

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 339
HOUSE BILL 1072

AN ACT TO CLARIFY LEGISLATIVE INTENT REGARDING THE RENEWAL OF
SUPERINTENDENTS' CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-271 reads as rewritten:

"§ 115C-271. Selection by local board of education, term of office.

At a meeting to be held biennially or quadrennially during the month of April, the various county boards of education shall meet and elect a county superintendent of schools. Such superintendent shall take office on the following July 1 and shall serve for a term of two or four years, or until his successor is elected and qualified. The superintendent shall be elected for a term of either two or four years, which term shall be in the discretion of the county board of education. The county board of education may, with the written consent of the current superintendent, extend or renew the term of the superintendent's contract at any time during the final year 12 months of his term. the contract; Provided, however, in any year when new members are to be elected or appointed, provided, however, when new members are to be elected or appointed and sworn in during the final 12 months of the contract the board may not act until after the new members have been sworn in. The term and conditions of employment shall be stated in a written contract which shall be entered into between the board of education and the superintendent. A copy of the contract shall be filed with the Superintendent of Public Instruction before any person is eligible for this office.

It is the policy of the State of North Carolina that the superintendents of each of the several school administrative units be hired solely at the discretion of the local boards of education and that a candidate for superintendent of a local school administrative unit must have been, at least, a principal in a North Carolina public school or have equivalent experience as prescribed by the State Board of Education and have other minimum credentials, educational prerequisites and experience requirements as the State Board of Education shall prescribe. The State Board of Education is directed to promulgate prerequisites for candidacy for superintendent not later than January 1, 1985.

If any board of education shall elect a person to serve as superintendent of schools in any local school administrative unit who is not qualified, or cannot qualify, according to this section, such election is null and void and it shall be the duty of such board of education to elect a person who can qualify.

In all city administrative units, the superintendent of schools shall be elected by the city board of education of such unit, to serve for a period of either two or four years,

which term of office shall be within the discretion of the board; and the qualifications, provisions and approval shall be the same as for county superintendents. The city board of education may, with the written consent of the current superintendent, extend or renew the term of the superintendent's contract at any time during the final ~~year~~ 12 months of his term: ~~Provided, however, in any year when new members are to be elected or appointed, the contract;~~ provided, however, when new members are to be elected or appointed and sworn in during the final 12 months of the contract, the board may not act until after the new members have been sworn in. The election shall be held biennially or quadrennially, as the case may be, during the month of April."

Sec. 2. This act is intended to clarify legislative intent.

Sec. 3. This act is effective upon ratification and shall apply to all superintendent contracts that have been extended or renewed by local boards of education since July 1, 1985.

In the General Assembly read three times and ratified this the 15th day of June, 1989.