

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1126  
Committee Substitute Favorable 5/10/89

Short Title: Exclude Info/Teacher's File.

(Public)

Sponsors:

Referred to:

April 10, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW SUPERINTENDENTS THE DISCRETION TO EXCLUDE FALSE, INACCURATE, OR MISLEADING INFORMATION FROM A TEACHER'S PERSONNEL FILE.

The General Assembly of North Carolina enacts:

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

"(b) Personnel Files. – The superintendent shall maintain in his office a personnel file for each teacher that contains any complaint, commendation, or suggestion for correction or improvement about the teacher's professional conduct. 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. If any complaint, commendation, or suggestion for correction or improvement is known to the superintendent to be false, inaccurate, or misleading, he may choose not to place it in the teacher's personnel file. 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the local board of education to remove any information from his personnel file that he deems invalid, irrelevant, or outdated.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board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.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

1 personnel file and need not be made available to him. No data placed in the  
2 preemployment file may be introduced as evidence at a hearing on the dismissal or  
3 demotion of a teacher."

4           Sec. 2. This act is effective upon ratification.