

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 386
Education/Higher Education Committee Substitute Adopted 5/11/93

Short Title: GPAC/School Admin. Job Protection.

(Public)

Sponsors:

Referred to:

February 24, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT
2 PERFORMANCE AUDIT COMMITTEE TO REPLACE CURRENT SCHOOL
3 TENURE LAWS WITH LAWS AND REGULATIONS THAT PROVIDE
4 PROTECTION FOR SCHOOL ADMINISTRATORS FROM ARBITRARY OR
5 CAPRICIOUS ACTION BY A SUPERVISOR.
6

7 The General Assembly of North Carolina enacts:

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

9 "(c) (1) Election of a Teacher to Career Status. – When a teacher
10 will have been employed by a North Carolina public school system
11 for three consecutive years, the board, near the end of the third year,
12 shall vote upon his employment for the next school year. The board
13 shall give him written notice of that decision by June 1 of his third
14 year of employment. If a majority of the board votes to reemploy the
15 teacher, and if it has notified him of the decision, it may not rescind
16 that action but must proceed under the provisions of this section for
17 the demotion or dismissal of a teacher if it decides to terminate his
18 employment. If a majority of the board votes against reemploying
19 the teacher, he shall not teach beyond the current school term. If the
20 board fails to vote on granting career status but reemploys him for
21 the next year, he automatically becomes a career teacher on the first
22 day of the fourth year of employment.

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

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

16 (3) Ineligible for Career Status. – No superintendent, associate
17 superintendent, assistant superintendent or other school employee who
18 is not a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain
19 career status or continue in a career status if he no longer performs the
20 responsibilities of a teacher as defined in G.S. 115C-325(a)(6). No
21 person who is promoted to or employed in a principal, director or
22 supervisor position after July 1, 1995, is eligible to obtain career status
23 as an administrator. If the person acquired career status as a teacher in
24 a local school administrative unit before being promoted to or
25 employed in a principal, director or supervisor position, the person
26 shall retain career status as a teacher and the person has a right to
27 reassignment to a teaching position in the event the person is not
28 continued in employment as a principal, supervisor or director.

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

32 Sec. 2. G.S. 115C-325(d) reads as rewritten:

33 "(d) Career Teachers.

34 (1) A career teacher shall not be subjected to the requirement of annual
35 appointment nor shall he be dismissed, demoted, or employed on a
36 part-time basis without his consent except as provided in subsection
37 (e).

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

40 b. Whether or not he has previously attained career status as a
41 teacher, a person who has performed the duties of a principal in
42 the school system for three consecutive years or has performed
43 the duties of a supervisor in the school system for three
44 consecutive years shall not be transferred from that position to a

1 lower paying administrative position or to a lower paying
2 nonadministrative position without his consent except for the
3 reasons given in G.S. 115C-325(e)(1) and in accordance with
4 the provisions for the dismissal of a career teacher set out in this
5 section. Transfer of a principal or a supervisor is not a transfer
6 to a lower paying position if the principal's or supervisor's
7 salary is maintained at the previous salary amount.

8 When a teacher has performed the duties of supervisor or principal
9 for three consecutive years, the board, near the end of the third year,
10 shall vote upon his employment for the next school year. The board
11 shall give him written notice of that decision by June 1 of his third
12 year of employment as a supervisor or principal. If a majority of the
13 board votes to reemploy the teacher as a principal or supervisor, and it
14 has notified him of that decision, it may not rescind that action but
15 must proceed under the provisions of this section. If a majority of the
16 board votes not to reemploy the teacher as a principal or supervisor, he
17 shall retain career status as a teacher if that status was attained prior to
18 assuming the duties of supervisor or principal. A supervisor or
19 principal who has not held that position for three years and whose
20 contract will not be renewed for the next school year shall be notified
21 by June 1 and shall retain career status as a teacher if that status was
22 attained prior to assuming the duties of supervisor or principal.

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

26 A principal or supervisor who has obtained career status in that
27 position in any North Carolina public school system may be required
28 by the board of education in another school system to serve an
29 additional three-year probationary period in that position before being
30 eligible for career status. However, he may, at the option of the board
31 of education, be granted career status immediately or after serving a
32 probationary period of one or two additional years. A principal or
33 supervisor with career status who resigns and within five years is
34 reemployed by the same school system need not serve another
35 probationary period in that position of more than two years and may, at
36 the option of the board, be reemployed immediately as a career
37 principal or supervisor or be given career status after only one year. In
38 any event, if he is reemployed for a third consecutive year, he shall
39 automatically become a career principal or supervisor."

40 Sec. 3. G.S. 115C-325(n) reads as rewritten:

41 "(n) Appeal. – Any teacher who has been dismissed or demoted pursuant to G.S.
42 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of this section, or who has been
43 suspended without pay pursuant to G.S. 115C-325(a)(4), or any school administrator
44 whose contract is not renewed in accordance with G.S. 115C-287.1, shall have the right

1 to appeal from the decision of the board to the superior court for the superior court
2 district or set of districts as defined in G.S. 7A-41.1 in which the teacher or school
3 administrator is employed. This appeal shall be filed within a period of 30 days after
4 notification of the decision of the board. The cost of preparing the transcript shall be
5 borne by the board. A teacher who has been demoted or ~~dismissed~~-dismissed, or a
6 principal whose contract is not renewed, and-who has not requested a hearing before the
7 board of education pursuant to this section shall not be entitled to judicial review of the
8 board's action."

9 Sec. 4. G.S. 115C-276 is amended by adding a new subsection to read:

10 "(q) To Assign School Principals. – Subject to local board policy, the
11 superintendent shall have the authority to assign principals to school buildings. When
12 making an assignment, the superintendent shall consider (i) whether a principal has
13 demonstrated the leadership ability to increase student achievement at a school where
14 conditions indicated a significant risk of low student performance; and (ii) how to
15 maintain stability at a school where, during the time the principal has been at a school,
16 there has been significant improvement on end-of-course or end-of-grade tests and other
17 accountability indicators developed by the State Board in accordance with G.S. 115C-
18 238.1."

19 Sec. 5. G.S. 115C-287 is repealed.

20 Sec. 6. Article 19 of Chapter 115C of the General Statutes is amended by
21 adding a new section to read:

22 "**§ 115C-287.1. Method of employment of principals, supervisors and directors.**

23 (a) Tenure of a school administrator who is not ineligible for career status as
24 provided by G.S. 115C-325(c)(3) shall be determined in accordance with the provisions
25 of G.S. 115C-325. For purposes of this section, school administrator means a principal,
26 supervisor or director.

27 (b) Local boards of education shall employ school administrators who are
28 ineligible for career status as provided by G.S. 115C-325(c)(3), upon the
29 recommendation of the superintendent. The first contract between the school
30 administrator and the local board of education shall be for two to four years; subsequent
31 contracts shall be for terms of four years. Contracts shall be renewed only at the end of
32 the contract period. Rolling annual contract renewals are not allowed.

33 (c) The term of employment shall be stated in a written contract that shall be
34 entered into between the board of education and the school administrator. The school
35 administrator shall not be dismissed or demoted during the term of the contract except
36 for the grounds and by the procedure by which a career teacher may be dismissed or
37 demoted as set forth in G.S. 115C-325.

38 (d) If the superintendent elects not to recommend the reemployment of a school
39 administrator at the end of the contract's term, the superintendent shall notify the school
40 administrator at least 30 days prior to the end of the contract's term that the school
41 administrator will not be offered reemployment beyond the contract's term. No action
42 by the board of education shall be necessary: Provided, however, that the cause for
43 nonrenewal may not be for arbitrary, capricious, discriminatory, personal, or political

1 reasons. Any school administrator who is nonrenewed pursuant to this section shall
2 have the right to an appeal in accordance with G.S. 115C-305 and G.S. 115C-325(n).

3 When possible, at least 90 days prior to the end of the contract term, if a
4 superintendent intends to notify a school administrator that the school administrator will
5 not be offered reemployment beyond the contract term, the superintendent shall give the
6 school administrator notice that termination is likely, and the school administrator shall
7 have the right to request and to participate in a conference with the superintendent at
8 least 60 days prior to the end of the contract term to discuss the reasons for the possible
9 termination.

10 (e) If the superintendent elects to recommend the reemployment of a school
11 administrator for a successive contract or to recommend a new and extended term of a
12 school administrator's contract, the superintendent may do so at any time more than 90
13 days prior to the end of the current contract's term. The board of education may
14 approve or disapprove the superintendent's recommendation for any cause that it deems
15 sufficient. If the board decides not to offer the school administrator employment
16 beyond the end of the contract's term, the school administrator shall be notified of that
17 fact at least 30 days prior to the end of the contract's term.

18 (f) If the superintendent or the board of education fails to notify a school
19 administrator at least 30 days prior to the end of the contract's term that the school
20 administrator will not be offered employment beyond the end of the contract term, the
21 school administrator shall be entitled to 30 days of additional employment or severance
22 pay beyond the date the school administrator receives notice that the contract will not be
23 renewed.

24 (g) If the school administrator acquired career status prior to appointment as a
25 school administrator, a school administrator whose contract as a school administrator is
26 not renewed or extended by the superintendent or the board of education shall be
27 entitled to reassignment and employment in the position of employment in which the
28 school administrator previously acquired career status."

29 Sec. 7. This act becomes effective July 1, 1993.