

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 466
Education/Higher Education Committee Substitute Adopted 4/14/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S466-PCS55320-RQ-25

Short Title: Modify Teacher Career Status Law.

(Public)

Sponsors:

Referred to:

March 31, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC
3 SCHOOL TEACHERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-325 reads as rewritten:

6 "§ 115C-325. System of employment for public school teachers.

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

8 ...

9 (1d) ~~"Case manager" means a person selected under G.S. 115C-325(h)(7).~~

10 ...

11 (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).

12 ...

13 (5) "Probationary teacher" means a ~~certificated~~-licensed person, other than a
14 superintendent, associate superintendent, or assistant superintendent, who
15 has not obtained career-teacher status and whose major responsibility is to
16 teach or to supervise teaching.

17 ...

18 (6) "Teacher" means a person who holds at least a current, not provisional or
19 expired, Class A ~~certificate~~-license or a regular, not provisional or expired,
20 vocational ~~certificate~~-license issued by the ~~Department of Public Instruction;~~
21 State Board of Education; whose major responsibility is to teach or directly
22 supervises teaching or who is classified by the State Board of Education or is
23 paid either as a classroom teacher or instructional support personnel; and
24 who is employed to fill a full-time, permanent position.

25 ...

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

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

29 ...

30 k. Any cause which constitutes grounds for the revocation of the career
31 teacher's teaching ~~certificate~~-license or the career school
32 administrator's administrator ~~certificate~~-license.



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- 1 ...
2 m. Failure to maintain ~~his certificate~~ his or her license in a current
3 status.
4 ...
- 5 (3) Inadequate Performance. – In determining whether the professional
6 performance of a career employee is adequate, consideration shall be given
7 to regular and special evaluation reports prepared in accordance with the
8 published policy of the employing local school administrative unit and to
9 any published standards of performance which shall have been adopted by
10 the board. Failure to notify a career employee of an inadequacy or deficiency
11 in his performance shall be conclusive evidence of satisfactory performance.
12 Inadequate performance for a teacher shall mean (i) the failure to perform at
13 a proficient level on any standard of the evaluation instrument or (ii)
14 otherwise performing in a manner that is below standard. However, for a
15 probationary teacher, a performance rating below proficient may or may not
16 be deemed adequate at that stage of development by a superintendent or
17 designee. For a career teacher, a performance rating below proficient shall
18 constitute inadequate performance unless the principal noted on the
19 instrument that the teacher is making adequate progress toward proficiency
20 given the circumstances.
- 21 ...
- 22 (f) (1) Suspension without Pay. – If a superintendent believes that cause exists for
23 dismissing a career employee for any reason specified in
24 G.S. 115C-325(e)(1) and that immediate suspension of the career employee
25 is necessary, the superintendent may suspend the career employee without
26 pay. Before suspending a career employee without pay, the superintendent
27 shall meet with the career employee and give him written notice of the
28 charges against him, an explanation of the bases for the charges, and an
29 opportunity to respond. Within five days after a suspension under this
30 paragraph, the superintendent shall initiate a dismissal, demotion, or
31 disciplinary suspension without pay as provided in this section. If it is finally
32 determined that no grounds for dismissal, demotion, or disciplinary
33 suspension without pay exist, the career employee shall be reinstated
34 immediately, shall be paid for the period of suspension, and all records of
35 the suspension shall be removed from the career employee's personnel file.
- 36 (2) Disciplinary Suspension Without Pay. – A career employee recommended
37 for suspension without pay pursuant to G.S. 115C-325(a)(4a) may request a
38 hearing before the board. If no request is made within 15 days, the
39 superintendent may file his recommendation with the board. If, after
40 considering the recommendation of the superintendent and the evidence
41 adduced at the hearing if one is held, the board concludes that the grounds
42 for the recommendation are true and substantiated by a preponderance of the
43 evidence, the board, if it sees fit, may by resolution order such suspension.
- 44 a. Board hearing for disciplinary suspensions for more than 10 days or
45 for certain types of intentional misconduct. – The procedures for a
46 board hearing under G.S. 115C-325(j3) shall apply if any of the
47 following circumstances exist:
- 48 1. The recommended disciplinary suspension without pay is for
49 more than 10 days; or
- 50 2. The disciplinary suspension is for intentional misconduct,
51 such as inappropriate sexual or physical conduct, immorality,

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

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

12 ...
13 (h) Procedure for Dismissal or Demotion of Career Employee.

- 14 (1) a. A career employee may not be dismissed, demoted, or reduced to
15 part-time employment except upon the superintendent's
16 recommendation.
17 b. G.S. 115C-325(f2) shall apply to the demotion of a career school
18 administrator.
- 19 (2) Before recommending to a board the dismissal or demotion of the career
20 employee, the superintendent shall give written notice to the career
21 employee by certified mail or personal delivery of his or her intention to
22 make such recommendation and shall set forth as part of his or her
23 recommendation the grounds upon which he or she believes such dismissal
24 or demotion is justified. The superintendent also shall meet with the career
25 employee and ~~give him~~ provide written notice of the charges against ~~him,~~ the
26 career employee, an explanation of the basis for the charges, and an
27 opportunity to respond if the career employee has not done so under
28 G.S. 115C-325(f)(1). The notice shall include a statement to the effect that if
29 the career employee within 14 days after the date of receipt of the notice
30 requests a review, he or she shall be entitled ~~may request~~ to have the grounds
31 for the proposed recommendations of the superintendent reviewed by ~~a case~~
32 ~~manager,~~ an impartial hearing officer appointed by the Superintendent of
33 Public Instruction as provided for in G.S. 115C-325(h)(7). A copy of
34 G.S. 115C-325 ~~and a current list of case managers~~ shall also be sent to the
35 career employee. If the career employee does not request a hearing ~~with a~~
36 ~~case manager~~ before a hearing officer within the 14 days provided, the
37 superintendent may submit his or her recommendation to the board.
- 38 (3) Within the 14-day period after receipt of the notice, the career employee
39 may file with the superintendent a written request for either (i) a hearing on
40 the grounds for the superintendent's proposed recommendation by ~~a case~~
41 ~~manager~~ hearing officer or (ii) a hearing within 10 days before the board on
42 the superintendent's recommendation. If the career employee requests an
43 immediate hearing before the board, he or she forfeits his or her right to a
44 hearing by ~~a case manager~~ hearing officer. If no request is made within that
45 period, the superintendent may file his or her recommendation with the
46 board. The board, if it sees fit, may by resolution (i) reject the
47 superintendent's recommendation or (ii) accept or modify the
48 superintendent's recommendation and dismiss, demote, reinstate, or suspend
49 the employee without pay. If a request for review is made, the
50 superintendent shall not file ~~his~~ the recommendation for dismissal with the
51 board until a report of the ~~case manager~~ hearing officer is filed with the

- 1 superintendent. Failure of the hearing officer to submit the report as required
2 by G.S. 115C-325(i1)(1) shall entitle the career employee to a hearing before
3 the board under the same procedures as provided in G.S.115C-325(j).
- 4 (4) Repealed by Session Laws 1997, c. 221, s. 13(a).
- 5 (5) ~~If the career employee elects to request a hearing by a case manager, the~~
6 ~~career employee and superintendent shall each have the right to eliminate up~~
7 ~~to one third of the names on the approved list of case managers. The career~~
8 ~~employee shall specify those case managers who are not acceptable in the~~
9 ~~career employee's request for a review of the superintendent's proposed~~
10 ~~recommendation under G.S. 115C-325(h)(3). The superintendent and career~~
11 ~~employee may jointly select a person to serve as case manager. The person~~
12 ~~need not be on the master list of case managers maintained by the~~
13 ~~Superintendent of Public Instruction.~~
- 14 (6) If a career employee requests a review by a ~~ease manager,~~ hearing officer,
15 the superintendent shall notify the Superintendent of Public Instruction
16 within ~~two days~~ five days of his or her receipt of the request. ~~The notice~~
17 ~~shall contain a list of the case managers the career employee and the~~
18 ~~superintendent have eliminated from the master list or the name of a person,~~
19 ~~if any, jointly selected. Failure to exercise the right to eliminate names from~~
20 ~~the master list shall constitute a waiver of that right.~~
- 21 (7) ~~The~~ Within five days of being notified of the request for a hearing before a
22 hearing officer, the Superintendent of Public Instruction shall selectsubmit to
23 both parties a list of hearing officers trained and approved by the State Board
24 of Education. ~~ease manager within three days of receiving notice from the~~
25 ~~superintendent. Within five days of receiving the list, the parties may jointly~~
26 ~~select a hearing officer from that list, or, if the parties cannot agree to a~~
27 ~~hearing officer, each party may strike up to one-third of the names on the list~~
28 ~~and submit its strikeout list to the Superintendent of Public Instruction. The~~
29 ~~Superintendent of Public Instruction shall then appoint a hearing officer~~
30 ~~from those individuals remaining on the list. designate the person jointly~~
31 ~~selected by the parties to serve as case manager provided the person agrees~~
32 ~~to serve as case manager and can meet the requirements for time frames for~~
33 ~~the hearing and report as provided in G.S. 115C-325(i1)(1). If a case~~
34 ~~manager was not jointly selected or if the case manager is not available, the~~
35 ~~Superintendent of Public Instruction shall select a case manager from the~~
36 ~~master list. Further, the parties may jointly agree on another hearing officer~~
37 ~~not on the State Board of Education's list, provided that individual is available~~
38 ~~to proceed in a timely manner and is willing to accept the terms of~~
39 ~~appointment required by the State Board of Education. No person eliminated~~
40 ~~by the career employee or superintendent shall be designated ease~~
41 ~~manager,as the hearing officer for that case.~~
- 42 (8) The superintendent and career employee shall ~~provide each other~~ serve a
43 copy to the other party of all documents ~~with copies of all documents~~
44 ~~submitted to the Superintendent of Public Instruction and~~ or to the designated
45 ~~ease manager,hearing officer and include a signed certificate of service~~
46 ~~similar to that required in court pleadings.~~
- 47 (h1) ~~Case Managers;~~ Hearing Officers; Qualifications; Training; Compensation.
- 48 (1) ~~Each year the~~ The State Board of Education shall select and maintain a
49 master list of no more than 42-15 qualified ease managers,hearing officers.
50 The State Board shall, except for good cause shown, remove a hearing
51 officer from the list who has failed to conduct a hearing or prepare a report

1 within the time specified in G.S. 115C-325(i1) or who has failed to submit a
2 supplemental report in accordance with G.S. 115C-325(i1)(4) or (j1)(2). A
3 hearing officer shall, except for good cause shown, also be removed from the
4 list for failure to meet the terms and conditions of engagement established by
5 the State Board. Additionally, if a hearing officer is not appointed to a case
6 within a two-year period due to repeated strikes from the list by either party
7 as provided in G.S. 115C-325(h)(7), the State Board may remove the hearing
8 officer from the master list.

9 (2) ~~Persons selected by the State Board as ease managers~~ hearing officers shall
10 be be: (i) certified as a North Carolina Superior Court mediator; (ii) a
11 member of the American Arbitration Association's roster of arbitrators and
12 mediators; or (iii) have comparable certification in alternative dispute
13 resolution. Case managers members in good standing of the North Carolina
14 State Bar who have demonstrated experience and expertise in the areas of
15 education law, due process, administrative law, or employment law within
16 the last five years. The State Board shall give special consideration in its
17 selection to persons jointly endorsed by the largest by membership of each
18 statewide organization representing teachers, school administrators, and
19 local boards of education. Following State Board selection, hearing officers
20 must complete a special training course approved by the State Board of
21 Education. Education that includes training on the teacher evaluation
22 instrument and performance standards before they are qualified to hear
23 teacher dismissal or demotion cases.

24 (3) ~~The State Board of Education shall determine the compensation for a ease~~
25 ~~manager~~ hearing officer. The State Board shall pay the hearing officer's ease
26 ~~manager's compensation and reimbursement for~~ authorized expenses.

27 (i) ~~Repealed by Session Laws 1997, c. 221, s. 13(a).~~

28 (i1) ~~Report of Case Manager; Hearing Officer; Superintendent's Recommendation.~~

29 (1) ~~The ease manager~~ hearing officer shall complete the hearing held in
30 accordance with G.S. 115C-325(j) and prepare the report within 10-90 days
31 from the time of the designation. This time period may be extended only for
32 extraordinary cause and upon written agreement by both parties. The ease
33 manager may extend the period of time by up to five additional days if the
34 ease manager informs the superintendent and the career employee that
35 justice requires that a greater time be spent in connection with the
36 investigation and the preparation of the report. Furthermore, the
37 superintendent and the career employee may agree to an extension of more
38 than five days. The State Board of Education shall determine an appropriate
39 reduction in compensation to the hearing officer for failure to submit a
40 timely report to the superintendent within the maximum 90-day period set
41 forth in this subdivision, except upon a showing of good cause by the
42 hearing officer.

43 (2) ~~The ease manager~~ hearing officer shall make all necessary findings of fact,
44 based upon the preponderance of the evidence, on all issues related to each
45 and every ground for dismissal and on all relevant matters related to the
46 question of whether the superintendent's recommendation is justified. The
47 hearing officer shall not make a recommendation as to conclusions of law or
48 the disposition of the case. The case manager also shall make a
49 recommendation as to whether the findings of fact substantiate the
50 superintendent's grounds for dismissal. The ease manager hearing officer

- 1 shall deliver copies of the report to the superintendent and the career
2 employee.
- 3 (3) Within ~~two~~five days after receiving the ~~ease manager's~~hearing officer's
4 report, the superintendent shall decide whether to submit a written
5 recommendation to the local board for dismissal, demotion, or disciplinary
6 suspension without pay to the board or to drop the charges against the career
7 employee. The superintendent shall notify the career employee, in writing,
8 of the decision.
- 9 (4) If the superintendent contends that the ~~ease manager's~~hearing officer's
10 report fails to address a critical factual issue, the superintendent shall within
11 ~~three days~~five days' receipt of the ~~ease manager's~~hearing officer's
12 report, request in writing with a copy to the career employee that the ~~ease manager~~
13 hearing officer prepare a supplement to the report. The superintendent shall
14 specify what critical factual issue the superintendent contends the ~~ease~~
15 manager~~hearing officer~~ failed to address. If the ~~ease manager~~hearing officer
16 determines that the report failed to address a critical factual issue, the ~~ease~~
17 manager~~may~~hearing officer shall prepare a supplement to the report to
18 address the issue and deliver the supplement to both parties before the board
19 hearing. In no event shall the hearing officer take more than 30 days to
20 provide a supplemental report. If the hearing officer fails to submit a timely
21 supplemental report, the superintendent shall report the hearing officer to the
22 State Board. The State Board shall determine an appropriate reduction in
23 compensation to the hearing officer for failure to submit a timely
24 supplemental report to both parties, except upon a showing of good cause by
25 the hearing officer. The failure of the ~~ease manager~~hearing officer to
26 prepare a supplemental report or to address a critical factual issue shall not
27 constitute a basis for appeal.
- 28 (j) Hearing by a Case Manager/Hearing Officer. – The following provisions shall apply
29 to a hearing conducted by the ~~ease manager~~hearing officer.
- 30 (1) The hearing shall be private.
- 31 (2) The hearing shall be conducted in accordance with reasonable rules and
32 regulations adopted by the State Board of Education to govern such ~~ease~~
33 manager hearings.
- 34 (3) At the hearing the career employee and the superintendent or the
35 superintendent's designee shall have the right to be present and to be heard,
36 to be represented by counsel and to present through witnesses any competent
37 testimony relevant to the issue of whether grounds for dismissal or demotion
38 exist or whether the procedures set forth in G.S. 115C-325 have been
39 followed.
- 40 (4) Rules of evidence shall not apply to a hearing conducted by a ~~ease manager~~
41 and the ease manager~~hearing officer~~. The hearing officer may give
42 probative effect to evidence that is of a kind commonly relied on by
43 reasonably prudent persons in the conduct of serious affairs.
- 44 (5) At least five days before the hearing, the superintendent shall provide to the
45 career employee a list of witnesses the superintendent intends to present, a
46 brief statement of the nature of the testimony of each witness and a copy of
47 any documentary evidence the superintendent intends to present. At least
48 three days before the hearing, the career employee shall provide to the
49 superintendent a list of witnesses the career employee intends to present, a
50 brief statement of the nature of the testimony of each witness and a copy of
51 any documentary evidence the career employee intends to present.

- 1 Additional witnesses or documentary evidence may not be presented except
2 upon a finding by the ~~ease manager~~ hearing officer that the new evidence is
3 critical to the matter at issue and the party making the request could not,
4 with reasonable diligence, have discovered and produced the evidence
5 according to the schedule provided in this subdivision.
- 6 (5a) The hearing shall be completed within three days after commencement,
7 unless extended by the hearing officer on a showing of extraordinary cause.
8 Neither party shall have more than eight hours to present its case in chief,
9 which does not include cross-examination of witnesses, rebuttal evidence, or
10 arguments of counsel.
- 11 (6) The ~~ease manager~~ hearing officer may subpoena issue subpoenas, at his or
12 her discretion or upon written application by either party, and swear
13 witnesses and may require them to give testimony and to produce records
14 and documents relevant to the grounds for dismissal.
- 15 (7) The ~~ease manager~~ hearing officer shall decide all procedural issues,
16 including limiting cumulative evidence, necessary for a fair and efficient
17 hearing.
- 18 (8) The superintendent shall provide for making a transcript of the hearing. If
19 the career employee contemplates a hearing before the board or to appeal the
20 board's decision to a court of law, the career employee may request and shall
21 receive at no charge a transcript of the proceedings before the ~~ease manager~~
22 hearing officer.
- 23 (j1) Board Determination.
- 24 (1) Within ~~two~~ five days after receiving the superintendent's notice of intent to
25 recommend the career employee's dismissal to the board, the career
26 employee shall decide whether to request a hearing before the board and
27 shall notify the superintendent, in writing, of the decision. If the career
28 employee can show that the request for a hearing was postmarked within the
29 time provided, the career employee shall not forfeit the right to a board
30 hearing. Within ~~two~~ five days after receiving the career employee's request
31 for a board hearing, the superintendent shall request that a transcript of the
32 ~~ease manager~~ hearing be made. Within ~~two~~ five days of receiving a copy of
33 the transcript, the superintendent shall submit to the board the written
34 recommendation and shall provide a copy of the recommendation to the
35 career employee. The superintendent's recommendation shall state the
36 grounds for the recommendation and shall be accompanied by a copy of the
37 ~~ease manager's~~ hearing officer's report and a copy of the transcript of the
38 ~~ease manager~~ hearing.
- 39 (2) If the career employee contends that the ~~ease manager's~~ hearing officer's
40 report fails to address a critical factual issue the career employee shall, at the
41 same time he or she notifies the superintendent of a request for a board
42 hearing pursuant to G.S. 115C-325(j1)(1), request in writing with a copy to
43 the superintendent that the ~~ease manager~~ hearing officer prepare a
44 supplement to the ~~ease manager's~~ hearing officer's report. The career
45 employee shall specify the critical factual issue he or she contends the ~~ease~~
46 ~~manager~~ hearing officer failed to address. If the ~~ease manager~~ hearing officer
47 determines that the report failed to address a critical factual issue, the ~~ease~~
48 ~~manager may~~ hearing officer shall prepare a supplement to the report to
49 address the issue and shall deliver the supplement to both parties before the
50 board hearing. In no event shall the hearing officer take more than 30 days to
51 provide a supplemental report. If the hearing officer fails to submit a timely

1 supplemental report, the superintendent shall report the hearing officer to the
2 State Board. The State Board shall determine an appropriate reduction in
3 compensation to the hearing officer for failure to submit a timely
4 supplemental report to both parties, except upon a showing of good cause by
5 the hearing officer. The failure of the ~~ease manager~~ hearing officer to
6 prepare a supplemental report or to address a critical factual issue shall not
7 constitute a basis for appeal.

8 (3) Within ~~two~~ five days after receiving the superintendent's recommendation
9 and before taking any formal action, the board shall set a time and place for
10 the hearing and shall notify the career employee by certified mail or personal
11 delivery of the date, time, and place of the hearing. The time specified shall
12 not be less than ~~seven~~ 10 ~~nor~~ nor more than ~~30~~ 40 days after the board has
13 notified the career employee, unless both parties agree to an extension. If the
14 career employee did not request a hearing, the board may, by resolution,
15 reject the superintendent's decision, or accept or modify the decision and
16 dismiss, demote, reinstate, or suspend the career employee without pay.

17 (4) If the career employee requests a board hearing, it shall be conducted in
18 accordance with G.S. 115C-325(j2).

19 (5) The board shall make a determination and may (i) reject the superintendent's
20 recommendation or (ii) accept or modify the recommendation and dismiss,
21 demote, reinstate, or suspend the employee without pay.

22 (6) Within two days following the hearing, the board shall send a written copy
23 of its findings and determination to the career employee and the
24 superintendent.

25 (j2) Board Hearing. – The following procedures shall apply to a hearing conducted by
26 the board:

27 ...
28 (2) If the career employee requested a hearing by a ~~ease manager~~ hearing
29 officer, the board shall receive the following:

30 a. The whole record from the hearing held by the ~~ease manager~~ hearing
31 officer, including a transcript of the hearing, as well as any other
32 records, exhibits, and documentary evidence submitted to the case
33 manager at the hearing.

34 b. The ~~ease manager's~~ hearing officer's findings of fact, including any
35 supplemental findings prepared by the ~~ease manager~~ hearing officer
36 under G.S. 115C-325 (i1)(4) or G.S. 115C-325(j1)(2).

37 ~~e. The ease manager's recommendation as to whether the grounds in~~
38 ~~G.S. 115C 325(e) submitted by the superintendent are substantiated.~~

39 d. The superintendent's recommendation and the grounds for the
40 recommendation.

41 (3) If the career employee did not request a hearing by a ~~ease manager~~ hearing
42 officer, the board shall receive the following:

43 a. Any documentary evidence the superintendent intends to use to
44 support the recommendation. The superintendent shall provide the
45 documentary evidence to the career employee seven days before the
46 hearing.

47 b. Any documentary evidence the career employee intends to use to
48 rebut the superintendent's recommendation. The career employee
49 shall provide the superintendent with the documentary evidence three
50 days before the hearing.

- 1 c. The superintendent's recommendation and the grounds for the
2 recommendation.
3 ...
- 4 (6) No new evidence may be presented at the hearing except upon a finding by
5 the board that the new evidence is critical to the matter at issue and the party
6 making the request could not, with reasonable diligence, have discovered
7 and produced the evidence at the hearing before the ~~ease manager~~hearing
8 officer.
- 9 (7) The board shall accept the ~~ease manager's~~hearing officer's findings of fact
10 unless a majority of the board determines that the findings of fact are not
11 supported by substantial evidence when reviewing the record as a whole. In
12 such an event, the board shall make alternative findings of fact. If a majority
13 of the board determines that the ~~ease manager~~hearing officer did not address
14 a critical factual issue, the board may remand the findings of fact to the ~~ease~~
15 ~~manager~~hearing officer to complete the report to the board. If the ~~ease~~
16 ~~manager~~hearing officer does not submit the report within seven days receipt
17 of the board's request, the board may determine its own findings of fact
18 regarding the critical factual issues not addressed by the ~~ease~~
19 ~~manager~~hearing officer. The board's determination shall be based upon a
20 preponderance of the evidence.
21 ...
- 22 (o) Resignation. –
- 23 (1) If a career employee has been recommended for dismissal under
24 G.S. 115C-325(e)(1) and the employee chooses to resign without the written
25 agreement of the superintendent, then:
- 26 a. The superintendent shall report the matter to the State Board of
27 Education.
- 28 b. The employee shall be deemed to have consented to (i) the placement
29 in the employee's personnel file of the written notice of the
30 superintendent's intention to recommend dismissal and (ii) the release
31 of the fact that the superintendent has reported this employee to the
32 State Board of Education to prospective employers, upon request.
33 The provisions of G.S. 115C-321 shall not apply to the release of this
34 particular information.
- 35 c. The employee shall be deemed to have voluntarily surrendered his or
36 her ~~certificate~~license pending an investigation by the State Board of
37 Education in a determination whether or not to seek action against
38 the employee's ~~certificate~~license. This ~~certificate~~license surrender
39 shall not exceed 45 days from the date of resignation. Provided
40 further that the cessation of the ~~certificate~~license surrender shall not
41 prevent the State Board of Education from taking any further action
42 it deems appropriate. The State Board of Education shall initiate
43 investigation within five working days of the written notice from the
44 superintendent and shall make a final decision as to whether to
45 revoke or suspend the employee's ~~certificate~~license within 45 days
46 from the date of resignation.
- 47 (2) A teacher, career or probationary, who is not recommended for dismissal
48 should not resign without the consent of the superintendent unless he or she
49 has given at least 30 days' notice. If a teacher who is not recommended for
50 dismissal does resign without giving at least 30 days' notice, the board may
51 request that the State Board of Education revoke the teacher's ~~certificate~~

1 license for the remainder of that school year. A copy of the request shall be
2 placed in the teacher's personnel file.

3 ...
4 (p1) Procedure for Dismissal of School Administrators and Teachers Employed in
5 Low-Performing Residential Schools. –

6 (1) Notwithstanding any other provision of this section or any other law, this
7 subdivision shall govern the dismissal by the Secretary of Health and Human
8 Services of teachers, principals, assistant principals, directors, supervisors,
9 and other ~~certificated~~licensed personnel assigned to a residential school that
10 the State Board has identified as low-performing and to which the State
11 Board has assigned an assistance team under Part 3A of Article 3 of Chapter
12 143B of the General Statutes. The Secretary shall dismiss a teacher,
13 principal, assistant principal, director, supervisor, or other
14 ~~certificated~~licensed personnel when the Secretary receives two consecutive
15 evaluations that include written findings and recommendations regarding
16 that person's inadequate performance from the assistance team. These
17 findings and recommendations shall be substantial evidence of the
18 inadequate performance of the teacher or school administrator.

19 The Secretary may dismiss a teacher, principal, assistant principal,
20 director, supervisor, or other ~~certificated~~licensed personnel when:

- 21 a. The Secretary determines that the school has failed to make
22 satisfactory improvement after the State Board assigned an assistance
23 team to that school under Part 3A of Article 3 of Chapter 143B of the
24 General Statutes; and
25 b. That assistance team makes the recommendation to dismiss the
26 teacher, principal, assistant principal, director, supervisor, or other
27 ~~certificated~~licensed personnel for one or more grounds established in
28 G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

29 Within 30 days of any dismissal under this subdivision, a teacher, principal,
30 assistant principal, director, supervisor, or other ~~certificated~~licensed
31 personnel may request a hearing before a panel of three members designated
32 by the Secretary. The Secretary shall adopt procedures to ensure that due
33 process rights are afforded to persons recommended for dismissal under this
34 subdivision. Decisions of the panel may be appealed on the record to the
35 Secretary, with further right of judicial review under Chapter 150B of the
36 General Statutes.

37 (2) Notwithstanding any other provision of this section or any other law, this
38 subdivision shall govern the dismissal by the Secretary of Health and Human
39 Services of ~~certificated~~licensed staff members who have engaged in a
40 remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail
41 to meet the general knowledge standard set by the State Board. The failure to
42 meet the general knowledge standard after one retest shall be substantial
43 evidence of the inadequate performance of the ~~certificated~~licensed staff
44 member.

45 Within 30 days of any dismissal under this subdivision, a
46 ~~certificated~~licensed staff member may request a hearing before a panel of
47 three members designated by the Secretary of Health and Human Services.
48 The Secretary shall adopt procedures to ensure that due process rights are
49 afforded to ~~certificated~~licensed staff members recommended for dismissal
50 under this subdivision. Decisions of the panel may be appealed on the record

1 to the Secretary, with further right of judicial review under Chapter 150B of
2 the General Statutes.

3 ...

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

6 ...

7 (2a) Notwithstanding any other provision of this section or any other law, this
8 subdivision shall govern the State Board's dismissal of ~~certified-licensed~~
9 staff members who have engaged in a remediation plan under
10 G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general
11 knowledge standard set by the State Board. The failure to meet the general
12 knowledge standard after one retest shall be substantial evidence of the
13 inadequate performance of the ~~certified-licensed~~ staff member.

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

21"

22 **SECTION 2.** G.S. 115C-333 reads as rewritten:

23 "**§ 115C-333. Evaluation of ~~certified-licensed~~ employees including certain**
24 **superintendents; ~~action-mandatory improvement plans~~; State board**
25 **notification upon dismissal of employees.**

26 (a) Annual Evaluations; Low-Performing Schools. – Local school administrative units
27 shall evaluate at least once each year all ~~certified-licensed~~ employees assigned to a school that
28 has been identified as ~~low performing, but has not received an assistance team.~~ low-performing.
29 The evaluation shall occur early enough during the school year to provide adequate time for the
30 development and implementation of ~~an action- a mandatory improvement plan~~ if one is
31 recommended under subsection (b) of this section. If the employee is a teacher as defined under
32 G.S. 115C-325(a)(6), either the principal, the assistant principal who supervises the teacher, or
33 an ~~assessment-assistance~~ team assigned under ~~G.S. 115C-334~~ G.S. 115C-105.38 shall conduct
34 the evaluation. If the employee is a school administrator as defined under
35 G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct
36 the evaluation.

37 ~~Notwithstanding this subsection or any other law, all~~ All teachers in low-performing
38 schools who have not attained career status shall be observed at least three times annually by
39 the principal or the principal's designee and at least once annually by a teacher and shall be
40 evaluated at least once annually by a principal. ~~All other employees defined as teachers under~~
41 ~~G.S. 115C-325(a)(6) who are assigned to schools that are not designated as low performing~~
42 ~~shall be evaluated annually unless a local board adopts rules that allow specified categories of~~
43 ~~teachers with career status to be evaluated more or less frequently. Local boards also may adopt~~
44 ~~rules requiring the annual evaluation of noncertified employees.~~ This section shall not be
45 construed to limit the duties and authority of an assistance team assigned to a low-performing
46 school under G.S. 115C-105.38.

47 A local board shall use the performance standards and criteria adopted by the State Board
48 ~~unless the board develops an alternative evaluation that is properly validated and that includes~~
49 ~~standards and criteria similar to those adopted by the State Board.~~ and may adopt additional
50 evaluation criteria and standards. All other provisions of this section shall apply if a local board
51 uses an evaluation other than one adopted by the State Board.

(b) Mandatory Improvement Action Plans. –

~~(1) If a certified employee in a low performing school receives an unsatisfactory or below standard rating on any function of the evaluation that is related to the employee's instructional duties, the individual or team that conducted the evaluation shall recommend to the superintendent that: (i) the employee receive an action plan designed to improve the employee's performance; or (ii) the superintendent recommend to the local board that the employee be dismissed or demoted. The superintendent shall determine whether to develop an action plan or to recommend a dismissal proceeding. Action plans shall be developed by the person who evaluated the employee or the employee's supervisor unless the evaluation was conducted by an assistance team or an assessment team. If the evaluation was conducted by an assistance team or an assessment team, that team shall develop the action plan in collaboration with the employee's supervisor. Action plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The State Board shall develop guidelines that include strategies to assist local boards in evaluating certified employees and developing effective action plans within the time allotted under this section. Local boards may adopt policies for the development and implementation of action plans or professional development plans for employees who do not require action plans under this section.~~

(1a) A mandatory improvement plan is an instrument designed to improve a teacher's performance or the performance of any licensed employee in a low-performing school by providing the individual with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the individual, so that the individual, within a reasonable period of time, should satisfactorily resolve such deficiencies.

~~(2) Local boards shall adopt policies to require action plans for all certified employees who receive a below standard or unsatisfactory rating on an evaluation in the event the superintendent does not recommend dismissal, demotion, or nonrenewal.~~

(2a) If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a mandatory improvement plan designed to improve the employee's performance or (ii) the superintendent recommend to the local board that the employee be dismissed or demoted. If the individual or team that conducted the evaluation elects not to make either of the above recommendations, the said individual or team shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan or to recommend a dismissal proceeding.

(3) If at any time a licensed employee engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment, and immediate dismissal or demotion is not appropriate, then the principal may immediately institute a mandatory improvement plan regardless of any ratings on previous evaluations. The principal shall document the exigent reason for immediately instituting such a plan.

1 (4) Mandatory improvement plans shall be developed by the person who
2 evaluated the licensed employee or the employee's supervisor unless the
3 evaluation was conducted by an assistance team. If the evaluation was
4 conducted by an assistance team, that team shall develop the mandatory
5 improvement plan in collaboration with the employee's supervisor.
6 Mandatory improvement plans shall be designed to be completed within 90
7 instructional days or before the beginning of the next school year. The State
8 Board shall develop guidelines that include strategies to assist local boards
9 in evaluating licensed employees and developing effective mandatory
10 improvement plans within the time allotted under this section. Local boards
11 may adopt policies for the development and implementation of mandatory
12 improvement plans and policies for the implementation of monitored and
13 directed growth plans.

14 (c) ~~Reevaluation.~~ Reassessment of Employee in a Low-Performing School. – After the
15 expiration of the time period for the mandatory improvement plan~~Upon completion of an action~~
16 ~~plan~~ under subdivision (1) of subsection (b)(2a) of subsection (b) of this section, the
17 superintendent, the superintendent's designee, or the ~~assessment~~ assistance team shall evaluate
18 assess the performance of the employee of the low-performing school a second time. If the
19 superintendent, superintendent's designee, or assistance team determines that the employee has
20 failed to become proficient in any of the performance standards articulated in the mandatory
21 improvement plan or demonstrate sufficient improvement toward such standards, ~~if on the~~
22 second evaluation the employee receives one unsatisfactory or more than one below standard
23 rating on any function that is related to the employee's instructional duties, the superintendent
24 shall recommend that the employee be dismissed or demoted under G.S. 115C-325. The results
25 of the second ~~evaluation~~ assessment shall constitute substantial evidence of the employee's
26 inadequate performance.

27 (d) State Board Notification. – If a local board dismisses an employee of a
28 low-performing school for any reason except a reduction in force under ~~G.S. 115C-325(e)(1)~~
29 G.S. 115C-325(e)(1)L., it shall notify the State Board of the action, and the State Board annually
30 shall provide to all local boards the names of those individuals. If a local board hires one of
31 these individuals, within 60 days the superintendent or the superintendent's designee shall
32 observe the employee, develop ~~an action~~ a mandatory improvement plan to assist the employee,
33 and submit the plan to the State Board. The State Board shall review the ~~action~~ mandatory
34 improvement plan and may provide comments and suggestions to the superintendent. If on the
35 next evaluation the employee receives a rating on any standard that was identified as an area of
36 concern on the mandatory improvement plan that is again below proficient or otherwise
37 represents unsatisfactory or below standard performance, ~~an unsatisfactory or below standard~~
38 rating on any function that is related to the employee's instructional duties, the local board shall
39 notify the State Board and the State Board shall initiate a proceeding to revoke the employee's
40 certificate license under G.S. 115C-296(d). If on ~~the~~ this next evaluation the employee receives
41 at least a satisfactory proficient rating on all of the performance standards ~~functions that were~~
42 identified as areas of concern on the mandatory improvement plan, ~~related to the employee's~~
43 instructional duties, the local board shall notify the State Board that the employee is in good
44 standing and the State Board shall not continue to provide the individual's name to local boards
45 under this subsection unless the employee is subsequently dismissed under G.S. 115C-325
46 except for a reduction in force.

47 "

48 **SECTION 3.** Chapter 115C of the General Statutes is amended by adding a new
49 section to read:

1 "§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;
2 mandatory improvement plans; State Board notification upon dismissal of
3 teachers.

4 (a) Annual Evaluations. – All teachers who are assigned to schools that are not
5 designated as low-performing and who have not attained career status shall be observed at least
6 three times annually by the principal or the principal's designee and at least once annually by a
7 teacher and shall be evaluated at least once annually by a principal. All teachers with career
8 status who are assigned to schools that are not designated as low-performing shall be evaluated
9 annually unless a local board adopts rules that allow teachers with career status to be evaluated
10 more or less frequently, provided that such rules are not inconsistent with State or federal
11 requirements. Local boards also may adopt rules requiring the annual evaluation of nonlicensed
12 employees. A local board shall use the performance standards and criteria adopted by the State
13 Board and may adopt additional evaluation criteria and standards. All other provisions of this
14 section shall apply if a local board uses an evaluation other than one adopted by the State
15 Board.

16 (b) Mandatory Improvement Plans for Teachers. – If, in an observation report or
17 year-end evaluation, a teacher receives a rating that is below proficient or otherwise represents
18 unsatisfactory or below standard performance on any standard that the teacher was expected to
19 demonstrate, the principal may place the teacher on a mandatory improvement plan as defined
20 in G.S. 115C-333(b)(1a). The mandatory improvement plan shall be utilized only if the
21 superintendent or superintendent's designee determines that an individual, monitored, or
22 directed growth plan will not satisfactorily address the deficiencies.

23 If at any time a teacher engages in inappropriate conduct or performs inadequately to such a
24 degree that such conduct or performance causes substantial harm to the educational
25 environment, and immediate dismissal or demotion is not appropriate, then the principal may
26 immediately institute a mandatory improvement plan regardless of any ratings on previous
27 evaluations. The principal shall document the exigent reason for immediately instituting such a
28 plan. The mandatory improvement plan shall be developed by the principal in consultation with
29 the teacher. The teacher shall have five instructional days from receipt of the proposed
30 mandatory improvement plan to request a modification of such plan before it is implemented,
31 and the principal shall consider such suggested modifications before finalizing the plan. The
32 teacher shall have at least 60 instructional days to complete the mandatory improvement plan.
33 The State Board shall develop guidelines that include strategies to assist local boards in
34 evaluating teachers and developing effective mandatory improvement plans. Local boards may
35 adopt policies for the implementation of mandatory improvement plans under this section.

36 (c) Observation by a Qualified Observer. –

37 (1) The term "qualified observer" as used in this section is any administrator or
38 teacher who is licensed by the State Board of Education and working in
39 North Carolina; any employee of the North Carolina Department of Public
40 Instruction who is trained in evaluating licensed employees; or any instructor
41 or professor who teaches in an accredited North Carolina school of
42 education and holds an educator's license.

43 (2) The local board of education shall create a list of qualified observers who are
44 employed by that board and available to do observations of employees on
45 mandatory improvement plans. This list shall be limited to names of
46 administrators and teachers selected by the school improvement teams in the
47 school system. The school improvement teams shall strive to select
48 administrators and teachers with excellent reputations for competence and
49 fairness.

50 (3) Any teacher, other than a teacher assigned to a school designated as
51 low-performing, who has been placed on a mandatory improvement plan

1 shall have a right to be observed by a qualified observer in the area or areas
2 of concern identified in the mandatory improvement plan. The affected
3 teacher and the principal shall jointly choose the qualified observer within
4 20 instructional days after the commencement of the mandatory
5 improvement plan. If the teacher and the principal cannot agree on a
6 qualified observer within this time period, they each shall designate a person
7 from the list of qualified observers created pursuant to subdivision (2) of this
8 subsection, and these two designated persons shall choose a qualified
9 observer within five instructional days of their designation. The qualified
10 observer shall draft a written report assessing the teacher in the areas of
11 concern identified in the mandatory improvement plan. The report shall be
12 submitted to the principal before the end of the mandatory improvement plan
13 period. If a teacher or administrator from the same local school
14 administrative unit is selected to serve as the qualified observer, the
15 administration of the local school administrative unit shall provide such
16 qualified observer with the time necessary to conduct the observation and
17 prepare a report. If someone who is not employed by the same local school
18 administrative unit is selected to serve as the qualified observer, the teacher
19 who is the subject of the mandatory improvement plan will be responsible
20 for any expenses related to the observations and reports prepared by the
21 qualified observer. The qualified observer shall not unduly disrupt the
22 classroom when conducting an observation.

23 (4) No local board of education or employee of a local board of education shall
24 discharge, threaten, or otherwise retaliate against another employee of the
25 board regarding that employee's compensation, terms, conditions, location,
26 or privileges of employment because of the employee's service or
27 completion of a report as an objective observer pursuant to this subsection,
28 unless the employee's report contained material information that the
29 employee knew was false.

30 (d) Reassessment of the Teacher. – Upon completion of a mandatory improvement plan
31 under subsection (b) of this section, the principal shall assess the performance of the teacher a
32 second time. The principal shall also review and consider any report provided by the qualified
33 observer under subsection (c) of this section if one has been submitted before the end of the
34 mandatory improvement plan period. If, after the second assessment of the teacher and
35 consideration of any report from the qualified observer, the superintendent or superintendent's
36 designee determines that the teacher has failed to become proficient in any of the performance
37 standards identified as deficient in the mandatory improvement plan or demonstrate sufficient
38 improvement toward such standards, the superintendent may recommend that the teacher be
39 dismissed or demoted under G.S. 115C-325. The results of the second assessment produced
40 pursuant to the terms of this subsection shall constitute substantial evidence of the teacher's
41 inadequate performance.

42 (e) Dismissal Proceedings Without a Mandatory Improvement Plan. – The absence of a
43 mandatory improvement plan as described in this section shall not prohibit a superintendent
44 from initiating a dismissal proceeding against a teacher under the provisions of G.S. 115C-325.
45 However, the superintendent shall not be entitled to the substantial evidence provision in
46 subsection (d) of this section if such mandatory improvement plan is not utilized.

47 (f) State Board Notification. – If a local board dismisses a teacher for any reason except
48 a reduction in force under G.S. 115C-325(e)(1)l., it shall notify the State Board of the action,
49 and the State Board annually shall provide to all local boards the names of those teachers. If a
50 local board hires one of these teachers, within 60 days the superintendent or the
51 superintendent's designee shall observe the teacher, develop a mandatory improvement plan to

1 assist the teacher, and submit the plan to the State Board. The State Board shall review the
2 mandatory improvement plan and may provide comments and suggestions to the
3 superintendent. If on the next evaluation the teacher receives a rating on any standard that was
4 an area of concern on the mandatory improvement plan that is again below proficient or a
5 rating that otherwise represents unsatisfactory or below standard performance, the local board
6 shall notify the State Board, and the State Board shall initiate a proceeding to revoke the
7 teacher's license under G.S. 115C-296(d). If on the next evaluation the teacher receives at least
8 a proficient rating on all of the overall performance standards that were areas of concern on the
9 mandatory improvement plan, the local board shall notify the State Board that the teacher is in
10 good standing, and the State Board shall not continue to provide the teacher's name to local
11 boards under this subsection unless the teacher is subsequently dismissed under G.S. 115C-325
12 except for a reduction in force. If, however, on this next evaluation the teacher receives a
13 developing rating on any standards that were areas of concern on the mandatory improvement
14 plan, the teacher shall have one more year to bring the rating to proficient. If, by the end of this
15 second year, the teacher is not proficient in all standards that were areas of concern on the
16 mandatory improvement plan, the local board shall notify the State Board, and the State Board
17 shall initiate a proceeding to revoke the teacher's license under G.S. 115C-296(d).

18 (g) Civil Immunity. – There shall be no liability for negligence on the part of the State
19 Board of Education or a local board of education, or their employees, arising from any action
20 taken or omission by any of them in carrying out the provisions of this section. The immunity
21 established by this subsection shall not extend to gross negligence, wanton conduct, or
22 intentional wrongdoing that would otherwise be actionable. The immunity established by this
23 subsection shall be deemed to have been waived to the extent of indemnification by insurance,
24 indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the
25 extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of
26 Chapter 143 of the General Statutes."

27 **SECTION 4.** G.S. 115C-276(s) reads as rewritten:

28 "(s) To Provide for Annual Evaluations and ~~Action~~ Mandatory Improvement Plans. –
29 The superintendent shall provide for the annual evaluation of all ~~certified~~ licensed employees
30 assigned to low-performing schools that did not receive an assistance team. The superintendent
31 shall determine whether all principals and assistant principals who evaluate ~~certified~~ licensed
32 employees are trained in the proper administration of the employee evaluations and the
33 development of appropriate ~~action~~ mandatory improvement plans. The superintendent also
34 shall arrange for principals and assistant principals who evaluate ~~certified~~ licensed employees
35 to receive the appropriate training."

36 **SECTION 5.** G.S. 115C-288 reads as rewritten:

37 "**§ 115C-288. Powers and duties of principal.**

38 ...

39 (i) To Evaluate ~~Certified~~ Licensed Employees and Develop ~~Action~~ Mandatory
40 Improvement Plans. – Each school year, the principal assigned to a low-performing school that
41 has not received an assistance team shall provide for the evaluation of all ~~certified~~ licensed
42 employees assigned to the school. The principal also shall develop ~~action~~ mandatory
43 improvement plans as provided under G.S. 115C-333(b) and G.S. 115C-333.1(b) and shall
44 monitor an employee's progress under an ~~action~~ mandatory improvement plan.

45"

46 **SECTION 6.** G.S. 115C-296 reads as rewritten:

47 "**§ 115C-296. Board sets ~~certification~~ licensure requirements; reports; lateral entry and**
48 **mentor programs.**

49 (a) The State Board of Education shall have entire control of ~~certifying~~ licensing all
50 applicants for teaching positions in all public elementary and high schools of North Carolina;
51 and it shall prescribe the rules and regulations for the renewal and extension of all

1 ~~certificates/licenses~~ and shall determine and fix the salary for each grade and type of
2 ~~certificate/license~~ which it authorizes.

3 The State Board of Education may require an applicant for an initial bachelors degree
4 certificate or graduate degree certificate to demonstrate the applicant's academic and
5 professional preparation by achieving a prescribed minimum score on a standard examination
6 appropriate and adequate for that purpose. The State Board of Education shall permit an
7 applicant to fulfill any such testing requirement before or during the applicant's second year of
8 teaching provided the applicant took the examination at least once during the first year of
9 teaching. The State Board of Education shall make any required standard initial
10 ~~certification/licensure~~ exam sufficiently rigorous and raise the prescribed minimum score as
11 necessary to ensure that each applicant has adequate academic and professional preparation to
12 teach.

13 ...

14 (a2) The State Board of Education shall impose the following schedule of fees for
15 teacher ~~certification/licensure~~ and administrative changes:

- 16 (1) Application for demographic or administrative changes to a
17 ~~certificate/license~~, \$30.00.
- 18 (2) Application for a duplicate ~~certificate/license~~ or for copies of documents in
19 the ~~certification/licensure~~ files, \$30.00.
- 20 (3) Application for a renewal, extension, addition, upgrade, and variation to a
21 ~~certificate/license~~, \$55.00.
- 22 (4) Initial application for New, In-State Approved Program Graduate, \$55.00.
- 23 (5) Initial application for Out-of-State ~~certificate/license~~, \$85.00.
- 24 (6) All other applications, \$85.00.

25 The applicant must pay the fee at the time the application is submitted.

26 (b) It is the policy of the State of North Carolina to maintain the highest quality teacher
27 education programs and school administrator programs in order to enhance the competence of
28 professional personnel ~~certified/licensed~~ in North Carolina. To the end that teacher preparation
29 programs are upgraded to reflect a more rigorous course of study, the State Board of Education,
30 as lead agency in coordination and cooperation with the University Board of Governors, the
31 Board of Community Colleges and such other public and private agencies as are necessary,
32 shall continue to refine the several ~~certification/licensure~~ requirements, standards for approval
33 of institutions of teacher education, standards for institution-based innovative and experimental
34 programs, standards for implementing consortium-based teacher education, and standards for
35 improved efficiencies in the administration of the approved programs. The
36 ~~certification/licensure~~ program shall provide for initial ~~certification/licensure~~ after completion of
37 preservice training, continuing ~~certification/licensure~~ after three years of teaching experience,
38 and ~~certificate/license~~ renewal every five years thereafter, until the retirement of the teacher.
39 The last ~~certificate/license~~ renewal received prior to retirement shall remain in effect for five
40 years after retirement. The ~~certification/licensure~~ program shall also provide for lifetime
41 ~~certification/licensure~~ after 50 years of teaching.

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

45 The State Board of Education, in consultation with local boards of education and the Board
46 of Governors of The University of North Carolina, shall evaluate and modify, as necessary, the
47 academic requirements for students preparing to teach science in middle and high schools to
48 ensure that there is adequate preparation in issues related to science laboratory safety.

49 The State Board of Education, in consultation with the Board of Governors of The
50 University of North Carolina, shall evaluate and develop enhanced requirements for continuing
51 ~~certification/licensure~~. The new requirements shall reflect more rigorous standards for

1 continuing ~~certification~~-licensure and to the extent possible shall be aligned with quality
2 professional development programs that reflect State priorities for improving student
3 achievement.

4 The State Board of Education, in consultation with local boards of education and the Board
5 of Governors of The University of North Carolina, shall reevaluate and enhance the
6 requirements for renewal of teacher ~~certificates~~-licenses. The State Board shall consider
7 modifications in the ~~certificate~~-license renewal achievement and to make it a mechanism for
8 teachers to renew continually their knowledge and professional skills. The State Board shall
9 adopt new standards for the renewal of teacher ~~certificates~~-licenses by May 15, 1998.

10 The standards for approval of institutions of teacher education shall require that teacher
11 education programs for all students include demonstrated competencies in (i) the identification
12 and education of children with disabilities and (ii) positive management of student behavior
13 and effective communication techniques for defusing and deescalating disruptive or dangerous
14 behavior. The State Board of Education shall incorporate the criteria developed in accordance
15 with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program
16 into its school administrator program approval standards.

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

22 (b1) The State Board of Education shall develop a plan to provide a focused review of
23 teacher education programs and the current process of accrediting these programs in order to
24 ensure that the programs produce graduates that are well prepared to teach. The plan shall
25 include the development and implementation of a school of education performance report for
26 each teacher education program in North Carolina. The performance report shall include at
27 least the following elements: (i) quality of students entering the schools of education, including
28 the average grade point average and average score on preprofessional skills tests that assess
29 reading, writing, math and other competencies; (ii) graduation rates; (iii) time-to-graduation
30 rates; (iv) average scores of graduates on professional and content area examination for the
31 purpose of ~~certification~~-licensure; (v) percentage of graduates receiving initial
32 ~~certification~~-licenses; (vi) percentage of graduates hired as teachers; (vii) percentage of
33 graduates remaining in teaching for four years; (viii) graduate satisfaction based on a common
34 survey; and (ix) employer satisfaction based on a common survey. The performance reports
35 shall follow a common format. The performance reports shall be submitted annually. The State
36 Board of Education shall develop a plan to be implemented beginning in the 1998-99 school
37 year to reward and sanction approved teacher education programs and masters of education
38 programs and to revoke approval of those programs based on the performance reports and other
39 criteria established by the State Board of Education.

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

45 Both plans for performance reports also shall include a method to provide the annual
46 performance reports to the Board of Governors of The University of North Carolina, the State
47 Board of Education, and the boards of trustees of the independent colleges. The State Board of
48 Education shall review the schools of education performance reports and the performance
49 reports for masters degree programs in education and school administration each year the
50 performance reports are submitted. The State Board shall submit the performance report for the
51 1999-2000 school year to the Joint Legislative Education Oversight Committee by December

1 15, 2000. Subsequent performance reports shall be submitted to the Joint Legislative Education
2 Oversight Committee on an annual basis by October 1.

3 ...

4 (c) It is the policy of the State of North Carolina to encourage lateral entry into the
5 profession of teaching by skilled individuals from the private sector. To this end, before the
6 1985-86 school year begins, the State Board of Education shall develop criteria and procedures
7 to accomplish the employment of such individuals as classroom teachers. Beginning with the
8 2006-2007 school year, the criteria and procedures shall include preservice training in (i) the
9 identification and education of children with disabilities and (ii) positive management of
10 student behavior, effective communication for defusing and deescalating disruptive or
11 dangerous behavior, and safe and appropriate use of seclusion and restraint. Skilled individuals
12 who choose to enter the profession of teaching laterally may be granted a provisional teaching
13 ~~certificate—license~~ for no more than three years and shall be required to obtain
14 ~~certification—licensure~~ before contracting for a fourth year of service with any local
15 administrative unit in this State.

16 (c1) The State Board of Community Colleges may provide a program of study for lateral
17 entry teachers to complete the coursework necessary to earn a teaching ~~certificate—license~~. To
18 this end, the State Board of Education, in consultation with the State Board of Community
19 Colleges, shall establish a competency-based program of study for lateral entry teachers to be
20 implemented within the Community College System no later than May 1, 2006. This program
21 must meet standards set by the State Board of Education.

22 The State Board of Community Colleges and the State Board of Education shall jointly
23 identify the community college courses and the teacher education program courses that are
24 necessary and appropriate for inclusion in the community college program of study for lateral
25 entry teachers. To the extent possible, any courses that must be completed through an approved
26 teacher education program shall be taught on a community college campus or shall be available
27 through distance learning.

28 In order to participate in the community college program of study for lateral entry teachers,
29 an individual must hold at least a bachelors degree from a regionally accredited institution of
30 higher education.

31 An individual who successfully completes this program of study and meets all other
32 requirements of ~~certification—licensure~~ set by the State Board of Education shall be
33 recommended for a North Carolina teaching ~~certificate—license~~.

34 ...

35 (d) The State Board shall adopt rules to establish the reasons and procedures for the
36 suspension and revocation of ~~certificates—licenses~~. The State Board shall revoke the
37 ~~certificate—license~~ of a teacher or school administrator if the State Board receives notification
38 from a local board or the Secretary of Health and Human Services that a teacher or school
39 administrator has received ~~an unsatisfactory or below standard rating~~ a rating on any standard
40 that was identified as an area of concern on the mandatory improvement plan that was below
41 proficient or otherwise represented unsatisfactory or below standard performance under
42 ~~G.S. 415C-333(d), 115C-333(d) and G.S. 115C-333.1(f)~~. In addition, the State Board may
43 revoke or refuse to renew a teacher's ~~certificate—license~~ when:

- 44 (1) The Board identifies the school in which the teacher is employed as
45 low-performing under G.S. 115C-105.37 or G.S. 143B-146.5; and
- 46 (2) The State Board shall automatically revoke the ~~certificate—license~~ of a
47 teacher or school administrator without the right to a hearing upon receiving
48 verification of the identity of the teacher or school administrator together
49 with a certified copy of a criminal record showing that the teacher or school
50 administrator has entered a plea of guilty or nolo contendere to or has been
51 finally convicted of any of the following crimes: Murder in the first or

1 second degree, G.S. 14-17; Conspiracy or solicitation to commit murder,
2 G.S. 14-18.1; Rape or sexual offense as defined in Article 7A of Chapter 14
3 of the General Statutes. Felonious assault with deadly weapon with intent to
4 kill or inflicting serious injury, G.S. 14-32; Kidnapping, G.S. 14-39;
5 Abduction of children, G.S. 14-41; Crime against nature, G.S. 14-177;
6 Incest, G.S. 14-178 or G.S. 14-179; Employing or permitting minor to assist
7 in offense against public morality and decency, G.S. 14-190.6;
8 Dissemination to minors under the age of 16 years, G.S. 14-190.7;
9 Dissemination to minors under the age of 13 years, G.S. 14-190.8;
10 Displaying material harmful to minors, G.S. 14-190.14; Disseminating
11 harmful material to minors, G.S. 14-190.15; First degree sexual exploitation
12 of a minor, G.S. 14-190.16; Second degree sexual exploitation of a minor,
13 G.S. 14-190.17; Third degree sexual exploitation of a minor,
14 G.S. 14-190.17A; Promoting prostitution of a minor, G.S. 14-190.18;
15 Participating in prostitution of a minor, G.S. 14-190.19; Taking indecent
16 liberties with children, G.S. 14-202.1; Solicitation of child by computer to
17 commit an unlawful sex act, G.S. 14-202.3; Taking indecent liberties with a
18 student, G.S. 14-202.4; Prostitution, G.S. 14-204; and child abuse under
19 G.S. 14-318.4. The Board shall mail notice of its intent to act pursuant to this
20 subdivision by certified mail, return receipt requested, directed to the teacher
21 or school administrator at their last known address. The notice shall inform
22 the teacher or school administrator that it will revoke the person's
23 ~~certificate~~license unless the teacher or school administrator notifies the
24 Board in writing within 10 days after receipt of the notice that the defendant
25 identified in the criminal record is not the same person as the teacher or
26 school administrator. If the teacher or school administrator provides this
27 written notice to the Board, the Board shall not revoke the ~~certificate~~license
28 unless it can establish as a fact that the defendant and the teacher or school
29 administrator are the same person.

30 (3) In addition, the State Board may revoke or refuse to renew a teacher's
31 ~~certificate~~license when:

- 32 a. The Board identifies the school in which the teacher is employed as
33 low-performing under G.S. 115C-105.37 or G.S. 143B-146.5; and
- 34 b. The assistance team assigned to that school makes the
35 recommendation to revoke or refuse to renew the teacher's
36 ~~certificate~~license for one or more reasons established by the State
37 Board in its rules for ~~certificate~~license suspension or revocation.

38 The State Board may issue subpoenas for the purpose of obtaining documents or the
39 testimony of witnesses in connection with proceedings to suspend or revoke
40 ~~certificates~~licenses. In addition, the Board shall have the authority to contract with individuals
41 who are qualified to conduct investigations in order to obtain all information needed to assist
42 the Board in the proper disposition of allegations of misconduct by ~~certificated~~licensed
43 persons.

44 (e) The State Board of Education shall develop a mentor program to provide ongoing
45 support for teachers entering the profession. In developing the mentor program, the State Board
46 shall conduct a comprehensive study of the needs of new teachers and how those needs can be
47 met through an orientation and mentor support program. For the purpose of helping local
48 boards to support new teachers, the State Board shall develop and distribute guidelines which
49 address optimum teaching load, extracurricular duties, student assignment, and other working
50 condition considerations. These guidelines shall provide that initially ~~certified~~licensed teachers
51 not be assigned extracurricular activities unless they request the assignments in writing and that

1 other noninstructional duties of these teachers be minimized. The State Board shall develop and
2 coordinate a mentor teacher training program. The State Board shall develop criteria for
3 selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher
4 training program.

5 ...
6 (f) The State Board of Education, after consultation with the Board of Governors of
7 The University of North Carolina, shall develop a new category of teacher ~~certificate~~licensure
8 known as the "Masters/Advanced Competencies" ~~certificate~~license. To receive this
9 ~~certificate~~license, an applicant shall successfully complete a masters degree program that
10 includes rigorous academic preparation in the subject area which the applicant will teach and in
11 the skills and knowledge expected of a master teacher or the applicant shall demonstrate to the
12 satisfaction of the State Board that the candidate has acquired the skills and knowledge
13 expected of a master teacher.

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

17 **SECTION 7.** G.S. 115C-334 reads as rewritten:

18 **"§ 115C-334. Assessment teams.**

19 The State Board shall develop guidelines for local boards to use to create assessment teams.
20 A local board shall assign an assessment team to every low-performing school in the local
21 school administrative unit that has not received an assistance team. Local boards shall ensure
22 that assessment team members are trained in the proper administration of the employee
23 evaluation used by the local school administrative unit. If service on an assessment team is an
24 additional duty for an employee of a local board, the board may pay the employee for that
25 additional work.

26 Assessment teams shall have the following duties:

- 27 (1) Conduct evaluations of ~~certified~~licensed employees in low-performing
28 schools;
- 29 (2) Provide technical assistance and training to principals, assistant principals,
30 superintendents, and superintendents' designees who conduct evaluations of
31 ~~certified~~licensed employees;
- 32 (3) Develop ~~action~~mandatory improvement plans for ~~certified~~licensed
33 employees; and
- 34 (4) Assist principals, assistant principals, superintendents, and superintendents'
35 designees in the development and implementation of ~~action~~mandatory
36 improvement plans."

37 **SECTION 8.** G.S. 115C-335 reads as rewritten:

38 **"§ 115C-335. Development of performance standards and criteria for ~~certified~~licensed**
39 **employees; training and remediation programs.**

40 ...
41 (b) Training. – The State Board, in collaboration with the Board of Governors of The
42 University of North Carolina, shall develop programs designed to train principals and
43 superintendents in the proper administration of the employee evaluations developed by the
44 State Board. The Board of Governors shall use the professional development programs for
45 public school employees that are under its authority to make this training available to all
46 principals and superintendents at locations that are geographically convenient to local school
47 administrative units. The programs shall include methods to determine whether an employee's
48 performance has improved student learning, the development and implementation of
49 appropriate ~~action~~professional growth and mandatory improvement plans, the process for
50 contract nonrenewal, and the dismissal process under G.S. 115C-325. The Board of Governors
51 shall ensure that the subject matter of the training programs is incorporated into the masters in

1 school administration programs offered by the constituent institutions. The State Board, in
2 collaboration with the Board of Governors, also shall develop in-service programs for ~~certified~~
3 licensed public school employees that may be included in ~~an action~~ a mandatory improvement
4 plan created under G.S. 115C-333(b), G.S. 115C-333(b) or G.S. 115C-333.1(b). The Board of
5 Governors shall use the professional development programs for public school employees that
6 are under its authority to make this training available at locations that are geographically
7 convenient to local school administrative units."

8 **SECTION 8.5.(a)** If House Bill 200, 2011 Regular Session, becomes law, then
9 G.S. 115C-325(e)(2), as amended by Section 7.23(b) of that act, reads as rewritten:

10 "(2) Reduction in Force. – Before recommending to a board the dismissal or
11 demotion of the career employee pursuant to G.S. 115C-325(e)(1)l., the
12 superintendent shall give written notice to the career employee by certified
13 mail or personal delivery of his intention to make such recommendation and
14 shall set forth as part of his or her recommendation the grounds upon which
15 he or she believes such dismissal or demotion is justified. The notice shall
16 include a statement to the effect that if the career employee within 15 days
17 after receipt of the notice requests a review, he or she shall be entitled to
18 have the proposed recommendations of the superintendent reviewed by the
19 board. Within the 15-day period after receipt of the notice, the career
20 employee may file with the superintendent a written request for a hearing
21 before the board within 10 days. If the career employee requests a hearing
22 before the board, the hearing procedures provided in G.S. 115C-325(j3) shall
23 be followed. If no request is made within the 15-day period, the
24 superintendent may file his or her recommendation with the board. If, after
25 considering the recommendation of the superintendent and the evidence
26 adduced at the hearing if there is one, the board concludes that the grounds
27 for the recommendation are true and substantiated by a preponderance of the
28 evidence, the board, if it sees fit, may by resolution order such dismissal.
29 Provisions of this section which permit a hearing by a ~~ease manager hearing~~
30 officer shall not apply to a dismissal or demotion recommended pursuant to
31 G.S. 115C-325(e)(1)l.

32 When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l.
33 above, his or her name shall be placed on a list of available career employees
34 to be maintained by the board."

35 **SECTION 8.5.(b)** If House Bill 200, 2011 Regular Session, does not become law,
36 then G.S. 115C-325(e)(2) reads as rewritten:

37 "(2) Reduction in Force. – Before recommending to a board the dismissal or
38 demotion of the career employee pursuant to G.S. 115C-325(e)(1)l., the
39 superintendent shall give written notice to the career employee by certified
40 mail or personal delivery of his intention to make such recommendation and
41 shall set forth as part of his or her recommendation the grounds upon which
42 he or she believes such dismissal or demotion is justified. The notice shall
43 include a statement to the effect that if the career employee within 15 days
44 after receipt of the notice requests a review, he or she shall be entitled to
45 have the proposed recommendations of the superintendent reviewed by the
46 board. Within the 15-day period after receipt of the notice, the career
47 employee may file with the superintendent a written request for a hearing
48 before the board within 10 days. If the career employee requests a hearing
49 before the board, the hearing procedures provided in G.S. 115C-325(j3) shall
50 be followed. If no request is made within the 15-day period, the
51 superintendent may file his or her recommendation with the board. If, after

1 considering the recommendation of the superintendent and the evidence
2 adduced at the hearing if there is one, the board concludes that the grounds
3 for the recommendation are true and substantiated by a preponderance of the
4 evidence, the board, if it sees fit, may by resolution order such dismissal.
5 Provisions of this section which permit a hearing by a ~~ease manager hearing~~
6 officer shall not apply to a dismissal or demotion recommended pursuant to
7 G.S. 115C-325(e)(1)l.

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

17 **SECTION 8.6.** If House Bill 200, 2011 Regular Session, becomes law, then
18 G.S. 115C-333.1(c)(2), as enacted in Section 3 of this act, reads as rewritten:

19 "(2) The local board of education shall create a list of qualified observers who are
20 employed by that board and available to do observations of employees on
21 mandatory improvement plans. This list shall be limited to names of
22 administrators and teachers selected by the ~~school improvement teams in the~~
23 ~~school system. The school improvement teams~~ local board of education. The
24 local board of education shall strive to select administrators and teachers
25 with excellent reputations for competence and fairness."

26 **SECTION 9.** This act becomes effective July 1, 2011, and applies to persons
27 recommended for dismissal or demotion on or after that date.