

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1139*

Short Title: Misc. Corrections/G.S. 115C-325.

(Public)

Sponsors: Senators Hartsell, Winner, and Lee.

Referred to: Education/Higher Education.

May 18, 1998

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
2 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE
3 TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-
4 325.
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6 The General Assembly of North Carolina enacts:

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

8 "(c) (1) Election of a Teacher to Career Status. –Except as otherwise
9 provided in subdivision (3) of this subsection, when a teacher has
10 been employed by a North Carolina public school system for four
11 consecutive years, the board, near the end of the fourth year, shall
12 vote upon whether to grant the teacher career status. The board shall
13 give the teacher written notice of that decision by June 15. If a
14 majority of the board votes to grant career status to the teacher, and if
15 it has notified the teacher of the decision, it may not rescind that
16 action but must proceed under the provisions of this section for the
17 demotion or dismissal of a teacher if it decides to terminate the
18 teacher's employment. If a majority of the board votes against
19 granting career status, the teacher shall not teach in that local school

1 administrative unit beyond the current school term. If the board fails
2 to vote on granting career status:

- 3 a. It shall not reemploy the teacher for a fifth consecutive
4 year;
5 b. As of June 16, the teacher shall be entitled to one month's
6 pay as compensation for the board's failure to vote upon
7 the issue of granting career status; and
8 c. The teacher shall be entitled to an additional month's pay
9 for every 30 days after June 16 that the board fails to vote
10 upon the issue of granting career status."

11 Section 2. G.S. 115C-325(h)(3) reads as rewritten:

12 "(3) Within the 14-day period after receipt of the notice, the career employee
13 may file with the superintendent a written request for either (i) a hearing
14 on the grounds for the superintendent's proposed recommendation by a
15 case manager or (ii) a hearing within ~~five~~10 days before the board on
16 the superintendent's recommendation. If the career employee requests
17 an immediate hearing before the board, he forfeits his right to a hearing
18 by a case manager. If no request is made within that period, the
19 superintendent may file his recommendation with the board. The board,
20 if it sees fit, may by resolution (i) reject the superintendent's
21 recommendation or (ii) accept or modify the superintendent's
22 recommendation and dismiss, demote, reinstate, or suspend the
23 employee without pay. If a request for review is made, the
24 superintendent shall not file his recommendation for dismissal with the
25 board until a report of the case manager is filed with the
26 superintendent."

27 Section 3. G.S. 115C-325(j)(3) reads as rewritten:

28 "(3) At the hearing the career employee and the ~~superintendent~~
29 superintendent, or the superintendent's designee, shall have the right to
30 be present and to be heard, to be represented by counsel and to present
31 through witnesses any competent testimony relevant to the issue of
32 whether grounds for dismissal or demotion exist or whether the
33 procedures set forth in G.S. 115C-325 have been followed."

34 Section 4. G.S. 115C-325(j1)(1) reads as rewritten:

35 "(1) Within two days after receiving the superintendent's notice of intent to
36 recommend the career employee's dismissal to the board, the career
37 employee shall decide whether to request a hearing before the board and
38 shall notify the superintendent, in writing, of the decision. If the career
39 employee can show that the request for a hearing was postmarked
40 within the time provided, the career employee shall not forfeit the right
41 to a board hearing. Within two days after receiving the career
42 employee's request for a board hearing, the superintendent shall request
43 that a transcript of the case manager hearing be made. Within two days

1 of receiving a copy of the transcript, the superintendent shall submit to
2 the board the written recommendation and shall provide a copy of the
3 recommendation to the career employee. The superintendent's
4 recommendation shall state the grounds for the recommendation and
5 shall be accompanied by a copy of the case manager's ~~report~~ report and
6 a copy of the transcript of the case manager's hearing."

7 Section 5. G.S. 115C-325(j3)(5) reads as rewritten:

8 "(5) At least ~~10~~ eight days before the hearing, the superintendent shall
9 provide to the career employee a list of witnesses the superintendent
10 intends to present, a brief statement of the nature of the testimony of
11 each witness, and a copy of any documentary evidence the
12 superintendent intends to present."

13 Section 6. G.S. 115C-325(o) reads as rewritten:

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

20 A probationary teacher whose contract will not be renewed for the next school year
21 shall be notified of this fact by June ~~1~~ 15."

22 Section 7. This act is effective when it becomes law. Sections 2, 3, 4, and 5
23 apply to proceedings initiated on or after that date.