

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 210
SENATE BILL 386

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

The General Assembly of North Carolina enacts:

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

- "(c) (1) Election of a Teacher to Career Status. —~~When~~ Except as otherwise provided in subdivision (3) of this subsection, when a teacher will have been employed by a North Carolina public school system for three consecutive years, the board, near the end of the third year, shall vote upon his employment for the next school year. The board shall give him written notice of that decision by June 1 of his third year of employment. If a majority of the board votes to reemploy the teacher, and if it has notified him of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate his employment. If a majority of the board votes against reemploying the teacher, he shall not teach beyond the current school term. If the board fails to vote on granting career status but reemploys him for the next year, he automatically becomes a career teacher on the first day of the fourth year of employment.

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

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

he is reemployed for a second consecutive school year, he shall automatically become a career teacher.

- (3) Ineligible for Career Status. – No superintendent, associate superintendent, assistant superintendent or other school employee who is not a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain career status or continue in a career status if he no longer performs the responsibilities of a teacher as defined in G.S. 115C-325(a)(6). No person who is promoted to or employed in a principal, director, or supervisor position after July 1, 1995, is eligible to obtain career status as an administrator. If the person acquired career status as a teacher in a local school administrative unit before being promoted to or employed in a principal, director, or supervisor position, the person shall retain career status as a teacher and the person has a right to reassignment to a teaching position in the event the person is not continued in employment as a principal, supervisor, or director.
- (4) Leave of Absence. – A career teacher who has been granted a leave of absence by a board shall maintain his career status if he returns to his teaching position at the end of the authorized leave."

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

"(d) Career Teachers.

- (1) A career teacher shall not be subjected to the requirement of annual appointment nor shall he be dismissed, demoted, or employed on a part-time basis without his consent except as provided in subsection (e).
- (2) a. The provisions of this subdivision do not apply to a person who is ineligible for career status as provided by G.S. 115C-325(c)(3).
- b. Whether or not he has previously attained career status as a teacher, a person who has performed the duties of a principal in the school system for three consecutive years or has performed the duties of a supervisor in the school system for three consecutive years shall not be transferred from that position to a lower paying administrative position or to a lower paying nonadministrative position without his consent except for the reasons given in G.S. 115C-325(e)(1) and in accordance with the provisions for the dismissal of a career teacher set out in this section. Transfer of a principal or a supervisor is not a transfer to a lower paying position if the principal's or supervisor's salary is maintained at the previous salary amount.

When a teacher has performed the duties of supervisor or principal for three consecutive years, the board, near the end of the third year, shall vote upon his employment for the next school year. The board shall give him written notice of that decision by June 1 of his third year of employment as a

supervisor or principal. If a majority of the board votes to reemploy the teacher as a principal or supervisor, and it has notified him of that decision, it may not rescind that action but must proceed under the provisions of this section. If a majority of the board votes not to reemploy the teacher as a principal or supervisor, he shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal. A supervisor or principal who has not held that position for three years and whose contract will not be renewed for the next school year shall be notified by June 1 and shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal.

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

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

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

"(n) Appeal. – Any teacher who has been dismissed or demoted pursuant to G.S. 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of this section, or who has been suspended without pay pursuant to G.S. 115C-325(a)(4), or any school administrator whose contract is not renewed in accordance with G.S. 115C-287.1, shall have the right to appeal from the decision of the board to the superior court for the superior court district or set of districts as defined in G.S. 7A-41.1 in which the teacher or school administrator is employed. This appeal shall be filed within a period of 30 days after notification of the decision of the board. The cost of preparing the transcript shall be borne by the board. A teacher who has been demoted or ~~dismissed~~dismissed, or a school administrator whose contract is not renewed, ~~and~~ who has not requested a hearing before the board of education pursuant to this section shall not be entitled to judicial review of the board's action."

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

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

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

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

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

(a) Tenure of a school administrator who is not ineligible for career status as provided by G.S. 115C-325(c)(3) shall be determined in accordance with the provisions of G.S. 115C-325. For purposes of this section, school administrator means a principal, assistant principal, supervisor, or director: Provided, however, nothing in this section shall be construed to confer career status on any assistant principal or director, or to make an assistant principal eligible for career status as an assistant principal or a director eligible for career status as a director.

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

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

(d) If the superintendent elects not to recommend the reemployment of a school administrator at the end of the contract's term, the superintendent shall notify the school administrator in writing at least 30 days prior to the end of the contract's term that the school administrator will not be offered reemployment beyond the contract's term. In the notice the superintendent shall state the reason the school administrator will not be offered reemployment beyond the contract term. No action by the board of education shall be necessary unless the school administrator requests a hearing before the board in accordance with G.S. 115C-45 and G.S. 115C-305. In the event a hearing is requested, the local board of education shall make the final decision concerning whether the school administrator's contract will be renewed. The cause for nonrenewal may not be for arbitrary, capricious, discriminatory, personal, or political reasons. Any school

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

At least 90 days prior to the end of the contract term, if a superintendent intends to notify a school administrator that the school administrator will not be offered reemployment beyond the contract term, the superintendent shall give the school administrator and the local board of education written notice that termination is likely and the reason that termination is likely. The school administrator shall have the right to request and to participate in a conference with the superintendent at least 60 days prior to the end of the contract term to discuss the reasons for the possible termination. After the conference the superintendent may either recommend reemployment of the administrator or notify the school administrator that reemployment will not be offered.

(e) If the superintendent elects to recommend the reemployment of a school administrator for a successive contract or to recommend a new and extended term of a school administrator's contract, the superintendent may do so at any time after a conference pursuant to subsection (d) of this section or more than 90 days prior to the end of the current contract's term. The board of education may approve or disapprove the superintendent's recommendation for any cause that is not arbitrary, capricious, discriminatory, personal, or political. If the board decides not to offer the school administrator employment beyond the end of the contract's term, the school administrator shall be notified in writing of that fact at least 30 days prior to the end of the contract's term.

(f) If the superintendent or the board of education fails to notify a school administrator at least 30 days prior to the end of the contract's term that the school administrator will not be offered employment beyond the end of the contract term, the school administrator shall be entitled to 30 days of additional employment or severance pay beyond the date the school administrator receives written notice that the contract will not be renewed. The cause for nonrenewal shall not be for arbitrary, capricious, discriminatory, personal, or political reasons.

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

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

In the General Assembly read three times and ratified this the 24th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives