

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 351*
Committee Substitute Favorable 4/17/97
Committee Substitute #2 Favorable 4/28/97

Short Title: Excellent Schools Act.

(Public)

Sponsors:

Referred to:

February 27, 1997

A BILL TO BE ENTITLED
AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.
The General Assembly of North Carolina enacts:

Section 1. This act shall be known as "The Excellent Schools Act".

An outline of the provisions of the act follows this section. The outline shows the heading "**CONTENTS/INDEX**", and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act. This outline is designed for reference only, and it in no way limits, defines, or prescribes the scope or application of the text of the act.

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8
9 **I. PURPOSE OF THE EXCELLENT SCHOOLS ACT**

10
11 Section 2. The purpose of The Excellent Schools Act is to improve student
12 academic achievement. To accomplish this purpose, it is the goal of the General
13 Assembly to: (i) concentrate student learning in the core academic areas; (ii) improve
14 teacher skills and teacher knowledge as those skills and knowledge relate to improved
15 student academic achievement; and (iii) reward teachers for their improved skills and
16 knowledge and for improved student academic achievement. It is also the goal of the
17 General Assembly to annually review the implementation of the revised and more
18 rigorous teacher preparation, professional development, and certification standards
19 developed by the State Board of Education in compliance with this act. Clear and
20 specific evidence demonstrating identifiable progress toward implementing more
21 rigorous teacher professional standards must exist on an annual basis before the General
22 Assembly may consider continued implementation of this act.

23
24 **II. EFFORTS TO RAISE STUDENT PERFORMANCE STANDARDS**

25
26 Section 3. (a) Part 3 of Article 8B of Chapter 115C of the General Statutes is
27 amended by adding the following new section to read:

28 "**§ 115C-105.38A. Teacher competency assurance.**

29 (a) The State Board of Education shall require all certified staff members working
30 in schools identified as low-performing under this Article and to which the State Board
31 has assigned an assistance team to demonstrate their competency in their certification
32 area. The State Board shall develop and implement a plan to require all certified staff
33 members working in schools identified as low-performing that have not been assigned an
34 assistance team to demonstrate their competency in their certification area. The certified
35 staff members shall acquire a passing score on a test designated by the State Board.
36 Those staff members who fail to meet the competency standard shall engage in a
37 remediation plan as follows:

38 (1) Category I. – This category is designated for individuals who score in
39 the bottom quarter on the standardized measure used to demonstrate
40 competency in their certification area. This remediation shall consist of
41 a program of further study as determined by the State Board.

42 (2) Category II. – This category is designated for individuals who fail to
43 meet the designated standard but score above the bottom quarter on the

1 standardized measure used to demonstrate competency in their
2 certification area. This remediation shall consist of a program of further
3 study as determined by the State Board.

4 Upon completion of their remediation program, certified staff members shall be
5 retested. Those individuals who fail to meet the competency standard on the retest shall
6 be required to take an additional semester of training. Those individuals will be retested
7 following this additional training. If they fail to meet the competency standard at that
8 time, the State Board shall proceed under G.S. 115C-325(q)(2a) for the dismissal of those
9 individuals. Individuals who have been dismissed under G.S. 115C-325(q)(2a) may not
10 thereafter be reemployed by any local board of education.

11 (b) The Board of Governors of The University of North Carolina and the State
12 Board shall jointly designate the constituent institutions that shall provide the remediation
13 programs required under this section. Staff members who are required to participate in a
14 remediation plan under this section will be considered on leave with pay, and the State
15 shall reimburse the Board of Governors of The University of North Carolina for all
16 tuition and fees incurred under this section.

17 (c) Nothing in this section shall be construed to prohibit or postpone the ability of
18 the State Board to dismiss a teacher, assistant principal, director, or supervisor for
19 inadequate performance under G.S. 115C-325(q)(2)."

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

27 (c) The State Board of Education shall report on the implementation of subsection
28 (a) of this section to the Joint Legislative Education Oversight Committee as part of its
29 required reports on the implementation of the School-Based Management and
30 Accountability Program. The State Board of Education shall report to the Joint
31 Legislative Education Oversight Committee by March 15, 1998, on the student
32 performance standards and reports developed under subsection (b) of this section. By
33 September 1, 1999, the State Board shall adopt and implement a plan requiring all
34 certified staff members in low performing schools to demonstrate their competency in
35 their certification area.

36 37 **III. RIGOROUS STANDARDS FOR ENTERING THE TEACHING** 38 **PROFESSION**

39 40 **A. ENHANCED STANDARDS FOR TEACHER PREPARATION** 41 **PROGRAMS**

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

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

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

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

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

29 (b) The State Board of Education shall develop a plan to provide a focused
30 review of teacher education programs and the current process of accrediting these
31 programs in order to ensure that the programs produce graduates that are well prepared to
32 teach. The plan shall include the development and implementation of an annual school of
33 education performance report for each teacher education program in North Carolina. The
34 annual report shall include at least the following elements: (i) quality of students entering
35 the schools of education, including the average grade point average and average score on
36 preprofessional skills tests that assess reading, writing, math, and other competencies; (ii)
37 graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on
38 professional and content area examinations for the purpose of certification; (v)
39 percentage of graduates receiving initial certification; (vi) percentage of graduates hired
40 as teachers; (vii) percentage of graduates remaining in teaching for four years; (viii)
41 graduate satisfaction based on a common survey; and (ix) employer satisfaction based on
42 a common survey. The performance reports shall follow a common format. The State
43 Board of Education shall develop a plan to be implemented beginning in the 1998-99

1 school year to reward and sanction approved teacher education programs and masters of
2 education programs and to revoke approval of those programs based on the annual
3 performance reports and other criteria established by the State Board of Education.

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

9 Both plans for performance reports also shall include a method to provide the
10 annual performance reports to the Board of Governors of The University of North
11 Carolina, the State Board of Education, and the boards of trustees of the independent
12 colleges. The State Board of Education shall review the schools of education
13 performance reports, and the performance reports for masters degree programs in
14 education and school administration annually.

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

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

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

36 37 **B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS**

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

39 "(a) The State Board of Education shall have entire control of certifying all
40 applicants for teaching positions in all public elementary and high schools of North
41 Carolina; and it shall prescribe the rules and regulations for the renewal and extension of
42 all certificates and shall determine and fix the salary for each grade and type of certificate
43 which it authorizes: Provided, that the State Board of Education shall require each

1 applicant for an initial ~~certificate or bachelors degree certificate or graduate degree~~
2 ~~certificate to demonstrate his the applicant's~~ academic and professional preparation by
3 achieving a prescribed minimum score at least equivalent to that required by the Board on
4 ~~November 30, 1972,~~ on a standard examination appropriate and adequate for that purpose:
5 ~~Provided, further, that in the event the Board shall specify the National Teachers Examination for~~
6 ~~this purpose, the required minimum score shall not be lower than that which the Board required~~
7 ~~on November 30, 1972: Provided, further, that the State Board of Education shall not decrease~~
8 ~~the certification standards for physical education teachers or health education teachers below the~~
9 ~~standards in effect on June 1, 1988.~~ purpose. The State Board of Education shall continue to
10 make the standard initial certification examination more rigorous and to raise the
11 prescribed minimum score as necessary to ensure that each applicant has adequate
12 academic and professional preparation to teach."

13 14 C. REPORT ON ENHANCEMENT OF INITIAL CERTIFICATION 15 STANDARDS

16 Section 6. (a) The State Board of Education shall review the admission standards for
17 teacher education programs and the initial certification requirements that were adopted by
18 the Board on July 6, 1994. The State Board shall report to the Joint Legislative
19 Education Oversight Committee by March 15, 1998, on the results of the review. The
20 State Board may consolidate the report required under this subsection with the report on
21 continuing certification required under Section 8 of this act and the report on renewal of
22 teacher certificates required under Section 14 of this act.

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

27 28 IV. RIGOROUS STANDARDS FOR CONTINUING CERTIFICATION

29 30 A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE YEAR

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

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

1 completion of preservice training, continuing certification after three years of teaching
2 experience, and certificate renewal every five years thereafter.

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

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

12 All North Carolina institutions of higher education that offer teacher education
13 programs, Masters degree programs in education, or Masters degree programs in school
14 administration shall provide annual performance reports to the State Board of Education.
15 The performance reports shall follow a common format and shall be submitted according
16 to a plan developed by the State Board."

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

19 20 **B. ENHANCED STANDARDS FOR CONTINUING CERTIFICATION**

21 Section 8. The State Board of Education, in consultation with the Board of
22 Governors of The University of North Carolina, shall evaluate and develop enhanced
23 requirements for continuing certification. The new requirements shall reflect more
24 rigorous standards for continuing certification and to the extent possible shall be aligned
25 with quality professional development programs that reflect State priorities for improving
26 student achievement. The State Board shall report to the Joint Legislative Education
27 Oversight Committee by March 15, 1998, on the results of this evaluation. The State
28 Board may consolidate the report required under this section with the report on Initial
29 Certification required under Section 6 of this act and the report on Renewal of Teacher
30 Certificates required under Section 14 of this act. The State Board of Education shall
31 adopt new standards for continuing certification by May 15, 1998.

32 33 **V. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT BEFORE** 34 **CAREER STATUS IS CONSIDERED**

35 36 **A. SUPPORT AND MENTORS PROVIDED FOR ALL BEGINNING** 37 **TEACHERS**

38 Section 9. The State Board of Education shall develop a mentor program to
39 provide ongoing support for teachers entering the profession. In developing the mentor
40 program, the State Board shall conduct a comprehensive study of the needs of new
41 teachers and how those needs can be met through an orientation and mentor support
42 program. For the purpose of helping local boards to support new teachers, the State
43 Board shall develop and distribute guidelines which address optimum teaching load,

1 extracurricular duties, student assignment, and other working condition considerations.
2 The State Board also shall develop and coordinate a mentor teacher training program.
3 The State Board shall develop criteria for selecting excellent, experienced, and qualified
4 teachers to be participants in the mentor teacher training program. The State Board shall
5 report to the Joint Legislative Education Oversight Committee prior to February 15,
6 1998, on its progress in implementing this section.

7
8 **B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY WELL-**
9 **TRAINED EVALUATORS BEFORE CAREER STATUS IS**
10 **CONSIDERED**

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

12 "(a) The State Board of Education, in consultation with local boards of education,
13 shall revise and develop uniform performance standards and criteria to be used in
14 evaluating professional public school ~~employees.~~ employees, including school
15 administrators. These standards and criteria shall include improving student achievement
16 and employee skills and employee knowledge. The standards and criteria for school
17 administrators also shall include building-level gains in student learning and effectiveness
18 in carrying out the responsibility of ensuring school safety and enforcing student
19 discipline. The Board shall develop rules to recommend the use of these standards and
20 criteria in the employee evaluation process. The performance standards and criteria may
21 be modified ~~at~~ at the discretion of the Board.

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

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

1 and criteria adopted by the State Board of Education, but are not limited to those
2 standards and criteria."

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

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

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

17 18 **C. CAREER STATUS DECISION TO BE MADE ONE YEAR AFTER** 19 **CONTINUING CERTIFICATION AWARDED**

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

21 "(c) (1) Election of a Teacher to Career Status. – Except as otherwise provided
22 in subdivision (3) of this subsection, when a teacher ~~will have~~ has been
23 employed by a North Carolina public school system for ~~three~~ four
24 consecutive years, the board, near the end of the ~~third~~ fourth year, shall
25 vote upon ~~his employment for the next school year. whether to grant the~~
26 teacher career status. The board shall give ~~him~~ the teacher written
27 notice of that decision by June ~~1 of his third year of employment.~~ 15. If a
28 majority of the board votes to ~~reemploy the teacher, grant career status to~~
29 the teacher, and if it has notified ~~him~~ the teacher of the decision, it may
30 not rescind that action but must proceed under the provisions of this
31 section for the demotion or dismissal of a teacher if it decides to
32 terminate ~~his~~ the teacher's employment. If a majority of the board votes
33 against reemploying the teacher, ~~he~~ the teacher shall not teach beyond
34 the current school term. ~~If~~ The board shall not reemploy the teacher if
35 after the fourth consecutive year: (i) the board fails to vote on granting
36 career status ~~status;~~ but reemploys him for the next year, he automatically
37 becomes a career teacher on the first day of the fourth ~~ninth~~ year of
38 employment. ~~(ii) a majority of the board votes against granting career~~
39 status; or (iii) the board vote regarding granting the teacher career status
40 results in a tie.

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

- 1 (2) Employment of a Career Teacher. – A teacher who has obtained career
2 status in any North Carolina public school system need not serve
3 another probationary period of more than two ~~years.~~ years, and may, at
4 ~~the option of the board, be employed immediately.~~ The board may grant
5 career status immediately upon employing the teacher, or after the first
6 or second year of employment. as a career teacher. In any event, if the
7 teacher is reemployed for a third consecutive school year, he shall
8 automatically become a career teacher. A teacher with career status who
9 resigns and within five years is reemployed by the same local school
10 administrative unit need not serve another probationary period of more than
11 one school year and may, at the option of the board, be reemployed as a career
12 teacher. In any event, if he is reemployed for a second consecutive school
13 year, he shall automatically become a career teacher. The board shall not
14 reemploy the teacher if after the second consecutive year: (i) the board
15 fails to vote on granting career status; (ii) a majority of the board votes
16 against granting the teacher career status; or (iii) the board vote
17 regarding granting the teacher career status results in a tie.
- 18 (2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days
19 prior to any board action granting career status, the superintendent shall
20 submit to the board a list of the names of all teachers who are eligible to
21 achieve career status. Notwithstanding any other provision of law, the
22 list shall be a public record under Chapter 132 of the General Statutes.
- 23 (3) Ineligible for Career Status. – No employee of a local board of
24 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible
25 to obtain career status or continue in a career status if he no longer
26 performs the responsibilities of a teacher as defined in G.S. 115C-
27 325(a)(6). No person who is working in a principal or supervisor
28 position who did not acquire career status as a school administrator by
29 June 30, 1997, shall have career status as an administrator. Further, no
30 director or assistant principal is eligible to obtain career status as a
31 school administrator unless he or she has already been conferred that
32 status by the local board of education.
- 33 (4) Leave of Absence. – A career teacher who has been granted a leave of
34 absence by a board shall maintain his career status if he returns to his
35 teaching position at the end of the authorized leave."
- 36 (b) This section applies to teachers, as defined in G.S. 115C-325(a)(6), who
37 have not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1998.

38
39 **VI. ADDITIONAL PROFESSIONAL DEVELOPMENT OPPORTUNITIES**
40 **AND TOUGHER STANDARDS FOR TEACHERS WITH CAREER**
41 **STATUS**
42

1 **A. MEANINGFUL AND CONTINUED PROFESSIONAL DEVELOPMENT**
2 **FOR TEACHERS**

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

4 "(25) Duty to Monitor and Make Recommendations Regarding Professional
5 Development Programs. – The State Board of Education, in
6 collaboration with the Board of Governors of The University of North
7 Carolina, shall identify and make recommendations regarding
8 meaningful professional development programs for professional public
9 school employees. The programs shall be aligned with State education
10 goals and directed toward improving student academic achievement.
11 The State Board shall annually evaluate and make recommendations
12 regarding professional development programs based upon reports
13 submitted by the Board of Governors under G.S. 116-11(12a)."

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

15 "(12a) The Board of Governors of The University of North Carolina shall
16 implement, administer, and revise programs for meaningful professional
17 development for professional public school employees based upon the
18 evaluations and recommendations made by the State Board of Education
19 under G.S. 115C-12(25). The programs shall be aligned with State
20 education goals and directed toward improving student academic
21 achievement. The Board of Governors shall submit to the State Board
22 of Education an annual report evaluating the professional development
23 programs administered by the Board of Governors."

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

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

32
33 **B. TENURE STREAMLINED TO PROVIDE A FAIR AND EFFICIENT**
34 **PROCESS FOR REMOVING POOR TEACHERS FROM THE CLASSROOM**

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

37 "**§ 115C-325. System of employment for public school teachers.**

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

40 (1a) 'Career employee' as used in this section means:

41 a. An employee who has obtained career status with that local
42 board as a teacher as provided in G.S. 115C-325(c);

- 1 b. An employee who has obtained career status with that local
2 board in an administrative position as provided in G.S. 115C-
3 325(d)(2);
4 c. A probationary teacher during the term of the contract as
5 provided in G.S. 115C-325(m); and
6 d. A school administrator during the term of a school administrator
7 contract as provided in G.S. 115C-287.1(c).

8 (1b) 'Career school administrator' means a school administrator who has
9 obtained career status in an administrative position as provided in G.S.
10 115C-325(d)(2).

11 ~~(1)~~

12 (1c) 'Career teacher' means a teacher who has obtained career status as
13 provided in G.S. 115C-325(c).

14 (1d) 'Case manager' means a person selected under G.S. 115C-325(h)(7).

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

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

19 (4) 'Demote' means to reduce the ~~compensation~~ salary of a person who is
20 classified or paid by the State Board of Education as a classroom
21 ~~teacher, teacher or as a school administrator. or to transfer him to a new~~
22 ~~position carrying a lower salary, or to suspend him without pay to a maximum~~
23 ~~of 60 days; provided, however, that a suspension without pay pursuant to the~~
24 ~~provisions of G.S. 115C-325(f) shall not be considered a demotion.—The~~
25 ~~word 'demote' does not include a reduction in compensation that results~~
26 ~~from the elimination of a special duty, such as the duty of an athletic coach,~~
27 ~~assistant principal, or a choral director. include: (i) a suspension without~~
28 ~~pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction~~
29 ~~of bonus payments, including merit-based supplements, or a systemwide~~
30 ~~modification in the amount of any applicable local supplement; (iii) any~~
31 ~~reduction in salary that results from the elimination of a special duty,~~
32 ~~such as the duty of an athletic coach or a choral director; or (iv) the~~
33 ~~transfer of a career school administrator from one position to another~~
34 ~~position regardless of whether the transfer results in a reduction of the~~
35 ~~career administrator's compensation or the transfer is to a~~
36 ~~nonadministrative position.~~

37 (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or
38 school administrator without pay for no more that 60 days under G.S.
39 115C-325(f)(2).

40 (5) 'Probationary teacher' means a certificated person, other than a
41 superintendent, associate superintendent, or assistant superintendent,
42 who has not obtained career-teacher status and whose major
43 responsibility is to supervise teaching.

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

8 (7) 'School administrator' means a principal, assistant principal, supervisor,
9 or director; whose major function includes the direct or indirect
10 supervision of teaching or any other part of the instructional program as
11 provided in G.S. 115C-287.1(a)(3).

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

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

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

36 (c) (1) Election of a Teacher to Career Status. – Except as otherwise provided
37 in subdivision (3) of this subsection, when a teacher has been employed
38 by a North Carolina public school system for four consecutive years, the
39 board, near the end of the fourth year, shall vote upon whether to grant
40 the teacher career status. The board shall give the teacher written notice
41 of that decision by June 15. If a majority of the board votes to grant
42 career status to the teacher, and if it has notified the teacher of the
43 decision, it may not rescind that action but must proceed under the

1 provisions of this section for the demotion or dismissal of a teacher if it
2 decides to terminate the teacher's employment. If a majority of the
3 board votes against reemploying the teacher, the teacher shall not teach
4 beyond the current school term. The board shall not reemploy the
5 teacher if after the fourth consecutive year: (i) the board fails to vote on
6 granting career status; (ii) a majority of the board votes against granting
7 career status; or (iii) the board vote regarding granting the teacher career
8 status results in a tie.

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

12 (2) Employment of a Career Teacher. – A teacher who has obtained career
13 status in any North Carolina public school system need not serve
14 another probationary period of more than two years. The board may
15 grant career status immediately upon employing the teacher, or after the
16 first or second year of employment. The board shall not reemploy the
17 teacher if after the second consecutive year: (i) the board fails to vote on
18 granting career status; (ii) a majority of the board votes against granting
19 the teacher career status; or (iii) the board vote regarding granting the
20 teacher career status results in a tie.

21 (2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days
22 prior to any board action granting career status, the superintendent shall
23 submit to the board a list of the names of all teachers who are eligible to
24 achieve career status. Notwithstanding any other provision of law, the
25 list shall be a public record under Chapter 132 of the General Statutes.

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

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

39 (d) Career Teachers and Career School Administrators.

40 (1) A career teacher or career school administrator shall not be subjected to
41 the requirement of annual appointment nor shall he be dismissed,
42 demoted, or employed on a part-time basis without his consent except as
43 provided in subsection (e).

- 1 (2) a. The provisions of this subdivision do not apply to a person who
2 is ineligible for career status as provided by G.S. 115C-325(c)(3).
3 b. ~~Whether or not he has previously attained career status as a
4 teacher, a person who has performed the duties of a principal in
5 the school system for three consecutive years or has performed
6 the duties of a supervisor in the school system for three
7 consecutive years shall not be transferred from that position to a
8 lower paying administrative position or to a lower paying
9 nonadministrative position without his consent except for the
10 reasons given in G.S. 115C-325(e)(1) and in accordance with the
11 provisions for the dismissal of a career teacher set out in this
12 section. Transfer of a principal or a supervisor is not a transfer to
13 a lower paying position if the principal's or supervisor's salary is
14 maintained at the previous salary amount.~~
15 c. Subject to G.S. 115C-287.1, when ~~When~~ a teacher has performed
16 the duties of supervisor or principal for three consecutive years,
17 the board, near the end of the third year, shall vote upon his
18 employment for the next school year. The board shall give him
19 written notice of that decision by June 1 of his third year of
20 employment as a supervisor or principal. If a majority of the
21 board votes to reemploy the teacher as a principal or supervisor,
22 and it has notified him of that decision, it may not rescind that
23 action but must proceed under the provisions of this section. If a
24 majority of the board votes not to reemploy the teacher as a
25 principal or supervisor, he shall retain career status as a teacher if
26 that status was attained prior to assuming the duties of supervisor
27 or principal. A supervisor or principal who has not held that
28 position for three years and whose contract will not be renewed
29 for the next school year shall be notified by June 1 and shall
30 retain career status as a teacher if that status was attained prior to
31 assuming the duties of supervisor or principal.
32 A year, for purposes of computing time as a probationary
33 principal or supervisor, shall not be less than 145 workdays
34 performed as a full-time, permanent principal or supervisor in a
35 contract year.
36 A principal or supervisor who has obtained career status in
37 that position in any North Carolina public school system may be
38 required by the board of education in another school system to
39 serve an additional three-year probationary period in that position
40 before being eligible for career status. However, he may, at the
41 option of the board of education, be granted career status
42 immediately or after serving a probationary period of one or two
43 additional years. A principal or supervisor with career status

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

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

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

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

40 (2) Reduction in Force. – Before recommending to a board the dismissal or
41 demotion of the career ~~teacher~~ employee pursuant to G.S. 115C-
42 325(e)(1)l., the superintendent shall give written notice to the career
43 ~~teacher~~ employee by certified mail or personal delivery of his intention

1 to make such recommendation and shall set forth as part of his
2 recommendation the grounds upon which he believes such dismissal or
3 demotion is justified. The notice shall include a statement to the effect
4 that if the ~~teacher-career employee~~ within 15 days after receipt of the
5 notice requests a review, he shall be entitled to have the proposed
6 recommendations of the superintendent reviewed by the board. Within
7 the 15-day period after receipt of the notice, the career ~~teacher-employee~~
8 may file with the superintendent a written request for a hearing before
9 the board within 10 days. If the ~~teacher-career employee~~ requests a
10 hearing before the board, the hearing procedures provided in ~~G.S. 115C-~~
11 ~~325(j)-~~G.S. 115C-325(j3) shall be followed. If no request is made within
12 the 15-day period, the superintendent may file his recommendation with
13 the board. If, after considering the recommendation of the
14 superintendent and the evidence adduced at the hearing if there is one,
15 the board concludes that the grounds for the recommendation are true
16 and substantiated by a preponderance of the evidence, the board, if it
17 sees fit, may by resolution order such dismissal. Provisions of this
18 section which permit ~~appointment of, and investigation and review by, a~~
19 ~~panel of the Professional Review Committee~~ a hearing by a case manager
20 shall not apply to a dismissal or demotion recommended pursuant to
21 G.S. 115C-325(e)(1)l.

22 When a career ~~teacher-employee~~ is dismissed pursuant to G.S. 115C-
23 325(e)(1)l. above, his name shall be placed on a list of available ~~teachers~~
24 career employees to be maintained by the board. Career ~~teachers~~
25 employees whose names are placed on such a list shall have a priority
26 on all positions in which they acquired career status and for which they
27 are qualified which become available in that system for the three
28 consecutive years succeeding their dismissal. However, if the local
29 school administrative unit offers the dismissed ~~teacher-career employee~~ a
30 position for which he is certified and he refuses it, his name shall be
31 removed from the priority list.

32 (3) Inadequate Performance. – In determining whether the professional
33 performance of a career ~~teacher-employee~~ is adequate, consideration
34 shall be given to regular and special evaluation reports prepared in
35 accordance with the published policy of the employing local school
36 administrative unit and to any published standards of performance
37 which shall have been adopted by the board. Failure to notify a career
38 ~~teacher-employee~~ of an inadequacy in his performance shall be
39 conclusive evidence of satisfactory performance.

40 (4) Three-Year Limitation on Basis of Dismissal or Demotion – Dismissal
41 or demotion under subdivision (1) above, except ~~paragraph g~~ paragraphs
42 g. and o. thereof, shall not be based on conduct or actions which
43 occurred more than three years before the written notice of the

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

7 (f) (1) Suspension without Pay. – If a superintendent believes that cause exists
8 for dismissing a ~~probationary or career teacher~~employee for any reason
9 specified in ~~G.S. 115C-325(e)(1)a. through 115C-325(e)(1)j.~~G.S. 115C-
10 325(e)(1) and that immediate suspension of the ~~teacher~~career employee
11 is necessary, the superintendent may suspend ~~him~~the career employee
12 without pay. Before suspending a ~~teacher~~career employee without pay,
13 the superintendent shall meet with the ~~teacher~~career employee and give
14 him written notice of the charges against him, an explanation of the
15 bases for the charges, and an opportunity to respond. Within five days
16 after a suspension under this paragraph, the superintendent shall initiate
17 a ~~dismissal~~dismissal, demotion, or disciplinary suspension without pay
18 as provided in this section. If it is finally determined that no grounds
19 for ~~dismissal~~dismissal, demotion, or disciplinary suspension without pay
20 exist, the ~~teacher~~career employee shall be reinstated ~~immediately and~~
21 immediately, shall be paid for the period of ~~suspensions~~suspension, and
22 all records of the suspension shall be removed from the career
23 employee's personnel file.

24 (2) Disciplinary Suspension Without Pay. – A ~~teacher~~career employee
25 recommended for suspension without pay pursuant to G.S. ~~115C-~~
26 ~~325(a)(4)-115C-325(a)(4a)~~ may request a hearing before the board. ~~If the~~
27 ~~teacher requests a hearing before the board, the procedures provided in G.S.~~
28 ~~115C-325(j) shall be followed.~~If no request is made within 15 days, the
29 superintendent may file his recommendation with the board. If, after
30 considering the recommendation of the superintendent and the evidence
31 adduced at the hearing if one is held, the board concludes that the
32 grounds for the recommendation are true and substantiated by a
33 preponderance of the evidence, the board, if it sees fit, may by
34 resolution order such suspension. ~~Provisions of this section which permit~~
35 ~~appointment of, and investigation and review by, a panel of the Professional~~
36 ~~Review Committee shall not apply to a suspension without pay pursuant to~~
37 ~~G.S. 115C-325(a)(4).~~

38 a. Board hearing for disciplinary suspensions for more than 10 days
39 or for certain types of intentional misconduct. – The procedures
40 for a board hearing under G.S. 115C-325(j3) shall apply if any of
41 the following circumstances exist:

42 1. The recommended disciplinary suspension without pay is
43 for more than 10 days; or

1 2. The disciplinary suspension is for intentional misconduct,
2 such as inappropriate sexual or physical conduct,
3 immorality, insubordination, habitual or excessive alcohol
4 or nonmedical use of a controlled substance as defined in
5 Article 5 of Chapter 90 of the General Statutes, any cause
6 that constitutes grounds for the revocation of the teacher's
7 or school administrator's certificate, or providing false
8 information.

9 b. Board hearing for disciplinary suspensions of no more than 10
10 days. – The procedures for a board hearing under G.S. 115C-
11 325(j2) shall apply to all disciplinary suspensions of no more
12 than 10 days that are not for intentional misconduct as specified
13 in G.S. 115C-325(f)(2)a.2.

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

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

30 (1) ~~There is hereby created a Professional Review Committee which shall~~
31 ~~consist of 132 citizens, 11 from each of the State's congressional~~
32 ~~districts, five of whom shall be lay persons and six of whom shall have~~
33 ~~been actively and continuously engaged in teaching or in supervision or~~
34 ~~administration of schools in this State for the five years preceding their~~
35 ~~appointment and who are broadly representative of the profession, to be~~
36 ~~appointed by the Superintendent of Public Instruction with the advice~~
37 ~~and consent of the State Board of Education. Each member shall be~~
38 ~~appointed for a term of three years. The initial terms of office of the~~
39 ~~persons appointed from the 12th Congressional District shall commence~~
40 ~~on January 3, 1993, and expire on June 30, 1995. The Superintendent of~~
41 ~~Public Instruction, with the advice and consent of the State Board of~~
42 ~~Education, shall fill any vacancy which may occur in the Committee.~~
43 ~~The person appointed to fill the vacancy shall serve for the unexpired~~

- 1 ~~portion of the term of the member of the Committee whom he is~~
2 ~~appointed to replace.~~
- 3 (2) ~~The Superintendent of Public Instruction shall provide for the~~
4 ~~Committee such training as he considers necessary or desirable for the~~
5 ~~purpose of enabling the members of the Committee to perform the~~
6 ~~functions required of them.~~
- 7 (3) ~~The compensation of committee members while serving as a member of~~
8 ~~a hearing panel shall be as for State boards and commissions pursuant to~~
9 ~~G.S. 138-5. The compensation shall be paid by the State Board of~~
10 ~~Education.~~
- 11 (h) Procedure for Dismissal or Demotion of Career TeacherEmployee.
- 12 (1) ~~A career teacher-employee may not be dismissed, demoted, or reduced to~~
13 ~~part-time employment except upon the superintendent's~~
14 ~~recommendation.~~
- 15 (2) ~~Before recommending to a board the dismissal or demotion of the career~~
16 ~~teacheremployee, the superintendent shall give written notice to the~~
17 ~~career teacher-employee by certified mail or personal delivery of his~~
18 ~~intention to make such recommendation and shall set forth as part of his~~
19 ~~recommendation the grounds upon which he believes such dismissal or~~
20 ~~demotion is justified. The superintendent also shall meet with the career~~
21 ~~employee and give him written notice of the charges against him, an~~
22 ~~explanation of the basis for the charges, and an opportunity to respond if~~
23 ~~the career employee has not done so under G.S. 115C-325(f)(1). The~~
24 ~~notice shall include a statement to the effect that if the teacher-career~~
25 ~~employee within 45-seven days after the date of receipt of the notice~~
26 ~~requests a review, he shall be entitled to have the grounds for the~~
27 ~~proposed recommendations of the superintendent reviewed by a panel of~~
28 ~~the Committeecase manager. A copy of G.S. 115C-325 and a current list~~
29 ~~of the members of the Professional Review Committee-case managers shall~~
30 ~~also be sent to the career teacheremployee. If the teacher-career~~
31 ~~employee does not request a panel-hearing with a case manager within~~
32 ~~the 45-seven days provided, the superintendent may submit his~~
33 ~~recommendation to the board.~~
- 34 (3) ~~Within the 45-day-seven-day period after receipt of the notice, the career~~
35 ~~teacher-employee may file with the superintendent a written request for~~
36 ~~either (i) a review of the a hearing on the grounds for the superintendent's~~
37 ~~proposed recommendation by a panel of the Professional Review~~
38 ~~Committee-case manager or (ii) a hearing within five days before the~~
39 ~~board on the superintendent's recommendation. within 10 days. If the~~
40 ~~teacher-career employee requests an immediate hearing before the board,~~
41 ~~he forfeits his right to a hearing by a panel of the Professional Review~~
42 ~~Committee. A hearing conducted by the board pursuant to this subdivision~~
43 ~~shall be conducted pursuant to G.S. 115C-325(j) and (l)a case manager. If~~

1 no request is made within that period, the superintendent may file his
2 recommendation with the board. The board, if it sees fit, may by
3 resolution ~~dismiss such teacher.~~ (i) reject the superintendent's
4 recommendation or (ii) accept or modify the superintendent's
5 recommendation and dismiss, demote, reinstate, or suspend the
6 employee without pay. If a request for review is made, the
7 superintendent shall not file his recommendation for dismissal with the
8 board until a report of a ~~panel of the Committee~~ the case manager is filed
9 with the superintendent.

10 (4) ~~If a request for review is made, the superintendent, within five days of~~
11 ~~filing such request for review, shall notify the Superintendent of Public~~
12 ~~Instruction who, within seven days from the time of receipt of such~~
13 ~~notice, shall designate a panel of five members of the Committee, at~~
14 ~~least two of whom shall be lay persons, who shall not be employed in or~~
15 ~~be residents of the county in which the request for review is made, to~~
16 ~~review the proposed recommendations of the superintendent for the~~
17 ~~purpose of determining whether in its opinion the grounds for the~~
18 ~~recommendation are true and substantiated. The teacher or principal~~
19 ~~making the request for review shall have the right to require that at least~~
20 ~~two members of the panel shall be members of his professional peer~~
21 ~~group.~~

22 (5) If the career employee elects to request a hearing by a case manager, the
23 career employee and superintendent shall each have the right to
24 eliminate up to one-third of the names on the approved list of case
25 managers. The career employee shall specify those case managers who
26 are not acceptable in the career employee's request for a review of the
27 superintendent's proposed recommendation under G.S. 115C-325(h)(3).
28 The superintendent and career employee may jointly select a person to
29 serve as case manager. The person need not be on the master list of
30 case managers maintained by the Superintendent of Public Instruction.

31 (6) If a career employee requests a review by a case manager, the
32 superintendent shall notify the Superintendent of Public Instruction
33 within two days' receipt of the request. The notice shall contain a list of
34 the case managers the career employee and the superintendent have
35 eliminated from the master list or the name of a person, if any, jointly
36 selected. Failure to exercise the right to eliminate names from the
37 master list shall constitute a waiver of that right.

38 (7) The Superintendent of Public Instruction shall select a case manager
39 within three days of receiving notice from the superintendent. The
40 Superintendent of Public Instruction shall designate the person jointly
41 selected by the parties to serve as case manager provided the person
42 agrees to serve as case manager and can meet the requirements for time
43 frames for the hearing and report as provided in G.S. 115C-325(i1)(1).

- 1 If a case manager was not jointly selected or if the case manager is not
2 available, the Superintendent of Public Instruction shall select a case
3 manager from the master list. No person eliminated by the career
4 employee or superintendent shall be designated case manager.
- 5 (8) The superintendent and career employee shall provide each other with
6 copies of all documents submitted to the Superintendent of Public
7 Instruction or to the designated case manager.
- 8 (h1) Case Managers; Qualifications; Training; Compensation.
- 9 (1) Each year the State Board of Education shall select and maintain a
10 master list of no more than 42 qualified case managers.
- 11 (2) Persons selected by the State Board as case managers shall be: (i)
12 certified as a North Carolina Superior Court mediator; (ii) a member of
13 the American Arbitration Association's roster of arbitrators and
14 mediators; or (iii) have comparable certification in alternative dispute
15 resolution. Case managers must complete a special training course
16 approved by the State Board of Education.
- 17 (3) The State Board of Education shall determine the compensation for a
18 case manager. The State Board shall pay the case manager's
19 compensation and reimbursement for expenses.
- 20 ~~(i) Hearing by Panel of Professional Review Committee; Report; Action of~~
21 ~~Superintendent; Review by Board.~~
- 22 ~~(1) The career teacher and superintendent will each have the right to~~
23 ~~designate not more than 33 of the 132 members of the Professional~~
24 ~~Review Committee as not acceptable to the teacher or superintendent~~
25 ~~respectively. No person so designated shall be appointed to the panel.~~
26 ~~The career teacher shall specify to the superintendent those Committee~~
27 ~~members who are not acceptable in his request for a review of the~~
28 ~~superintendent's proposed recommendations provided for in subdivision~~
29 ~~(h)(3) above. The superintendent's notice to the Superintendent of~~
30 ~~Public Instruction provided for in subdivision (h)(4) above shall contain~~
31 ~~a list of those members of the Committee not acceptable to the~~
32 ~~superintendent and the teacher respectively. Failure to designate~~
33 ~~nonacceptable members in accordance with this subsection shall~~
34 ~~constitute a waiver of that right.~~
- 35 ~~(2) As soon as possible after the time of its designation, the panel shall elect~~
36 ~~a chairman and shall conduct a hearing in accordance with G.S. 115C-~~
37 ~~325(j) for the purpose of determining whether the grounds for the~~
38 ~~recommendation are true and substantiated. The panel shall be furnished~~
39 ~~assistance reasonably required to conduct its hearing and shall be~~
40 ~~empowered to subpoena and swear witnesses and to require them to~~
41 ~~give testimony and to produce books and papers relevant to its~~
42 ~~investigation.~~

- 1 (3) ~~The career teacher and superintendent involved shall each have the right~~
2 ~~to meet with the panel accompanied by counsel or other person of his~~
3 ~~choice and to present any evidence and arguments which he considers~~
4 ~~pertinent to the considerations of the panel and to cross-examine~~
5 ~~witnesses.~~
- 6 (4) ~~When the panel has completed its hearing, it shall prepare a written~~
7 ~~report and send it to the superintendent and teacher. The report shall~~
8 ~~contain its findings as to whether or not the grounds for the~~
9 ~~recommendation are true and substantiated by a preponderance of the~~
10 ~~evidence, and a statement of the reasons for its findings. The panel shall~~
11 ~~complete its hearing and prepare the report within 20 days from the time~~
12 ~~of its designation, except in cases in which the panel finds that justice~~
13 ~~requires that a greater time be spent in connection with the investigation~~
14 ~~and the preparation of such report, and reports that finding to the~~
15 ~~superintendent and the teacher: Provided, that such extension does not~~
16 ~~exceed 10 days.~~
- 17 (5) ~~Within five days after the superintendent receives the report of the~~
18 ~~panel, the superintendent shall decide whether or not to submit a written~~
19 ~~recommendation for dismissal to the board or to drop the charges~~
20 ~~against the teacher and shall notify the teacher, in writing, of the~~
21 ~~decision. Within five days after receiving the superintendent's notice of~~
22 ~~his intent to recommend the teacher's dismissal to the board, the teacher~~
23 ~~shall decide whether to request a hearing before the board and shall~~
24 ~~notify the superintendent, in writing, of the decision. If the teacher~~
25 ~~requests a hearing before the board, the superintendent shall submit his~~
26 ~~written recommendation to the board with a copy to the teacher within~~
27 ~~five days after receiving the teacher's request. The superintendent's~~
28 ~~recommendation shall state the grounds for the recommendation and~~
29 ~~shall be accompanied by a copy of the report of the panel of the~~
30 ~~Committee.~~
- 31 (6) ~~Within seven days after receiving the superintendent's recommendation~~
32 ~~and before taking any formal action, the board shall set a time and place~~
33 ~~for the hearing and notify the teacher by certified mail of the date, time~~
34 ~~and place of the hearing. The time specified shall not be less than seven~~
35 ~~nor more than 20 days after the board has notified the teacher. If the~~
36 ~~teacher did not request a hearing, the board may, by resolution, dismiss~~
37 ~~the teacher. If the teacher can show that his request for a hearing was~~
38 ~~postmarked within the time provided, his right to a hearing is not~~
39 ~~forfeited.~~
- 40 (i1) Report of Case Manager; Superintendent's Recommendation.
- 41 (1) The case manager shall complete the hearing held in accordance with
42 G.S. 115C-325(j) and prepare the report within 10 days from the time of
43 the designation, except in cases in which the case manager finds that

1 justice requires that a greater time be spent in connection with the
2 investigation and the preparation of such report, and reports that finding
3 to the superintendent and the career employee. No extension under this
4 subdivision shall exceed five days.

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

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

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

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

34 (1) The hearing shall be private.

35 (2) The hearing shall be conducted in accordance with ~~such reasonable~~
36 ~~rules and regulations as the board may adopt consistent with G.S. 115C-~~
37 ~~325, or if no rules have been adopted, in accordance with reasonable~~
38 ~~rules and regulations adopted by the State Board of Education to govern~~
39 ~~such case manager hearings.~~

40 (3) At the hearing the ~~teacher-career employee~~ and the superintendent shall
41 have the right to be present and to be heard, to be represented by
42 counsel and to present through witnesses any competent testimony
43 relevant to the issue of whether grounds for dismissal or demotion exist

- 1 or whether the procedures set forth in G.S. 115C-325 have been
2 followed.
- 3 (4) Rules of evidence shall not apply to a hearing conducted ~~pursuant to this~~
4 ~~act and boards and panels of the Professional Review Committee~~ by a case
5 manager and the case manager may give probative effect to evidence
6 that is of a kind commonly relied on by reasonably prudent persons in
7 the conduct of serious affairs.
- 8 (5) At least five days before the hearing, the superintendent shall provide to
9 the ~~teacher~~ career employee a list of witnesses the superintendent intends
10 to present, a brief statement of the nature of the testimony of each
11 witness and a copy of any documentary evidence ~~he~~ the superintendent
12 intends to present. At least three days before the hearing, the teacher
13 career employee shall provide to the superintendent a list of witnesses
14 the teacher-career employee intends to present, a brief statement of the
15 nature of the testimony of each witness and a copy of any documentary
16 evidence he the career employee intends to present. Additional
17 witnesses or documentary evidence may not be presented except upon
18 consent of both parties or upon a majority vote of the board or panel. upon a
19 finding by the case manager that the new evidence is critical to the
20 matter at issue and the party making the request could not, with
21 reasonable diligence, have discovered and produced the evidence
22 according to the schedule provided in this subdivision.
- 23 (6) The case manager may subpoena and swear witnesses and may require
24 them to give testimony and to produce records and documents relevant
25 to the grounds for dismissal.
- 26 (7) The case manager shall decide all procedural issues, including limiting
27 cumulative evidence, necessary for a fair and efficient hearing.
- 28 (8) The superintendent shall provide for making a transcript of the hearing.
29 If the career employee contemplates a hearing before the board or to
30 appeal the board's decision to a court of law, the career employee may
31 request and shall receive at no charge a transcript of the proceedings
32 before the case manager.
- 33 (j1) Board Determination.
- 34 (1) Within two days after receiving the superintendent's notice of intent to
35 recommend the career employee's dismissal to the board, the career
36 employee shall decide whether to request a hearing before the board and
37 shall notify the superintendent, in writing, of the decision. If the career
38 employee can show that the request for a hearing was postmarked
39 within the time provided, the career employee shall not forfeit the right
40 to a board hearing. Within two days after receiving the career
41 employee's request for a board hearing, the superintendent shall submit
42 to the board the written recommendation and shall provide a copy to the
43 career employee. The superintendent's recommendation shall state the

- 1 grounds for the recommendation and shall be accompanied by a copy of
2 the case manager's report.
- 3 (2) If the career employee contends that the case manager's report fails to
4 address a critical factual issue the career employee shall, at the same
5 time he notifies the superintendent of a request for a board hearing
6 pursuant to G.S. 115C-325(j1)(1), request in writing with a copy to the
7 superintendent that the case manager prepare a supplement to the case
8 manager's report. The career employee shall specify the critical factual
9 issue he contends the case manager failed to address. If the case
10 manager determines that the report failed to address a critical factual
11 issue, the case manager may prepare a supplement to the report to
12 address the issue and shall deliver the supplement to both parties before
13 the board hearing. The failure of the case manager to prepare a
14 supplemental report or to address a critical factual issue shall not
15 constitute a basis for appeal.
- 16 (3) Within two days after receiving the superintendent's recommendation
17 and before taking any formal action, the board shall set a time and place
18 for the hearing and shall notify the career employee by certified mail or
19 personal delivery of the date, time, and place of the hearing. The time
20 specified shall not be less than seven nor more than 10 days after the
21 board has notified the career employee. If the career employee did not
22 request a hearing, the board may, by resolution, reject the
23 superintendent's decision, or accept or modify the decision and dismiss,
24 demote, reinstate, or suspend the career employee without pay.
- 25 (4) If the career employee requests a board hearing, it shall be conducted in
26 accordance with G.S. 115C-325(j2).
- 27 (5) The board shall make a determination and may (i) reject the
28 superintendent's recommendation or (ii) accept or modify the
29 recommendation and dismiss, demote, reinstate, or suspend the
30 employee without pay.
- 31 (6) Within two days following the hearing, the board shall send a written
32 copy of its findings and determination to the career employee and the
33 superintendent.
- 34 (j2) Board Hearing. – The following procedures shall apply to a hearing conducted
35 by the board:
- 36 (1) The hearing shall be private.
- 37 (2) If the career employee requested a hearing by a case manager, the board
38 shall receive the following:
- 39 a. The whole record from the hearing held by the case manager,
40 including a transcript of the hearing, as well as any other records,
41 exhibits, and documentary evidence submitted to the case
42 manager at the hearing.

- 1 b. The case manager's findings of fact, including any supplemental
2 findings prepared by the case manager under G.S. 115C-325
3 (i1)(4) or G.S. 115C-325(j1)(2).
- 4 c. The case manager's recommendation as to whether the grounds
5 in G.S. 115C-325(e) submitted by the superintendent are
6 substantiated.
- 7 d. The superintendent's recommendation and the grounds for the
8 recommendation.
- 9 (3) If the career employee did not request a hearing by a case manager, the
10 board shall receive the following:
- 11 a. Any documentary evidence the superintendent intends to use to
12 support the recommendation. The superintendent shall provide
13 the documentary evidence to the career employee seven days
14 before the hearing.
- 15 b. Any documentary evidence the career employee intends to use to
16 rebut the superintendent's recommendation. The career
17 employee shall provide the superintendent with the documentary
18 evidence three days before the hearing.
- 19 c. The superintendent's recommendation and the grounds for the
20 recommendation.
- 21 (4) The superintendent and career employee may submit a written statement
22 not less than three days before the hearing.
- 23 (5) The superintendent and career employee shall be permitted to make oral
24 arguments to the board based on the record before the board.
- 25 (6) No new evidence may be presented at the hearing except upon a finding
26 by the board that the new evidence is critical to the matter at issue and
27 the party making the request could not, with reasonable diligence, have
28 discovered and produced the evidence at the hearing before the case
29 manager.
- 30 (7) The board shall accept the case manager's findings of fact unless a
31 majority of the board determines that the findings of fact are not
32 supported by substantial evidence when reviewing the record as a
33 whole. In such an event, the board shall make alternative findings of
34 fact. If a majority of the board determines that the case manager did not
35 address a critical factual issue, the board may remand the findings of
36 fact to the case manager to complete the report to the board. If the case
37 manager does not submit the report within seven days receipt of the
38 board's request, the board may determine its own findings of fact
39 regarding the critical factual issues not addressed by the case manager.
40 The board's determination shall be based upon a preponderance of the
41 evidence.
- 42 (8) The board is not required to provide a transcript of the hearing to the
43 career employee. If the board elects to make a transcript and if the

1 career employee contemplates an appeal to a court of law, the career
2 employee may request and shall receive at no charge a transcript of the
3 proceedings. A career employee may have the hearing transcribed by a
4 court reporter at the career employee's expense.

5 (j3) Board Hearing for Certain Disciplinary Suspensions and for Reductions in
6 Force. – The following procedures shall apply for a board hearing under G.S. 115C-
7 325(e)(2) and G.S. 115C-325(f)(2)a.:

8 (1) The hearing shall be private.

9 (2) The hearing shall be conducted in accordance with reasonable rules
10 adopted by the State Board of Education to govern such hearings.

11 (3) At the hearing, the career employee and the superintendent shall have
12 the right to be present and to be heard, to be represented by counsel, and
13 to present through witnesses any competent testimony relevant to the
14 issue of whether grounds exist for a disciplinary suspension without pay
15 under G.S. 115C-325(f)(2)a., or whether the grounds for a dismissal or
16 demotion due to a reduction in force is justified.

17 (4) Rules of evidence shall not apply to a hearing under this subsection and
18 the board may give probative effect to evidence that is of a kind
19 commonly relied on by reasonably prudent persons in the conduct of
20 serious affairs.

21 (5) At least 10 days before the hearing, the superintendent shall provide to
22 the career employee a list of witnesses the superintendent intends to
23 present, a brief statement of the nature of the testimony of each witness,
24 and a copy of any documentary evidence the superintendent intends to
25 present.

26 (6) At least six days before the hearing, the career employee shall provide
27 the superintendent a list of witnesses the career employee intends to
28 present, a brief statement of the nature of the testimony of each witness,
29 and a copy of any documentary evidence the career employee intends to
30 present.

31 (7) No new evidence may be presented at the hearing except upon a finding
32 by the board that the new evidence is critical to the matter at issue and
33 the party making the request could not, with reasonable diligence, have
34 discovered and produced the evidence according to the schedule
35 provided in this subsection.

36 (8) The board may subpoena and swear witnesses and may require them to
37 give testimony and to produce records and documents relevant to the
38 grounds for suspension without pay.

39 (9) The board shall decide all procedural issues, including limiting
40 cumulative evidence, necessary for a fair and efficient hearing.

41 (10) The superintendent shall provide for making a transcript of the hearing.
42 If the career employee contemplates an appeal of the board's decision to

1 a court of law, the career employee may request and shall receive at no
2 charge a transcript of the proceedings.

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

5 ~~(1) If the panel found that the grounds for the recommendation of the~~
6 ~~superintendent are true and substantiated, at the hearing the board shall~~
7 ~~consider the recommendation of the superintendent, the report of the~~
8 ~~panel, including any minority report, and any evidence which the~~
9 ~~teacher or the superintendent may wish to present with respect to the~~
10 ~~question of whether the grounds for the recommendation are true and~~
11 ~~substantiated. The hearing may be conducted in an informal manner.~~

12 ~~(2) If, after considering the recommendation of the superintendent, the~~
13 ~~report of the panel and the evidence adduced at the hearing, the board~~
14 ~~concludes that the grounds for the recommendation are true and~~
15 ~~substantiated, by a preponderance of the evidence, the board, if it sees~~
16 ~~fit, may by resolution order such dismissal.~~

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

19 ~~(1) If the panel does not find that the grounds for the recommendation of~~
20 ~~the superintendent are true and substantiated, at the hearing the board~~
21 ~~shall determine whether the grounds for the recommendation of the~~
22 ~~superintendent are true and substantiated upon the basis of competent~~
23 ~~evidence adduced at the hearing by witnesses who shall testify under~~
24 ~~oath or affirmation to be administered by any board member or the~~
25 ~~secretary of the board.~~

26 ~~(2) The procedure at the hearing shall be such as to permit and secure a full,~~
27 ~~fair and orderly hearing and to permit all relevant competent evidence to~~
28 ~~be received therein. The report of the panel of the committee shall be~~
29 ~~deemed to be competent evidence. A full record shall be kept of all~~
30 ~~evidence taken or offered at such hearing. Both counsel for the local~~
31 ~~school administrative unit and the career teacher or his counsel shall~~
32 ~~have the right to cross-examine witnesses.~~

33 ~~(3) At the request of either the superintendent or the teacher, the board shall~~
34 ~~issue subpoenas requiring the production of papers or records or the~~
35 ~~attendance of persons residing within the State before the board.~~
36 ~~Subpoenas for witnesses to testify at the hearing in support of the~~
37 ~~recommendation of the superintendent or on behalf of the career teacher~~
38 ~~shall, as requested, be issued in blank by the board over the signature of~~
39 ~~its chairman or secretary. The board shall pay witness fees for up to five~~
40 ~~witnesses subpoenaed on behalf of the teacher, except that it shall not~~
41 ~~pay for any witness who resides within the county in which the~~
42 ~~dismissal originates or who is an employee of the board. However, no~~
43 ~~employee of the board shall suffer any loss of compensation because he~~

1 has been subpoenaed to testify at the hearing. These payments shall be
2 as provided for witnesses in G.S. 7A-314.

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

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

12 (m) Probationary Teacher.

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

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

23 (n) **(See note)** Appeal. – Any ~~teacher~~ career employee who has been dismissed or
24 demoted ~~pursuant to under~~ G.S. 115C-325(e)(2), or ~~pursuant to subsections (h), (k) or (l) of~~
25 ~~this section under~~ G.S. 115C-325(j2), or who has been suspended without pay ~~pursuant to~~
26 ~~G.S. 115C-325(a)(4), under~~ G.S. 115C-325(a)(4a), or any school administrator whose
27 contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher
28 whose contract is not renewed under G.S. 115C-325-G.S. 115C-325(m)(2) shall have the
29 right to appeal from the decision of the board to the superior court for the superior court
30 district or set of districts as defined in G.S. 7A-41.1 in which the ~~teacher or school~~
31 ~~administrator~~ career employee is employed. This appeal shall be filed within a period of
32 ~~30-15~~ days after notification of the decision of the board. The cost of preparing the
33 transcript shall be ~~borne by the board.~~ determined under G.S. 115C-325(j2)(8) or G.S.
34 115C-325(j3)(10). A ~~teacher~~ career employee who has been demoted or dismissed, or a
35 school administrator whose contract is not renewed, who has not requested a hearing
36 before the board of education pursuant to this section shall not be entitled to judicial
37 review of the board's action.

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

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

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

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

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

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

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

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

32 (2) Notwithstanding any other provision of this section or any other law,
33 this subdivision shall govern the State Board's dismissal of teachers,
34 assistant principals, directors, and supervisors assigned to schools that
35 the State Board has identified as low-performing and to which the State
36 Board has assigned an assistance team under Article 8B of this Chapter.
37 The State Board shall dismiss a teacher, assistant principal, director, or
38 supervisor when the State Board receives two consecutive evaluations
39 that include written findings and recommendations regarding that
40 person's inadequate performance from the assistance team. These
41 findings and recommendations shall be substantial evidence of the
42 inadequate performance of the teacher or school administrator.

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

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

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

- 18 (2a) Notwithstanding any other provision of this section or any other law,
19 this subdivision shall govern the State Board's dismissal of certified
20 staff members who have engaged in a remediation plan under G.S.
21 115C-105.38A(a) but who, after two retests, fail to meet the competency
22 standard set by the State Board. The failure to meet the competency
23 standard after two retests shall be substantial evidence of the inadequate
24 performance of the certified staff member.

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

- 32 (3) The State Board of Education or a local board may terminate the
33 contract of a school administrator dismissed under this subsection.
34 Nothing in this subsection shall prevent a local board from refusing to
35 renew the contract of any person employed in a school identified as
36 low-performing under G.S. 115C-105.37.
- 37 (4) Neither party to a school administrator contract is entitled to damages
38 under this subsection.
- 39 (5) The State Board shall have the right to subpoena witnesses and
40 documents on behalf of any party to the proceedings under this
41 subsection."
- 42 (b) This section applies to proceedings initiated after September 1, 1997.
43

1 **C. STUDIES ON MAKING RENEWAL OF TEACHER CERTIFICATES**
2 **MORE RIGOROUS**

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

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

17 Section 15. The State Board of Education, in consultation with local boards of
18 education and the Board of Governors of The University of North Carolina, shall study
19 and recommend ways to modify the administrator recertification process to ensure that all
20 schools have well-qualified administrators. The State Board shall report the results of
21 this study to the Joint Legislative Education Oversight Committee by February 15, 1998.
22

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

27
28 Section 16. (a) It is the goal of the General Assembly to increase teacher
29 salaries over the next four years so as to attract and retain excellent teachers in the public
30 schools; therefore, it is the goal of the General Assembly to implement, over the
31 upcoming four fiscal years, a plan for increasing the starting salary for teachers by nearly
32 twenty percent (20%). This would bring the starting salary to at least twenty-five
33 thousand dollars (\$25,000) by the year 2000. Under this plan, the salary schedule would
34 also contain significant "bumps" at the third step, which is the point at which teachers
35 have attained continuing certification; and at the fourth, fifth, or sixth step, which is the
36 point at which teachers may achieve career status.

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

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

43 **1997-98 SALARY SCHEDULE PLAN**

"A" TEACHERS

Years of <u>Experience</u>	10-Month Salary, <u>Nontenured</u>	10-Month Salary, <u>Tenured</u>
0	\$22,150	—
1	\$22,570	—
2	\$23,000	—
3	\$23,780	\$23,780
4	\$24,060	\$25,290
5	\$24,530	\$25,760
6	\$25,010	\$26,240
7	\$25,500	\$26,730
8	\$25,990	\$27,220
9	\$26,480	\$27,710
10	\$26,980	\$28,210
11	\$27,500	\$28,730
12	\$28,030	\$29,260
13	\$28,570	\$29,800
14	\$29,120	\$30,350
15	\$29,680	\$30,910
16	\$30,250	\$31,480
17	\$30,830	\$32,060
18	\$31,430	\$32,660
19	\$32,040	\$33,270
20	\$32,670	\$33,900
21	\$33,300	\$34,530
22	\$33,940	\$35,170
23	\$34,590	\$35,820
24	\$35,260	\$36,490
25	\$35,950	\$37,180
26	\$36,650	\$37,880
27	\$37,360	\$38,590
28	\$38,090	\$39,320
29+	\$38,883	\$40,060

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

1998-99 SALARY SCHEDULE PLAN

"A" Teachers

Years of <u>Experience</u>	10-Month Salary, <u>Nontenured</u>	10-Month Salary, <u>Tenured</u>
----------------------------------	--	---------------------------------------

1	0	\$23,100	—
2	1	\$23,520	—
3	2	\$23,950	—
4	3	\$24,750	\$24,750
5	4	\$25,110	\$26,380
6	5	\$25,390	\$27,890
7	6	\$25,860	\$28,360
8	7	\$26,340	\$28,840
9	8	\$26,830	\$29,330
10	9	\$27,320	\$29,820
11	10	\$27,810	\$30,310
12	11	\$28,310	\$30,810
13	12	\$28,830	\$31,330
14	13	\$29,360	\$31,860
15	14	\$29,900	\$32,400
16	15	\$30,450	\$32,950
17	16	\$31,010	\$33,510
18	17	\$31,580	\$34,080
19	18	\$32,160	\$34,660
20	19	\$32,760	\$35,260
21	20	\$33,370	\$35,870
22	21	\$34,000	\$36,500
23	22	\$34,630	\$37,130
24	23	\$35,270	\$37,770
25	24	\$35,920	\$38,420
26	25	\$36,590	\$39,090
27	26	\$37,280	\$39,780
28	27	\$37,980	\$40,480
29	28	\$38,690	\$41,190
30	29+	\$39,420	\$41,920

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

35	Years	10-Month	10-Month
36	of	Salary,	Salary,
37	<u>Experience</u>	<u>Nontenured</u>	<u>Tenured</u>
38	0	\$24,050	—
39	1	\$24,470	—
40	2	\$24,900	—
41	3	\$25,700	\$25,700
42	4	\$26,300	\$27,580
43	5	\$26,660	\$29,210

1	6	\$26,940	\$30,720
2	7	\$27,410	\$31,190
3	8	\$27,890	\$31,670
4	9	\$28,380	\$32,160
5	10	\$28,870	\$32,650
6	11	\$29,360	\$33,140
7	12	\$29,860	\$33,640
8	13	\$30,380	\$34,160
9	14	\$30,910	\$34,690
10	15	\$31,450	\$35,230
11	16	\$32,000	\$35,780
12	17	\$32,560	\$36,340
13	18	\$33,130	\$36,910
14	19	\$33,710	\$37,490
15	20	\$34,310	\$38,090
16	21	\$34,920	\$38,700
17	22	\$35,550	\$39,330
18	23	\$36,180	\$39,960
19	24	\$36,820	\$40,600
20	25	\$37,470	\$41,250
21	26	\$38,140	\$41,920
22	27	\$38,830	\$42,610
23	28	\$39,530	\$43,310
24	29+	\$40,240	\$44,020

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

29	Years	10-Month	10-Month
30	of	Salary,	Salary,
31	<u>Experience</u>	<u>Nontenured</u>	<u>Tenured</u>
32	0	\$25,000	—
33	1	\$25,420	—
34	2	\$25,850	—
35	3	\$26,650	\$26,650
36	4	\$26,950	\$28,240
37	5	\$27,550	\$30,120
38	6	\$27,910	\$31,750
39	7	\$28,190	\$33,260
40	8	\$28,660	\$33,730
41	9	\$29,140	\$34,210
42	10	\$29,630	\$34,700
43	11	\$30,120	\$35,190

1	12	\$30,610	\$35,680
2	13	\$31,110	\$36,180
3	14	\$31,630	\$36,700
4	15	\$32,160	\$37,230
5	16	\$32,700	\$37,770
6	17	\$33,250	\$38,320
7	18	\$33,810	\$38,880
8	19	\$34,380	\$39,450
9	20	\$34,960	\$40,030
10	21	\$35,560	\$40,630
11	22	\$36,170	\$41,240
12	23	\$36,800	\$41,870
13	24	\$37,430	\$42,500
14	25	\$38,070	\$43,140
15	26	\$38,720	\$43,790
16	27	\$39,390	\$44,460
17	28	\$40,080	\$45,150
18	29+	\$40,780	\$45,850

19
20 It is the goal of the General Assembly that local school administrative units
21 may use local salary supplements to increase the salaries of nontenured teachers.

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

25
26 **VIII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL ASSIGNMENTS**

27
28 **A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY**
29 **THE STATE BOARD OF EDUCATION**

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

38 (b) The Board of Governors of The University of North Carolina shall
39 develop a plan to revise the current masters of education degree programs at the
40 constituent institutions. The plan shall provide for degree programs that require
41 participants take a more rigorous course of study than is currently required and that
42 includes concentrations in the academic content areas in which the participants will teach.
43 The plan shall also consider methods for: (i) providing the more rigorous course of study

1 using the same number of hours as are currently required for masters of education
2 degrees; and (ii) providing participants the opportunity to complete the masters of
3 education degree program as part-time students, by summer school attendance, and at
4 sites not located at a constituent institution's campus provided there is sufficient demand
5 for the off-campus programs.

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

10 (d) The State Board of Education shall report to the Joint Legislative
11 Education Oversight Committee by January 15, 1998, on its progress in implementing
12 subsection (a) of this section. The Board of Governors of The University of North
13 Carolina shall report to the Joint Legislative Education Oversight Committee by January
14 15, 1998, on its plan to implement subsection (b) of this section.

15
16 **B. BONUS PLAN FOR "MASTERS/ADVANCED COMPETENCIES"**
17 **AND FOR NBPTS CERTIFICATION**

18 Section 18. It is the goal of the General Assembly to increase significantly the
19 salaries of teachers who attain a "Masters/Advanced Competencies" certificate and
20 teachers who are certified by the National Board for Professional Teaching Standards
21 (NBPTS) so as to provide an incentive for good teachers to become excellent teachers. In
22 order to do so, it is further the goal of the General Assembly to enact, for the 1997-98
23 school year, a salary schedule plan that will provide a twelve percent (12%) bonus for
24 teachers who attain NBPTS certification. It is further the goal of the General Assembly
25 to enact by the year 2000 a salary schedule plan that will provide a ten percent (10%)
26 bonus to teachers who attain a "Masters/Advanced Competencies" certification.

27
28 **C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS**
29 **PROGRAM**

30 Section 19. It is the goal of the General Assembly to continue to pay for the
31 National Board for Professional Teaching Standards participation fee and for up to three
32 days of approved paid leave for teachers participating in the NBPTS program during the
33 1997-98 school year and the 1998-99 school year and thereafter for teachers in the public
34 schools.

35
36 **D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S**
37 **PROGRAM**

38 Section 20. (a) It is the goal of the General Assembly to provide school-based
39 incentive awards under G.S. 115C-105.36 (a) to schools at which students achieve higher
40 than expected improvements in the basics and the skills they need to get a good job, and
41 to schools at which students meet the expected improvements in the basics and the skills
42 they need to get a good job. In accordance with State Board of Education policy,
43 incentive awards in schools that achieve higher than expected improvements may be up

1 to: (i) one thousand five hundred dollars (\$1,500) for each teacher and for certified
2 personnel; and (ii) five hundred dollars (\$500.00) for each teacher assistant. In
3 accordance with State Board of Education policy, incentive awards in schools that meet
4 the expected improvements may be up to: (i) seven hundred fifty dollars (\$750.00) for
5 each teacher and for certified personnel; and (ii) three hundred seventy-five dollars
6 (\$375.00) for each teacher assistant.

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

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

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

21 E. EXTRA PAY FOR MENTOR TEACHERS

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

28 F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT

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

33 G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT

34 Section 23. It is the goal of the General Assembly to provide funds for
35 teachers' participation in professional development programs that are aligned with State
36 educational goals and improved student achievement. The funds should be used for
37 teacher development programs that enable teachers to renew continually their knowledge
38 and professional skills, programs that train principals to observe and evaluate teachers,
39 programs that train master teachers to observe teachers that have not achieved career
40 status, programs that train mentors for beginning teachers, and other programs as directed
41 by the State Board of Education.

43 H. EXTRA PAY FOR EXTRA DAYS

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

5
6 **I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL**
7 **RESPONSIBILITIES**

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

19
20 **IX. FUNDS FOR COMPUTER SYSTEMS**

21
22 Section 26. G.S. 115C-546.1(a) reads as rewritten:

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

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

27 "**§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General**
28 **Fund; matching requirements.**

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

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

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

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

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

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

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

29 X. FUNDS FOR TEACHER SUPPLY AND DEMAND STUDY

30
31 Section 28. It is the goal of the General Assembly to provide funds for the
32 State Board of Education to conduct a comprehensive teacher supply and demand study.
33

34 XI. FUNDS FOR TRAINING AND COMPENSATING CASE MANAGERS

35
36 Section 29. It is the goal of the General Assembly to provide funds for training
37 individuals who will serve as case managers. It is also the goal of the General Assembly
38 to provide funds for compensating and reimbursing the expenses of case managers.
39

40 XII. FUNDS FOR DEVELOPING NEW EVALUATIONS

41
42 Section 30. It is the goal of the General Assembly to provide funds for
43 developing and revising uniform performance standards and criteria to be used in

1 evaluating professional public school employees including school administrators and for
2 reviewing performance pay systems for teachers.

3

4 **XIII. MISCELLANEOUS PROVISIONS**

5

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

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

10

11 **B. NO APPROPRIATIONS REQUIRED BY ACT**

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

16

17 **C. EFFECTIVE DATES**

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