

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 155
Committee Substitute Favorable 3/21/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H155-PCS10387-RQ-13

Short Title: Omnibus Education Law Changes.

(Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. MODIFY SCHOOL/CLASS SIZE REPORT DATE**

6 **SECTION 1.(a)** G.S. 115C-47(10), as amended by Section 2(a) of S.L. 2017-9,
7 reads as rewritten:

8 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
9 boards of education to assure that the class size requirements set forth in
10 G.S. 115C-301 for kindergarten through third grade are met. Any teacher
11 who believes that the requirements of G.S. 115C-301 have not been met
12 shall make a report to the principal and superintendent, and the
13 superintendent shall immediately determine whether the requirements have
14 in fact not been met. If the superintendent determines the requirements have
15 not been met, he or she shall make a report to the next local board of
16 education meeting. The local board of education shall take action to meet the
17 requirements of the statute. If the local board cannot organizationally correct
18 the exception, it shall immediately apply to the State Board of Education for
19 additional personnel or a waiver of the class size requirements, as provided
20 in G.S. 115C-301(g).

21 Upon notification from the State Board of Education that the reported
22 exception does not qualify for an allotment adjustment or a waiver under
23 provisions of G.S. 115C-301, the local board, within 30 days, shall take
24 action necessary to correct the exception, as required in G.S. 115C-301(g).

25 At the end of ~~September~~October and end of February of each school
26 year, the local board of education, through the superintendent, shall file a
27 report with the Superintendent of Public Instruction, in a format prescribed
28 by the Superintendent of Public Instruction, describing the organization for
29 each school in the local school administrative unit, as required by
30 G.S. 115C-301(f).

31 In addition to assuring that the requirements of G.S. 115C-301 are met,
32 each local board of education shall also have the duty to provide an adequate
33 number of classrooms to meet the requirements of that statute."

34 **SECTION 1.(b)** G.S. 115C-301(f), as amended by Section 2(b) of S.L. 2017-9,
35 reads as rewritten:



* H 1 5 5 - P C S 1 0 3 8 7 - R Q - 1 3 *

1 (f) Biannual Reports. – At the end of ~~September~~October and end of February of each
 2 school year, each local board of education, through the superintendent, shall file a report, based
 3 on information provided by the principal, for each school within the local school administrative
 4 unit with the Superintendent of Public Instruction. The report shall be filed in a format
 5 prescribed by the Superintendent of Public Instruction and shall include the organization for
 6 each school in the local school administrative unit, including the following information:

7 "

8 **SECTION 1.(c)** This section is effective when it becomes law and applies
 9 beginning with the 2017-2018 school year.

10
 11 **PART II. MAKES CONFORMING CHANGES TO CAREER STATUS STATUTES TO**
 12 **ALIGN WITH NORTH CAROLINA SUPREME COURT DECISION**

13 **SECTION 2.(a)** Section 9.6(a) of S.L. 2013-360 is repealed.

14 **SECTION 2.(b)** G.S. 115C-325 reads as rewritten:

15 **"§ 115C-325. System of employment for public school teachers.**

16 (a) Definition of Terms. – ~~As Notwithstanding G.S. 115C-325.1, as used in this section~~
 17 ~~section, the following definitions apply, unless the context requires otherwise:~~

18 (1) Repealed by Session Laws 1997-221, s. 13(a).

19 (1a) "Career employee" as used in this section ~~means:~~ means

20 a. ~~An an employee who has obtained~~was awarded career status with that
 21 local board as a teacher ~~as provided in G.S. 115C-325(e);~~prior to August 1,
 22 2013.

23 b. ~~An employee who has obtained career status with that local board in~~
 24 ~~an administrative position as provided in G.S. 115C-325(d)(2);~~

25 e. ~~A probationary teacher during the term of the contract as provided in~~
 26 ~~G.S. 115C-325(m); and~~

27 d. ~~A school administrator during the term of a school administrator~~
 28 ~~contract as provided in G.S. 115C-287.1(e).~~

29 (1b) ~~"Career school administrator" means a school administrator who has~~
 30 ~~obtained career status in an administrative position as provided in G.S.~~
 31 ~~115C-325(d)(2).~~

32 (1e) ~~"Career teacher" means a teacher who has obtained career status as provided~~
 33 ~~in G.S. 115C-325(e).~~

34 (1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and
 35 applicable to persons recommended for dismissal or demotion on or after
 36 that date.

37 (2) Repealed by Session Laws 1997, c. 221, s. 13(a).

38 (3) ~~"Day" means calendar day. In computing any period of time, Rule 6 of the~~
 39 ~~North Carolina Rules of Civil Procedure shall apply.~~

40 (4) "Demote" means to reduce the salary of a person who is classified or paid by
 41 the State Board of Education as a classroom ~~teacher or as a school~~
 42 ~~administrator~~teacher. The word "demote" does not include: (i) a suspension
 43 without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or
 44 reduction of bonus payments, including merit-based supplements, or a
 45 systemwide modification in the amount of any applicable local supplement;
 46 or (iii) any reduction in salary that results from the elimination of a special
 47 duty, such as the duty of an athletic coach or a choral director.

48 (4a) "Disciplinary suspension" means a final decision to suspend a ~~teacher or~~
 49 ~~school administrator~~career employee without pay for no more than 60 days
 50 under G.S. 115C-325(f)(2).

1 (4b) ~~"Exchange teacher" means a nonimmigrant alien teacher participating in an~~
2 ~~exchange visitor program designated by the United States Department of~~
3 ~~State pursuant to 22 C.F.R. Part 62 or by the United States Department of~~
4 ~~Homeland Security pursuant to 8 C.F.R. Part 214.2(q).~~

5 (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).

6 (5) ~~"Probationary teacher" means a licensed person, other than a superintendent,~~
7 ~~associate superintendent, or assistant superintendent, who has not obtained~~
8 ~~career teacher status and whose major responsibility is to teach or to~~
9 ~~supervise teaching.~~

10 (5a) [Expired.]

11 (5b) ~~"School administrator" means a principal, assistant principal, supervisor, or~~
12 ~~director whose major function includes the direct or indirect supervision of~~
13 ~~teaching or any other part of the instructional program as provided in G.S.~~
14 ~~115C-287.1(a)(3).~~

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

22 (7) Redesignated.

23 (8) ~~"Year" for purposes of computing time as a probationary teacher shall be not~~
24 ~~less than 120 workdays performed as a probationary teacher in a full-time~~
25 ~~permanent position in a school year. Workdays performed pending the~~
26 ~~outcome of a criminal history check as provided in G.S. 115C-332 are~~
27 ~~included in computing time as a probationary teacher.~~

28 (a1) This section shall apply only to career employees. No person who is employed as a
29 teacher who did not acquire career status as a teacher by August 1, 2013, shall have career
30 status.

31 (b) Personnel Files. – The superintendent shall maintain in his or her office a personnel
32 file for each ~~teacher~~career employee that contains any complaint, commendation, or suggestion
33 for correction or improvement about the ~~teacher's~~career employee's professional conduct,
34 except that the superintendent may elect not to place in a ~~teacher's~~career employee's file (i) a
35 letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter
36 of complaint when there is no documentation of an attempt to resolve the issue. The complaint,
37 commendation, or suggestion shall be signed by the person who makes it and shall be placed in
38 the ~~teacher's~~career employee's file only after five days' notice to the ~~teacher~~employee. Any
39 denial or explanation relating to such complaint, commendation, or suggestion that the
40 ~~teacher~~career employee desires to make shall be placed in the file. Any ~~teacher~~career employee
41 may petition the local board of education to remove any information from his or her personnel
42 file that he or she deems invalid, irrelevant, or outdated. The board may order the
43 superintendent to remove said information if it finds the information is invalid, irrelevant, or
44 outdated.

45 The personnel file shall be open for the ~~teacher's~~career employee's inspection at all
46 reasonable times but shall be open to other persons only in accordance with such rules and
47 regulations as the board adopts. Any preemployment data or other information obtained about a
48 ~~teacher~~career employee before his or her employment by the board may be kept in a file
49 separate from his or her personnel file and need not be made available to ~~him~~him or her. No
50 data placed in the preemployment file may be introduced as evidence at a hearing on the

1 dismissal or demotion of a ~~teacher, career employee,~~ except the data may be used to substantiate
2 G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as grounds for dismissal or demotion.

3 (c) (1) through (3) Repealed.

4 (4) Leave of Absence. – A career ~~teacher~~ employee who has been granted a
5 leave of absence by a board shall maintain his or her career status if he or
6 she returns to his or her teaching position at the end of the authorized leave.

7 (5), (6) Repealed.

8 (d) ~~Career Teachers and Career School Administrators.~~ Employees.

9 (1) A career ~~teacher or career school administrator~~ employee shall not be
10 subjected to the requirement of annual appointment nor shall he or she be
11 dismissed, demoted, or employed on a part-time basis without his or her
12 consent except as provided in subsection ~~(e)~~ (e) of this section.

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

15 b. Repealed by Session Laws 1997, c. 221, s. 13(a).

16 c. Subject to G.S. 115C-287.1, when a teacher has performed the duties
17 of supervisor or principal for three consecutive years, the board, near
18 the end of the third year, shall vote upon his or her employment for
19 the next school year. The board shall give him or her written notice
20 of that decision by June 1 of his or her third year of employment as a
21 supervisor or principal. If a majority of the board votes to reemploy
22 the teacher as a principal or supervisor, and it has notified him or her
23 of that decision, it may not rescind that action but must proceed
24 under the provisions of this section. If a majority of the board votes
25 not to reemploy the teacher as a principal or supervisor, he or she
26 shall retain career status as a teacher if that status was attained prior
27 to assuming the duties of supervisor or principal. A supervisor or
28 principal who has not held that position for three years and whose
29 contract will not be renewed for the next school year shall be notified
30 by June 1 and shall retain career status as a teacher if that status was
31 attained prior to 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 that~~
37 ~~position in any North Carolina public school system may be required~~
38 ~~by the board of education in another school system to serve an~~
39 ~~additional three-year probationary period in that position before~~
40 ~~being eligible for career status. However, he may, at the option of the~~
41 ~~board of education, be granted career status immediately or after~~
42 ~~-serving a probationary period of one or two additional years. A~~
43 ~~principal or supervisor with career status who resigns and within five~~
44 ~~years is reemployed by the same school system need not serve~~
45 ~~another probationary period in that position of more than two years~~
46 ~~and may, at the option of the board, be reemployed immediately as a~~
47 ~~career principal or supervisor or be given career status after only one~~
48 ~~year. In any event, if he is reemployed for a third consecutive year,~~
49 ~~he shall automatically become a career principal or supervisor.~~

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

- 1 (1) Grounds. – No career employee shall be dismissed or demoted or employed
2 on a part-time basis except for one or more of the following:
- 3 a. Inadequate performance.
 - 4 b. Immorality.
 - 5 c. Insubordination.
 - 6 d. Neglect of duty.
 - 7 e. Physical or mental incapacity.
 - 8 f. Habitual or excessive use of alcohol or nonmedical use of a
9 controlled substance as defined in Article 5 of Chapter 90 of the
10 General Statutes.
 - 11 g. Conviction of a felony or a crime involving moral turpitude.
 - 12 h. Advocating the overthrow of the government of the United States or
13 of the State of North Carolina by force, violence, or other unlawful
14 means.
 - 15 i. Failure to fulfill the duties and responsibilities imposed upon
16 teachers ~~or school administrators~~ by the General Statutes of this
17 State.
 - 18 j. Failure to comply with such reasonable requirements as the board
19 may prescribe.
 - 20 k. Any cause which constitutes grounds for the revocation of the career
21 ~~teacher's~~ employee's teaching license ~~or the career school~~
22 ~~administrator's administrator license.~~ license.
 - 23 l. A justifiable decrease in the number of positions due to district
24 reorganization, decreased enrollment, or decreased funding, provided
25 that there is compliance with subdivision ~~(2)~~ (2) of this subsection.
 - 26 m. Failure to maintain his or her license in a current status.
 - 27 n. Failure to repay money owed to the State in accordance with the
28 provisions of Article 60, Chapter 143 of the General Statutes.
 - 29 o. Providing false information or knowingly omitting a material fact on
30 an application for employment or in response to a preemployment
31 inquiry.
- 32 (2) Reduction in Force. –
- 33 a. A local board of education shall adopt a policy for implementing a
34 reduction in force pursuant to sub-subdivision (e)(1)l. of this section
35 that includes the following criteria:
 - 36 1. In determining which positions shall be subject to a reduction,
37 a local board of education shall consider the following:
 - 38 I. Structural considerations, such as identifying
39 positions, departments, courses, programs, operations,
40 and other areas where there are (i) less essential,
41 duplicative, or excess personnel; (ii) job responsibility
42 and position inefficiencies; (iii) opportunities for
43 combined work functions; and (iv) decreased student
44 or other demands for curriculum, programs,
45 operations, or other services.
 - 46 II. Organizational considerations, such as anticipated
47 organizational needs of the local school administrative
48 unit and program or school enrollment.
 - 49 2. In identifying which ~~teachers~~ career employees in similar
50 positions shall be subject to a dismissal, demotion, or
51 reduction to employment on a part-time basis under the

1 policy, a local school administrative unit shall consider work
2 performance and ~~teacher~~ evaluations.

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

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

- 30 (3) Inadequate Performance. – In determining whether the professional
31 performance of a career employee is adequate, consideration shall be given
32 to regular and special evaluation reports prepared in accordance with the
33 published policy of the employing local school administrative unit and to
34 any published standards of performance which shall have been adopted by
35 the board. Failure to notify a career employee of an inadequacy or deficiency
36 in performance shall be conclusive evidence of satisfactory performance.
37 Inadequate performance for a ~~teacher-career employee~~ shall mean (i) the
38 failure to perform at a proficient level on any standard of the evaluation
39 instrument or (ii) otherwise performing in a manner that is below standard.
40 ~~However, for a probationary teacher, a performance rating below proficient~~
41 ~~may or may not be deemed adequate at that stage of development by a~~
42 ~~superintendent or designee.~~ For a career ~~teacher,~~employee, a performance
43 rating below proficient shall constitute inadequate performance unless the
44 principal noted on the instrument that the ~~teacher~~career employee is making
45 adequate progress toward proficiency given the circumstances.
- 46 (4) Three-Year Limitation on Basis of Dismissal or Demotion. – Dismissal or
47 demotion under subdivision (1) above, except paragraphs g. and o. thereof,
48 shall not be based on conduct or actions which occurred more than three
49 years before the written notice of the superintendent's intention to
50 recommend dismissal or demotion is mailed to the career employee. The
51 three-year limitation shall not apply to dismissals or demotions pursuant to

1 subdivision (1)b. above when the charge of immorality is based upon a
2 career employee's sexual misconduct toward or sexual harassment of
3 students or staff.

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

18 (2) Disciplinary Suspension Without Pay. – A career employee recommended
19 for disciplinary suspension without pay ~~pursuant to G.S. 115C-325(a)(4a)~~
20 may request a hearing before the board. If no request is made within 15 days,
21 the superintendent may file his or her recommendation with the board. If,
22 after considering the recommendation of the superintendent and the evidence
23 adduced at the hearing if one is held, the board concludes that the grounds
24 for the recommendation are true and substantiated by a preponderance of the
25 evidence, the board, if it sees fit, may by resolution order such suspension.

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

- 30 1. The recommended disciplinary suspension without pay is for
31 more than 10 days; or
- 32 2. The disciplinary suspension is for intentional misconduct,
33 such as inappropriate sexual or physical conduct, immorality,
34 insubordination, habitual or excessive alcohol or nonmedical
35 use of a controlled substance as defined in Article 5 of
36 Chapter 90 of the General Statutes, any cause that constitutes
37 grounds for the revocation of the ~~teacher's or school~~
38 ~~administrator's~~ career employee's license, or providing false
39 information.

40 b. Board hearing for disciplinary suspensions of no more ~~that than~~ 10
41 days. – The procedures for a board hearing under G.S. 115C-325(j2)
42 shall apply to all disciplinary suspensions of no more than 10 days
43 that are not for intentional misconduct as specified in
44 ~~G.S. 115C-325(f)(2)a.2.~~ sub-sub-subdivision a.2. of this subdivision.

45 (f1) Suspension with Pay. – If a superintendent believes that cause may exist for
46 dismissing or demoting a career employee for any reasons specified in G.S. 115C-325(e)(1),
47 but that additional investigation of the facts is necessary and circumstances are such that the
48 career employee should be removed immediately from his or her duties, the superintendent may
49 suspend the career employee with pay for a reasonable period of time, not to exceed 90 days.
50 The superintendent shall notify the board of education within two days of his or her action and
51 shall notify the career employee within two days of the action and the reasons for it. If the

1 superintendent has not initiated dismissal or demotion proceedings against the career employee
2 within the 90-day period, the career employee shall be reinstated to his or her duties
3 immediately and all records of the suspension with pay shall be removed from the career
4 employee's personnel file at his or her request. However, if the superintendent and the
5 employee agree to extend the 90-day period, the superintendent may initiate dismissal or
6 demotion proceedings against the career employee at any time during the period of the
7 extension.

8 ~~(f2) Procedure for Demotion of Career School Administrator.—If a superintendent~~
9 ~~intends to recommend the demotion of a career school administrator, the superintendent shall~~
10 ~~give written notice to the career school administrator by certified mail or personal delivery and~~
11 ~~shall include in the notice the grounds upon which the superintendent believes the demotion is~~
12 ~~justified. The notice shall include a statement that if the career school administrator requests a~~
13 ~~hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the~~
14 ~~grounds for the proposed demotion reviewed by the local board of education. If the career~~
15 ~~school administrator does not request a board hearing within 15 days, the superintendent may~~
16 ~~file the recommendation of demotion with the board. If, after considering the superintendent's~~
17 ~~recommendation and the evidence presented at the hearing if one is held, the board concludes~~
18 ~~that the grounds for the recommendation are true and substantiated by a preponderance of the~~
19 ~~evidence, the board may by resolution order the demotion. The procedures for a board hearing~~
20 ~~under G.S. 115C-325(j3) shall apply to all demotions of career school administrators.~~

21 (g) Repealed by Session Laws 1997, c. 221, s. 13(a).

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

23 (1) a. A career employee may not be dismissed, demoted, or reduced to
24 part-time employment except upon the superintendent's
25 recommendation.

26 b. ~~G.S. 115C-325(f2) shall apply to the demotion of a career school~~
27 ~~administrator.~~

28 (2) Before recommending to a board the dismissal or demotion of the career
29 employee, the superintendent shall give written notice to the career
30 employee by certified mail or personal delivery of his or her intention to
31 make such recommendation and shall set forth as part of his or her
32 recommendation the grounds upon which he or she believes such dismissal
33 or demotion is justified. The superintendent also shall meet with the career
34 employee and provide written notice of the charges against the career
35 employee, an explanation of the basis for the charges, and an opportunity to
36 respond if the career employee has not done so under G.S. 115C-325(f)(1).
37 The notice shall include a statement to the effect that if the career employee
38 within 14 days after the date of receipt of the notice requests a review, he or
39 she may request to have the grounds for the proposed recommendations of
40 the superintendent reviewed by an impartial hearing officer appointed by the
41 Superintendent of Public Instruction as provided for in G.S. 115C-325(h)(7).
42 A copy of G.S. 115C-325 shall also be sent to the career employee. If the
43 career employee does not request a hearing before a hearing officer within
44 the 14 days provided, the superintendent may submit his or her
45 recommendation to the board.

46 (3) Within the 14-day period after receipt of the notice, the career employee
47 may file with the superintendent a written request for either (i) a hearing on
48 the grounds for the superintendent's proposed recommendation by a hearing
49 officer or (ii) a hearing within 10 days before the board on the
50 superintendent's recommendation. If the career employee requests an
51 immediate hearing before the board, he or she forfeits his or her right to a

1 hearing by a hearing officer. If no request is made within that period, the
 2 superintendent may file his or her recommendation with the board. The
 3 board, if it sees fit, may by resolution (i) reject the superintendent's
 4 recommendation or (ii) accept or modify the superintendent's
 5 recommendation and dismiss, demote, reinstate, or suspend the career
 6 employee without pay. If a request for review is made, the superintendent
 7 shall not file the recommendation for dismissal with the board until a report
 8 of the hearing officer is filed with the superintendent. Failure of the hearing
 9 officer to submit the report as required by G.S. 115C-325(i1)(1) shall entitle
 10 the career employee to a hearing before the board under the same procedures
 11 as provided in G.S.115C-325(j).

12 (4) Repealed by Session Laws 1997, c. 221, s. 13(a).

13 (5) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and
 14 applicable to persons recommended for dismissal or demotion on or after
 15 that date.

16 (6) If a career employee requests a review by a hearing officer, the
 17 superintendent shall notify the Superintendent of Public Instruction within
 18 five days of his or her receipt of the request.

19 (7) Within five days of being notified of the request for a hearing before a
 20 hearing officer, the Superintendent of Public Instruction shall submit to both
 21 parties a list of hearing officers trained and approved by the State Board of
 22 Education. Within five days of receiving the list, the parties may jointly
 23 select a hearing officer from that list, or, if the parties cannot agree to a
 24 hearing officer, each party may strike up to one-third of the names on the list
 25 and submit its strikeout list to the Superintendent of Public Instruction. The
 26 Superintendent of Public Instruction shall then appoint a hearing officer
 27 from those individuals remaining on the list. Further, the parties may jointly
 28 agree on another hearing officer not on the State Board of Education's list,
 29 provided that individual is available to proceed in a timely manner and is
 30 willing to accept the terms of appointment required by the State Board of
 31 Education. No person eliminated by the career employee or superintendent
 32 shall be designated as the hearing officer for that case.

33 (8) The superintendent and career employee shall serve a copy to the other party
 34 of all documents submitted to the Superintendent of Public Instruction and to
 35 the designated hearing officer and include a signed certificate of service
 36 similar to that required in court pleadings.

37 ...

38 (j3) Board Hearing for Certain Disciplinary ~~Suspensions, Demotions of Career School~~
 39 ~~Administrators, Suspensions~~ and for Reductions in Force. – The following procedures shall
 40 apply for a board hearing under ~~G.S. 115C-325(e)(2), G.S. 115C-325(f2), G.S. 115C-325(e)(2)~~
 41 and G.S. 115C-325(f)(2)a:

42 (1) The hearing shall be private.

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

45 (3) At the hearing, the career employee and the superintendent shall have the
 46 right to be present and to be heard, to be represented by counsel, and to
 47 present through witnesses any competent testimony relevant to the issue of
 48 whether grounds exist for a disciplinary suspension without pay under ~~G.S.~~
 49 ~~115C-325(f)(2)a., a demotion of a career school administrator under G.S.~~
 50 ~~115C-325(f2), G.S. 115C-325(f)(2)a.~~ or whether the grounds for a dismissal
 51 or demotion due to a reduction in force is justified.

- 1 (4) Rules of evidence shall not apply to a hearing under this subsection and the
2 board may give probative effect to evidence that is of a kind commonly
3 relied on by reasonably prudent persons in the conduct of serious affairs.
- 4 (5) At least eight days before the hearing, the superintendent shall provide to the
5 career employee a list of witnesses the superintendent intends to present, a
6 brief statement of the nature of the testimony of each witness, and a copy of
7 any documentary evidence the superintendent intends to present.
- 8 (6) At least six days before the hearing, the career employee shall provide the
9 superintendent a list of witnesses the career employee intends to present, a
10 brief statement of the nature of the testimony of each witness, and a copy of
11 any documentary evidence the career employee intends to present.
- 12 (7) No new evidence may be presented at the hearing except upon a finding by
13 the board that the new evidence is critical to the matter at issue and the party
14 making the request could not, with reasonable diligence, have discovered
15 and produced the evidence according to the schedule provided in this
16 subsection.
- 17 (8) The board may subpoena and swear witnesses and may require them to give
18 testimony and to produce records and documents relevant to the grounds for
19 suspension without pay.
- 20 (9) The board shall decide all procedural issues, including limiting cumulative
21 evidence, necessary for a fair and efficient hearing.
- 22 (10) The superintendent shall provide for making a transcript of the hearing. If
23 the career employee contemplates an appeal of the board's decision to a court
24 of law, the career employee may request and shall receive at no charge a
25 transcript of the proceedings.
- 26 (k), (l) Repealed by Session Laws 1997, c. 221, s. 13(a).
- 27 (m) Probationary Teacher:
- 28 (1) ~~The board of any local school administrative unit may not discharge a~~
29 ~~probationary teacher during the school year except for the reasons for and by~~
30 ~~the procedures by which a career employee may be dismissed as set forth in~~
31 ~~subsections (e), (f), (f1), and (h) to (j3) above.~~
- 32 (2) ~~The board, upon recommendation of the superintendent, may refuse to renew~~
33 ~~the contract of any probationary teacher or to reemploy any teacher who is~~
34 ~~not under contract for any cause it deems sufficient: Provided, however, that~~
35 ~~the cause may not be arbitrary, capricious, discriminatory or for personal or~~
36 ~~political reasons.~~
- 37 (3) ~~The superintendent shall provide written notice to a probationary teacher no~~
38 ~~later than May 15 of the superintendent's intent to recommend nonrenewal~~
39 ~~and the teacher's right, within 10 days of receipt of the superintendent's~~
40 ~~recommendation, to (i) request and receive written notice of the reasons for~~
41 ~~the superintendent's recommendation for nonrenewal and the information~~
42 ~~that the superintendent may share with the board to support the~~
43 ~~recommendation for nonrenewal; and (ii) request a hearing for those teachers~~
44 ~~eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely~~
45 ~~request within the 10 days shall result in a waiver of the right to this~~
46 ~~information and any right to a hearing. If a teacher files a timely request, the~~
47 ~~superintendent shall provide the requested information and arrange for a~~
48 ~~hearing, if allowed, and the teacher shall be permitted to submit~~
49 ~~supplemental information to the superintendent and board prior to the board~~
50 ~~making a decision or holding a hearing as provided in this section. The board~~
51 ~~shall adopt a policy to provide for the orderly exchange of information prior~~

1 to the board's decision on the superintendent's recommendation for
2 nonrenewal.

3 (4) ~~If the probationary teacher is eligible for career status pursuant to G.S.
4 115C-325(e)(1) and (e)(2) and the superintendent recommends not to give
5 the probationary teacher career status, the probationary teacher has the right
6 to a hearing before the board unless the reason is a justifiable board or
7 superintendent approved decrease in the number of positions due to district
8 reorganization, decreased enrollment, or decreased funding.~~

9 (5) ~~For probationary contracts that are not in the final year before the
10 probationary teacher is eligible for career status, the probationary teacher
11 shall have the right to petition the local board of education for a hearing, and
12 the local board may grant a hearing regarding the superintendent's
13 recommendation for nonrenewal. The local board of education shall notify
14 the probationary teacher making the petition of its decision whether to grant
15 a hearing.~~

16 (6) ~~Any hearing held according to this subsection shall be pursuant to the
17 provisions of G.S. 115C-45(e).~~

18 (7) ~~The board shall notify a probationary teacher whose contract will not be
19 renewed for the next school year of its decision by June 15; provided,
20 however, if a teacher submits a request for information or a hearing, the
21 board shall provide the nonrenewal notification by July 1 or such later date
22 upon the written consent of the superintendent and teacher.~~

23 (n) Appeal. – Any career employee who has been dismissed or demoted under
24 G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without pay
25 under G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in
26 accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed
27 under G.S. 115C-325(m)(2) G.S. 115C-325(f)(2) shall have the right to appeal from the
28 decision of the board to the superior court for the superior court district or set of districts as
29 defined in G.S. 7A-41.1 in which the career employee is ~~employed~~ employed on one or more of
30 the following grounds that the decision:

31 (1) Is in violation of constitutional provisions.

32 (2) Is in excess of the statutory authority or jurisdiction of the board.

33 (3) Was made upon unlawful procedure.

34 (4) Is affected by other error of law.

35 (5) Is unsupported by substantial evidence in view of the entire record as
36 submitted.

37 (6) Is arbitrary or capricious.

38 This appeal shall be filed within a period of 30 days after notification of the decision of the
39 board. The cost of preparing the transcript shall be determined under G.S. 115C-325(j2)(8) or
40 G.S. 115C-325(j3)(10). A career employee who has been demoted or ~~dismissed, or a school
41 administrator whose contract is not renewed,~~ dismissed who has not requested a hearing before
42 the board of education pursuant to this section shall not be entitled to judicial review of the
43 board's action.

44 (o) Resignation. –

45 (1) If a career employee has been recommended for dismissal under
46 G.S. 115C-325(e)(1) and the employee chooses to resign without the written
47 agreement of the superintendent, then:

48 a. The superintendent shall report the matter to the State Board of
49 Education.

50 b. The career employee shall be deemed to have consented to (i) the
51 placement in the employee's personnel file of the written notice of

1 the superintendent's intention to recommend dismissal and (ii) the
 2 release of the fact that the superintendent has reported this employee
 3 to the State Board of Education to prospective employers, upon
 4 request. The provisions of G.S. 115C-321 shall not apply to the
 5 release of this particular information.

6 c. The career employee shall be deemed to have voluntarily surrendered
 7 his or her license pending an investigation by the State Board of
 8 Education in a determination whether or not to seek action against
 9 the employee's license. This license surrender shall not exceed 45
 10 days from the date of resignation. Provided further that the cessation
 11 of the license surrender shall not prevent the State Board of
 12 Education from taking any further action it deems appropriate. The
 13 State Board of Education shall initiate investigation within five
 14 working days of the written notice from the superintendent and shall
 15 make a final decision as to whether to revoke or suspend the career
 16 employee's license within 45 days from the date of resignation.

17 (2) A ~~teacher, career or probationary,~~career employee who is not recommended
 18 for dismissal should not resign without the consent of the superintendent
 19 unless he or she has given at least 30 days' notice. If a ~~teacher,~~career
 20 employee who is not recommended for dismissal does resign without giving
 21 at least 30 days' notice, the board may request that the State Board of
 22 Education revoke the ~~teacher's~~career employee's license for the remainder of
 23 that school year. A copy of the request shall be placed in the ~~teacher's~~career
 24 employee's personnel file.

25 (p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation
 26 to the contrary, this section shall apply to all ~~persons,~~career employees employed in teaching
 27 and related educational classes in the schools and institutions of the Departments of Health and
 28 Human Services and Public Instruction and the Divisions of Juvenile Justice and Adult
 29 Correction of the Department of Public Safety regardless of the age of the students.

30 (p1) Procedure for Dismissal of ~~School Administrators and Teachers~~ Career Employees
 31 Employed in Low-Performing Residential Schools. –

32 (1) Notwithstanding any other provision of this section or any other law, this
 33 subdivision shall govern the dismissal by the Secretary of Health and Human
 34 Services of ~~teachers, principals, assistant principals, directors, supervisors,~~
 35 ~~and other licensed personnel,~~career employees assigned to a residential
 36 school that the State Board has identified as low-performing and to which
 37 the State Board has assigned an assistance team under Part 3A of Article 3 of
 38 Chapter 143B of the General Statutes. The Secretary shall dismiss a ~~teacher,~~
 39 ~~principal, assistant principal, director, supervisor, or other licensed~~
 40 ~~personnel,~~career employee when the Secretary receives two consecutive
 41 evaluations that include written findings and recommendations regarding
 42 that person's inadequate performance from the assistance team. These
 43 findings and recommendations shall be substantial evidence of the
 44 inadequate performance of the ~~teacher or school administrator,~~career
 45 employee.

46 The Secretary may dismiss a ~~teacher, principal, assistant principal,~~
 47 ~~director, supervisor, or other licensed personnel,~~career employee when:

48 a. The Secretary determines that the school has failed to make
 49 satisfactory improvement after the State Board assigned an assistance
 50 team to that school under Part 3A of Article 3 of Chapter 143B of the
 51 General Statutes; and

1 b. That assistance team makes the recommendation to dismiss the
2 ~~teacher, principal, assistant principal, director, supervisor, or other~~
3 ~~licensed personnel~~career employee for one or more grounds
4 established in G.S. 115C-325(e)(1) for dismissal or demotion of a
5 career employee.

6 Within 30 days of any dismissal under this subdivision, a ~~teacher,~~
7 ~~principal, assistant principal, director, supervisor, or other licensed~~
8 ~~personnel~~career employee may request a hearing before a panel of three
9 members designated by the Secretary. The Secretary shall adopt procedures
10 to ensure that due process rights are afforded to persons recommended for
11 dismissal under this subdivision. Decisions of the panel may be appealed on
12 the record to the Secretary, with further right of judicial review under
13 Chapter 150B of the General Statutes.

14 (2) Notwithstanding any other provision of this section or any other law, this
15 subdivision shall govern the dismissal by the Secretary of Health and Human
16 Services of licensed ~~staff members~~career employees who have engaged in a
17 remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail
18 to meet the general knowledge standard set by the State Board. The failure to
19 meet the general knowledge standard after one retest shall be substantial
20 evidence of the inadequate performance of the licensed ~~staff member~~career
21 employee.

22 Within 30 days of any dismissal under this subdivision, a licensed ~~staff~~
23 ~~member~~career employee may request a hearing before a panel of three
24 members designated by the Secretary of Health and Human Services. The
25 Secretary shall adopt procedures to ensure that due process rights are
26 afforded to licensed ~~staff members~~career employees recommended for
27 dismissal under this subdivision. Decisions of the panel may be appealed on
28 the record to the Secretary, with further right of judicial review under
29 Chapter 150B of the General Statutes.

30 (3) ~~The Secretary of Health and Human Services or the superintendent of a~~
31 ~~residential school may terminate the contract of a school administrator~~
32 ~~dismissed under this subsection.~~ Nothing in this subsection shall prevent the
33 Secretary from refusing to renew the contract of any person employed in a
34 school identified as low-performing under Part 3A of Article 3 of Chapter
35 143B of the General Statutes.

36 (4) ~~Neither party to a school administrator contract is entitled to damages under~~
37 ~~this subsection.~~

38 (5) The Secretary of Health and Human Services shall have the right to
39 subpoena witnesses and documents on behalf of any party to the proceedings
40 under this subsection.

41 (q) Procedure for Dismissal of ~~School Administrators and Teachers~~Career Employees
42 Employed in Low-Performing Schools. –

43 (1) ~~Notwithstanding any other provision of this section or any other law, this~~
44 ~~subdivision governs the State Board's dismissal of principals assigned to~~
45 ~~low performing schools to which the Board has assigned an assistance team:~~

46 a. ~~The State Board through its designee may, at any time, recommend~~
47 ~~the dismissal of any principal who is assigned to a low performing~~
48 ~~school to which an assistance team has been assigned. The State~~
49 ~~Board through its designee shall recommend the dismissal of any~~
50 ~~principal when the Board receives from the assistance team assigned~~
51 ~~to that principal's school two consecutive evaluations that include~~

- 1 written findings and recommendations regarding the principal's
2 inadequate performance.
- 3 b. ~~If the State Board through its designee recommends the dismissal of~~
4 ~~a principal under this subdivision, the principal shall be suspended~~
5 ~~with pay pending a hearing before a panel of three members of the~~
6 ~~State Board. The purpose of this hearing, which shall be held within~~
7 ~~60 days after the principal is suspended, is to determine whether the~~
8 ~~principal shall be dismissed.~~
- 9 e. ~~The panel shall order the dismissal of the principal if it determines~~
10 ~~from available information, including the findings of the assistance~~
11 ~~team, that the low performance of the school is due to the principal's~~
12 ~~inadequate performance.~~
- 13 d. ~~The panel may order the dismissal of the principal if (i) it determines~~
14 ~~that the school has not made satisfactory improvement after the State~~
15 ~~Board assigned an assistance team to that school; and (ii) the~~
16 ~~assistance team makes the recommendation to dismiss the principal~~
17 ~~for one or more grounds established in G.S. 115C-325(e)(1) for~~
18 ~~dismissal or demotion of a career employee.~~
- 19 e. ~~If the State Board or its designee recommends the dismissal of a~~
20 ~~principal before the assistance team assigned to the principal's school~~
21 ~~has evaluated that principal, the panel may order the dismissal of the~~
22 ~~principal if the panel determines from other available information~~
23 ~~that the low performance of the school is due to the principal's~~
24 ~~inadequate performance.~~
- 25 f. ~~In all hearings under this subdivision, the burden of proof is on the~~
26 ~~principal to establish that the factors leading to the school's low~~
27 ~~performance were not due to the principal's inadequate performance.~~
28 ~~In all hearings under sub-subdivision d. of this subdivision, the~~
29 ~~burden of proof is on the State Board to establish that the school~~
30 ~~failed to make satisfactory improvement after an assistance team was~~
31 ~~assigned to the school and to establish one or more of the grounds~~
32 ~~established for dismissal or demotion of a career employee under~~
33 ~~G.S. 115C-325(e)(1).~~
- 34 g. ~~In all hearings under this subdivision, two consecutive evaluations~~
35 ~~that include written findings and recommendations regarding that~~
36 ~~person's inadequate performance from the assistance team are~~
37 ~~substantial evidence of the inadequate performance of the principal.~~
- 38 h. ~~The State Board shall adopt procedures to ensure that due process~~
39 ~~rights are afforded to principals under this subdivision. Decisions of~~
40 ~~the panel may be appealed on the record to the State Board, with~~
41 ~~further right of judicial review under Chapter 150B of the General~~
42 ~~Statutes.~~
- 43 (2) Notwithstanding any other provision of this section or any other law, this
44 subdivision shall govern the State Board's dismissal of ~~teachers, assistant~~
45 ~~principals, directors, and supervisors~~career employees assigned to schools
46 that the State Board has identified as low-performing and to which the State
47 Board has assigned an assistance team under Article 8B of this Chapter. The
48 State Board shall dismiss a ~~teacher, assistant principal, director, or~~
49 ~~supervisor~~career employee when the State Board receives two consecutive
50 evaluations that include written findings and recommendations regarding
51 that person's inadequate performance from the assistance team. These

1 findings and recommendations shall be substantial evidence of the
 2 inadequate performance of the ~~teacher or school administrator, career~~
 3 employee.

4 The State Board may dismiss a ~~teacher, assistant principal, director, or~~
 5 supervisor career employee when:

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

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

- 20 (2a) Notwithstanding any other provision of this section or any other law, this
 21 subdivision shall govern the State Board's dismissal of licensed ~~staff~~
 22 members career employees who have engaged in a remediation plan under
 23 G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general
 24 knowledge standard set by the State Board. The failure to meet the general
 25 knowledge standard after one retest shall be substantial evidence of the
 26 inadequate performance of the licensed ~~staff member career employee.~~

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

- 34 (3) ~~The State Board of Education or a local board may terminate the contract of~~
 35 ~~a school administrator dismissed under this subsection. Nothing in this~~
 36 ~~subsection shall prevent a local board from refusing to renew the contract of~~
 37 ~~any person employed in a school identified as low performing under G.S.~~
 38 ~~115C-105.37.~~

- 39 (4) ~~Neither party to a school administrator contract is entitled to damages under~~
 40 ~~this subsection.~~

- 41 (5) The State Board shall have the right to subpoena witnesses and documents
 42 on behalf of any party to the proceedings under this subsection."

43 **SECTION 2.(c)** G.S. 115C-218.90(a)(3) reads as rewritten:

- 44 "(3) If a teacher employed by a local school administrative unit makes a written
 45 request for a leave of absence to teach at a charter school, the local school
 46 administrative unit shall grant the leave for one year. For the initial year of a
 47 charter school's operation, the local school administrative unit may require
 48 that the request for a leave of absence be made up to 45 days before the
 49 teacher would otherwise have to report for duty. After the initial year of a
 50 charter school's operation, the local school administrative unit may require
 51 that the request for a leave of absence be made up to 90 days before the

1 teacher would otherwise have to report for duty. A local board of education
2 is not required to grant a request for a leave of absence or a request to extend
3 or renew a leave of absence for a teacher who previously has received a
4 leave of absence from that school board under this subdivision. AA teacher
5 who has received a leave of absence to teach at a charter school may return
6 to a public school in the local school administrative unit at the end of the
7 leave of absence or upon the end of employment at the charter school if an
8 appropriate position is available. If a teacher—~~who~~ has career status under
9 G.S. 115C-325 prior to receiving a leave of absence to teach at a charter
10 school, the teacher may return to a public school in the local school
11 administrative unit with career status at the end of the leave of absence or
12 upon the end of employment at the charter school if an appropriate position
13 is available. If an appropriate position is unavailable, the teacher's name
14 shall be placed on a list of available teachers and that teacher shall have
15 priority on all positions for which that teacher is qualified in accordance with
16 G.S. 115C-325(e)(2)."

17 **SECTION 2.(d)** G.S. 115C-238.68(3) reads as rewritten:

18 "(3) Leave of absence from local school administrative unit. – If a teacher
19 employed by a local school administrative unit makes a written request for a
20 leave of absence to teach at the regional school, the local school
21 administrative unit shall grant the leave for one year. For the initial year of
22 the regional school's operation, the local school administrative unit may
23 require that the request for a leave of absence be made up to 45 days before
24 the teacher would otherwise have to report for duty. After the initial year of
25 the regional school's operation, the local school administrative unit may
26 require that the request for a leave of absence be made up to 90 days before
27 the teacher would otherwise have to report for duty. A local board of
28 education is not required to grant a request for a leave of absence or a
29 request to extend or renew a leave of absence for a teacher who previously
30 has received a leave of absence from that school board under this
31 subdivision. AA teacher who has received a leave of absence to teach at a
32 regional school may return to a public school in the local school
33 administrative unit at the end of the leave of absence or upon the end of
34 employment at the regional school if an appropriate position is available. If a
35 teacher—~~who~~ has career status under G.S. 115C-325 prior to receiving a leave
36 of absence to teach at the regional school, the teacher may return to a
37 public school in the local school administrative unit with career status at the
38 end of the leave of absence or upon the end of employment at the regional
39 school if an appropriate position is available. If an appropriate position is
40 unavailable, the teacher's name shall be placed on a list of available teachers
41 in accordance with G.S. 115C-325(e)(2)."

42 **SECTION 2.(e)** G.S. 115C-287.1 reads as rewritten:

43 **§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**
44 **and directors.**

45 ...

46 (f1) If, prior to appointment as a school administrator, the school administrator held
47 career status as a teacher in the local school administrative unit in which he or she is employed
48 as a school administrator, the school administrator shall retain career status as a teacher if the
49 school administrator is not offered a new, renewed, or extended contract by the local board of
50 education, unless the school administrator voluntarily relinquished career status or is dismissed
51 or demoted pursuant to G.S. 115C-325.

1 (h) An individual who holds a provisional assistant principal's license and who is
2 employed as an assistant principal under G.S. 115C-284(c) shall be considered a school
3 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a
4 local board may enter into one-year contracts with a school administrator who holds a
5 provisional assistant principal's license. If the school administrator held career status as a
6 teacher in the local school administrative unit prior to being employed as an assistant principal
7 and the State Board of Education for any reason does not extend the school administrator's
8 provisional assistant principal's license, the school administrator shall retain career status as a
9 teacher unless the school administrator voluntarily relinquished career status or is dismissed or
10 demoted pursuant to G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be
11 construed to require a local board to extend or renew the contract of a school administrator who
12 holds a provisional assistant principal's license."

13 **SECTION 2.(f)** G.S. 115C-296(b)(1)a.1. reads as rewritten:

14 "1. Continuing licensure of a teacher as defined in ~~G.S.~~
15 ~~115C-325(6)~~ G.S. 115C-325(6), or a teacher as defined in
16 G.S. 115C-325.1(6), who has (i) 30 or more years of teaching
17 experience in North Carolina upon the date of retirement of
18 the teacher and (ii) served as a substitute teacher at least once
19 every three years since retirement."

20 **SECTION 2.(g)** G.S. 115C-302.1(b) reads as rewritten:

21 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months.
22 State-allotted months of employment for vocational education to local boards shall be used for
23 the employment of teachers of vocational and technical education for a term of employment to
24 be determined by the local boards of education. However, local boards shall not reduce the
25 term of employment for any vocational agriculture teacher personnel position that was 12
26 calendar months for the 1982-83 school year for any school year thereafter. In addition, local
27 boards shall not reduce the term of employment for any vocational agriculture teacher
28 personnel position that was 12 calendar months for the 2003-2004 school year for any school
29 year thereafter. In addition, local boards shall not reduce the term of employment for any
30 vocational agriculture teacher personnel position that was 12 calendar months for the
31 2014-2015 school year for any school year thereafter.

32 Each local board of education shall establish a set date on which monthly salary payments
33 to State-allotted teachers shall be made. This set pay date may differ from the end of the month
34 of service. The daily rate of pay for teachers shall equal midway between one twenty-first and
35 one twenty-second of the monthly rate of pay. Except for teachers employed in a year-round
36 school or paid in accordance with a year-round calendar, or both, the initial pay date for
37 teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent
38 pay dates shall be spaced no more than one month apart and shall include a full monthly
39 payment.

40 Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who
41 fails to attend scheduled workdays or who has not worked the number of days for which the
42 teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall
43 repay to the local board any salary payments received for days not yet worked. A teacher who
44 has been prepaid and continues to be employed by a local board but fails to attend scheduled
45 workdays may be subject to dismissal under G.S. 115C-325 or G.S. 115C-325.4 or other
46 appropriate discipline.

47 Any individual teacher who is not employed in a year-round school may be paid in 12
48 monthly installments if the teacher so requests on or before the first day of the school year. The
49 request shall be filed in the local school administrative unit which employs the teacher. The
50 payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the
51 teacher's annual salary nor in any other way alter the contract made between the teacher and the

1 local school administrative unit. Teachers employed for a period of less than 10 months shall
2 not receive their salaries in 12 installments.

3 Notwithstanding this subsection, the term "daily rate of pay" for the purpose of
4 G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher
5 salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

6 **SECTION 2.(h)** G.S. 115C-325.1 reads as rewritten:

7 "**§ 115C-325.1. Definitions.**

8 ~~As~~Except as otherwise provided in G.S. 115C-325, as used in this Part, the following
9 definitions apply:

10"

11 **SECTION 2.(i)** G.S. 115C-404(b) reads as rewritten:

12 "(b) Documents received under this section shall be used only to protect the safety of or
13 to improve the education opportunities for the student or others. Information gained in
14 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
15 student. Upon receipt of each document, the principal shall share the document with those
16 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
17 and (ii) a specific need to know in order to protect the safety of the student or others. Those
18 individuals shall indicate in writing that they have read the document and that they agree to
19 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
20 required by this section is grounds for the dismissal of an employee who is not employed on
21 contract, grounds for dismissal of an employee on contract in accordance with
22 G.S. 115C-325.4(a)(9), and grounds for dismissal of an employee who is a career
23 ~~teacher~~employee in accordance with G.S. 115C-325(e)(1)i."

24 **SECTION 2.(j)** G.S. 116-239.10(4) reads as rewritten:

25 "(4) Leave of absence from local school administrative unit. – If a teacher
26 employed by a local school administrative unit makes a written request for a
27 leave of absence to teach at the lab school, the local school administrative
28 unit shall grant the leave for one year. For the initial year of the lab school's
29 operation, the local school administrative unit may require that the request
30 for a leave of absence be made up to 45 days before the teacher would
31 otherwise have to report for duty. After the initial year of the lab school's
32 operation, the local school administrative unit may require that the request
33 for a leave of absence be made up to 90 days before the teacher would
34 otherwise have to report for duty. A local board of education is not required
35 to grant a request for a leave of absence or a request to extend or renew a
36 leave of absence for a teacher who previously has received a leave of
37 absence from that local board under this subdivision. ~~AA~~A teacher who has
38 received a leave of absence to teach at a lab school may return to a public
39 school in the local school administrative unit at the end of the leave of
40 absence or upon the end of employment at the lab school if an appropriate
41 position is available. If a teacher-who has career status under G.S. 115C-325
42 prior to receiving a leave of absence to teach at the lab school,~~school,~~ the
43 teacher may return to a public school in the local school administrative unit
44 with career status at the end of the leave of absence or upon the end of
45 employment at the lab school if an appropriate position is available. If an
46 appropriate position is unavailable, the teacher's name shall be placed on a
47 list of available teachers in accordance with G.S. 115C-325(e)(2)."

48 **SECTION 2.(k)** G.S. 143B-146.8(b) reads as rewritten:

49 "(b) Action Plans. – If a licensed employee in a participating school that has been
50 identified as low-performing receives an unsatisfactory or below standard rating on any
51 function of the evaluation that is related to the employee's instructional duties, the individual or

1 team that conducted the evaluation shall recommend to the principal that: (i) the employee
2 receive an action plan designed to improve the employee's performance; or (ii) the principal
3 recommend that the employee who is a career ~~teacher~~employee be dismissed or demoted as
4 provided in G.S. 115C-325 or the employee who is a teacher on contract not be recommended
5 for renewal; or (iii) if the employee who is a teacher on contract engages in inappropriate
6 conduct or performs inadequately to such a degree that such conduct or performance causes
7 substantial harm to the educational environment that a proceeding for immediate dismissal or
8 demotion under G.S. 115C-325.4 be instituted. The principal shall determine whether to
9 develop an action plan, to not recommend renewal of the employee's contract, or to recommend
10 a dismissal proceeding. The person who evaluated the employee or the employee's supervisor
11 shall develop the action plan unless an assistance team or assessment team conducted the
12 evaluation. If an assistance team or assessment team conducted the evaluation, that team shall
13 develop the action plan in collaboration with the employee's supervisor. Action plans shall be
14 designed to be completed within 90 instructional days or before the beginning of the next
15 school year. The State Board shall develop guidelines that include strategies to assist in
16 evaluating licensed personnel and developing effective action plans within the time allotted
17 under this section. The State Board may adopt policies for the development and implementation
18 of action plans or professional development plans for personnel who do not require action plans
19 under this section."

20 **SECTION 2.(l)** Section 9.6(i) of S.L. 2013-360 is repealed.

21 **SECTION 2.(m)** Section 9.6(j) of S.L. 2013-360 reads as rewritten:

22 **"SECTION 9.6.(j)** Subsection (b) of this section becomes effective July 1, 2014.
23 G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all
24 teachers on ~~one- or one-, two-, or four-year~~ contracts beginning July 1, 2014. ~~G.S. 115C-325.1~~
25 ~~through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers employed by~~
26 ~~local boards of education or the State on or after July 1, 2018."~~

27 **SECTION 2.(n)** Sections 9.7(o) through 9.7(t) of S.L. 2013-360 and Sections
28 9.7(v) through 9.7(x) of S.L. 2013-360 are repealed.

29 **SECTION 2.(o)** Section 9.7(y) of S.L. 2013-360 reads as rewritten:

30 **"SECTION 9.7.(y)** Subsection (u) of this section becomes effective August 1, 2013.
31 Subsections (a) through (n) of this section become effective July 1, 2014. ~~Subsections (o)~~
32 ~~through (t) and (v) through (x) become effective June 30, 2018."~~

33 **SECTION 2.(p)** Section 8.38(c) of S.L. 2015-241 is repealed.

34 **SECTION 2.(q)** This section is effective when it becomes law.

35 36 **PART III. AUTHORIZE ASSISTANT PRINCIPALS AT CERTAIN SCHOOLS TO** 37 **CONDUCT EVALUATIONS FOR BEGINNING TEACHERS**

38 **SECTION 3.(a)** G.S. 115C-333(a) reads as rewritten:

39 "(a) Annual Evaluations; Low-Performing Schools. – Local school administrative units
40 shall evaluate at least once each year all licensed employees assigned to a school that has been
41 identified as low-performing. The evaluation shall occur early enough during the school year to
42 provide adequate time for the development and implementation of a mandatory improvement
43 plan if one is recommended under subsection (b) of this section. If the employee is a teacher
44 with career status as defined under G.S. 115C-325(a)(6), or a teacher as defined under
45 G.S. 115C-325.1(6), either the principal, the assistant principal who supervises the teacher, or
46 an assistance team assigned under G.S. 115C-105.38 shall conduct the evaluation. If the
47 employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the
48 superintendent or the superintendent's designee shall conduct the evaluation.

49 All teachers in low-performing schools who have been employed for less than three
50 consecutive years shall be observed at least three times annually by the principal or the
51 principal's designee and at least once annually by a teacher and shall be evaluated at least once

1 annually by a principal. For high schools with at least 1,500 students, the annual evaluation
2 may be conducted by an assistant principal, provided that at least one evaluation in such a
3 teacher's first three years of employment is conducted by a principal. All teachers in
4 low-performing schools who have been licensed as a teacher for less than two years shall be
5 observed at least three times annually by the principal or the principal's designee, at least once
6 annually by a teacher, and at least once annually by a principal, and at least two of those
7 observations shall be conducted in the first semester of the school year, and if practicable, at
8 least one of those observations shall be conducted within the first grading period of the school
9 year. This section shall not be construed to limit the duties and authority of an assistance team
10 assigned to a low-performing school under G.S. 115C-105.38.

11 A local board shall use the performance standards and criteria adopted by the State Board
12 and may adopt additional evaluation criteria and standards. All other provisions of this section
13 shall apply if a local board uses an evaluation other than one adopted by the State Board."

14 **SECTION 3.(b)** G.S. 115C-333.1(a) reads as rewritten:

15 "(a) Annual Evaluations. – All teachers who are assigned to schools that are not
16 designated as low-performing and who have not been employed for at least three consecutive
17 years shall be observed at least three times annually by the principal or the principal's designee
18 and at least once annually by a teacher and shall be evaluated at least once annually by a
19 principal. For high schools with at least 1,500 students, the annual evaluation may be
20 conducted by an assistant principal, provided that at least one evaluation in such a teacher's first
21 three years of employment is conducted by a principal. All teachers who are assigned to
22 schools that are not designated as low-performing and who have been licensed as a teacher for
23 less than two years shall be observed at least three times annually by the principal or the
24 principal's designee, at least once annually by a teacher, and at least once annually by a
25 principal, and at least two of those observations shall be conducted in the first semester of the
26 school year, and if practicable, at least one of those observations shall be conducted within the
27 first grading period of the school year. All teachers with career status or on a four-year contract
28 who are assigned to schools that are not designated as low-performing shall be evaluated
29 annually unless a local board adopts rules that allow teachers with career status or on a
30 four-year contract to be evaluated more or less frequently, provided that such rules are not
31 inconsistent with State or federal requirements. Local boards also may adopt rules requiring the
32 annual evaluation of nonlicensed employees. A local board shall use the performance standards
33 and criteria adopted by the State Board and may adopt additional evaluation criteria and
34 standards. All other provisions of this section shall apply if a local board uses an evaluation
35 other than one adopted by the State Board."

36 **SECTION 3.(c)** This section is effective when it becomes law and applies
37 beginning with the 2017-2018 school year.

38 **PART IV. SUPERINTENDENT STUDY STUDENT HEALTH ISSUES**

39 **SECTION 4.(a)** The Superintendent of Public Instruction shall convene a work
40 group to study effective and positive intervention measures or policy changes to address risky
41 behaviors and encourage student health and mental health. The work group shall consist of
42 personnel from within the Department of Public Instruction with expertise in student health
43 issues, including mental health, as well as personnel from the Department of Health and Human
44 Services, Division of Public Health. The Superintendent may also appoint representatives from
45 various public and private stakeholder groups as well as representatives from local school
46 administrative units and charter schools. The Superintendent shall report on the work group's
47 findings and recommendations to the State Board of Education and the Joint Legislative
48 Education Oversight Committee by April 1, 2018.

49 **SECTION 4.(b)** This section is effective when it becomes law.
50
51

1 **PART V. STATE BOARD OF EDUCATION INTERAGENCY ADVISORY**
2 **COMMITTEE AND SCHOOL-BASED MENTAL HEALTH INITIATIVE DELAY**
3 **IMPLEMENTATION**

4 **SECTION 5.(a)** The State Board of Education shall not adopt or implement any
5 policies or recommendations from the Interagency Advisory Committee established by the
6 State Board of Education in Policy ADVS-009 until October 1, 2018.

7 **SECTION 5.(b)** The State Board of Education shall change the timelines for the
8 development and implementation of plans and training required by Policy SHLT-003 regarding
9 school-based student mental health initiatives as follows for local school administrative units:
10 (i) development of the plans to assess mental health and substance use needs shall occur during
11 the 2018-2019 school year; (ii) the implementation plan and three-year review cycle shall
12 commence in the 2019-2020 school year; and (iii) school mental health training will be
13 provided by the Department of Public Instruction to the local school administrative units during
14 the 2019-2020 school year. The State Board of Education shall change the timelines for the
15 development and implementation of plans and training required by Policy SHLT-003 regarding
16 school-based student mental health initiatives as follows for charter schools: (i) development of
17 the plans to assess mental health and substance use needs shall occur during the 2019-2020
18 school year; (ii) the implementation plan and three-year review cycle shall commence in the
19 2020-2021 school year; and (iii) school mental health training will be provided by the
20 Department of Public Instruction to charter schools during the 2020-2021 school year.

21 **SECTION 5.(c)** This section is effective when it becomes law.
22

23 **PART VI. STUDY/EXPAND COMPUTER SCIENCE TO ALL STUDENTS**

24 **SECTION 6.(a)** The Superintendent of Public Instruction and the Department of
25 Public Instruction, in collaboration with the Friday Institute for Educational Innovation at
26 North Carolina State University (Friday Institute) and the North Carolina School of Science
27 and Mathematics (NC School of Science and Math), shall develop recommendations to further
28 the teaching and student learning of computational thinking and computer science in North
29 Carolina K-12 schools. In developing recommendations, the Superintendent and the
30 Department, in collaboration with the Friday Institute and the NC School of Science and Math,
31 shall do at least the following:

- 32 (1) Develop curriculum guidelines that are aligned with K-12 Computer Science
33 Framework (October 2016) developed by the CSforAll Consortium.
34 (2) Develop recommendations to increase the number of teachers prepared to
35 teach computational thinking and computer science, addressing both
36 preservice educator preparation for teachers and professional development
37 for in-service teachers.
38 (3) Develop policy recommendations.
39 (4) Align recommendations with the ongoing implementation of the Digital
40 Learning Plan in North Carolina by the Department and the Friday Institute.

41 **SECTION 6.(b)** By January 15, 2018, the Superintendent of Public Instruction
42 shall report to the Joint Legislative Education Oversight Committee on the recommendations,
43 including any proposed legislation, developed in accordance with this act.

44 **SECTION 6.(c)** This section is effective when it becomes law.
45

46 **PART VII. EFFECTIVE DATE**

47 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
48 law.