top salary under the plan for teachers with both the "Masters/Advanced Competencies" certification and the NBPTS certification would be a minimum of fifty-three thousand dollars (\$53,000) a year by the year 2000.

C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM

Section 19. It is the goal of the General Assembly to continue to pay for the National Board for Professional Teaching Standards participation fee and for up to three days of approved paid leave for teachers participating in the NBPTS program during the 1997-98 school year and the 1998-99 school year and thereafter for teachers in the public schools.

D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S PROGRAM

Section 20. (a) It is the goal of the General Assembly to provide school-based incentive awards under G.S. 115C-105.36 (a) to schools at which students achieve higher than expected improvements in the basics and the skills they need to get a good job, and to schools at which students meet the expected improvements in the basics and the skills they need to get a good job. In accordance with State Board of Education policy, incentive awards in schools that achieve higher than expected improvements may be up to: (i) one thousand five hundred dollars (\$1,500) for each teacher and for certified personnel; and (ii) five hundred dollars (\$500.00) for each teacher assistant. In accordance with State Board of Education policy, incentive awards in schools that meet the expected improvements may be up to: (i) seven hundred fifty dollars (\$750.00) for each teacher and for certified personnel; and (ii) three hundred seventy-five dollars (\$375.00) for each teacher assistant.

It is further the goal of the General Assembly to provide funds to provide assistance teams to low-performing schools. It is also the goal of the General Assembly to provide funds to provide remediation to teachers who work in schools that are identified as low-performing and who do not acquire a passing score on a test designated by the State Board of Education.

(b) G.S. 115C-105.37(b) reads as rewritten:

"(b) Each identified low-performing school shall ~~notify~~ provide written notification to the parents of students attending that ~~school~~ school. The written notification shall include a statement that the State Board of Education has found that the school has ~~failed~~ 'failed' to meet the minimum growth standards, as defined by the State Board, and a majority of students in ~~that~~ the school are performing below grade ~~level~~ level. This notification also shall include a description of the steps the school is taking to improve student performance."

E. EXTRA PAY FOR MENTOR TEACHERS

Section 21. It is the goal of the General Assembly to fund a mentor teacher program that will recognize the achievements of excellent, experienced teachers and will provide each newly certified teacher with a qualified and well-trained mentor. The funds shall be used to compensate each mentor for serving as a mentor prior to and during the school year.

F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT

Section 22. It is the goal of the General Assembly to compensate every newly certified teacher for three additional days of employment for orientation and classroom preparation.

G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT

Section 23. It is the goal of the General Assembly to provide funds for teachers' participation in professional development programs that are aligned with State educational goals and improved student achievement. The funds should be used for teacher development programs that enable teachers to renew continually their knowledge and professional skills, programs that train principals to observe and

evaluate teachers, programs that train master teachers to observe teachers that have not achieved career status, programs that train mentors for beginning teachers, and other programs as directed by the State Board of Education.

H. EXTRA PAY FOR EXTRA DAYS

Section 24. It is the goal of the General Assembly to provide funds to enable school systems to utilize better the teacher workdays within the calendar for planning, staff development, remediation, and other purposes. These funds shall be used to pay teachers for working on, and thereby forfeiting, vacation days.

I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL RESPONSIBILITIES

Section 25. It is the goal of the General Assembly to provide funds to compensate teachers for additional assignments and responsibilities designed to improve student achievement for additional workdays outside of the school calendar. These funds should be allocated to local school administrative units on the basis of average daily membership. The local board should use one-half of the funds on the recommendation of the local superintendent and one-half on the recommendation of school improvement teams. These funds could be used to compensate teachers for purposes such as teaching after-school or Saturday academies for students at risk of academic failure, developing curriculum, participating in teacher training and development outside of the school calendar, and teaching classes on Saturday to students needing additional instructional opportunities.

IX. FUNDS FOR COMPUTER SYSTEMS

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

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

Section 27. G.S. 115C-546.2 reads as rewritten:

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

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

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

School Technology Fund and allocated by that Fund to the local school administrative unit for equipment.

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

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

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

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

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

X. FUNDS FOR TEACHER SUPPLY AND DEMAND STUDY

Section 28. It is the goal of the General Assembly to provide funds for the State Board of Education to conduct a comprehensive teacher supply and demand study.

XI. FUNDS FOR TRAINING AND COMPENSATING CASE MANAGERS

Section 29. It is the goal of the General Assembly to provide funds for training individuals who will serve as case managers. It is also the goal of the General Assembly to provide funds for compensating and reimbursing the expenses of case managers.

XII. FUNDS FOR DEVELOPING NEW EVALUATIONS

Section 30. It is the goal of the General Assembly to provide funds for developing and revising uniform performance standards and criteria to be used in evaluating professional public school employees including school administrators and for reviewing performance pay systems for teachers.

XIII. MISCELLANEOUS PROVISIONS

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

Section 31. The series of captions used in this act (the descriptive phrases in boldface and capital letters) are inserted for convenience and reference only, and they in no way define, limit, or prescribe the scope or application of the text of this act.

B. NO APPROPRIATIONS REQUIRED BY ACT

Section 32. This act shall not be construed to obligate the General Assembly to appropriate any funds to implement the provisions of this act. Nothing in Sections 16 through 25 or Sections 28 through 30 of this act shall be construed to create any rights or causes of action.

C. EFFECTIVE DATES

Section 33. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 11:35 p.m. this 24th day of June, 1997