

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 674

Short Title: Teacher Aides/Teacher Assistants.

(Public)

Sponsors: Representatives Walker; Tart, Foster, Dickson, Fussell, Chapin, P. Wilson, Hege, and Bowman.

Referred to: Public Employees.

March 16, 1989

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF TEACHER AIDES TO TEACHER ASSISTANTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-12(16) reads as rewritten:

"(16) Power with Regard to Salary Schedules.

a. Support personnel refers to all public school employees who are not required by statute or regulation to be certified in order to be employed. The State Board of Education is authorized and empowered to adopt all necessary rules for full implementation of all schedules to the extent that State funds are made available for support personnel.

b. Salary schedules for the following public school support personnel shall be adopted by the State Board of Education: school finance officer, office support personnel, property and cost clerks, ~~aides,~~ teacher assistants, maintenance supervisors, custodial personnel, and transportation personnel. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission."

Sec. 2. G.S. 115C-47(31) reads as rewritten:

"(31) Local boards of education shall determine the hours of employment for teacher ~~aides-~~assistants. The Legislative Commission of Salary Schedules for Public School Employees shall include in its report to the General Assembly recommendations regarding hours of employment for teacher aides and other employees."

1 Sec. 3. G.S. 115C-110(d) reads as rewritten:

2 "(d) The Board shall adopt rules or regulations covering:

- 3 (1) The qualifications of and standards for certification of teachers, ~~aides,~~
4 teacher assistants, speech clinicians, school psychologists, and others
5 involved in the education and training of children with special needs;
6 (2) Minimum standards for the individualized educational program for all
7 children with special needs other than for the academically gifted and
8 the pregnant children, and for the group educational program for the
9 academically gifted children and the educational program for the
10 pregnant children, who receive special education and related services;
11 and
12 (3) Such other rules or regulations as may be necessary or appropriate for
13 carrying out the purposes of this Article. Representatives from the
14 Departments of Human Resources and Correction shall be involved in
15 the development of the standards outlined under this subsection."

16 Sec. 4. G.S. 115C-307 reads as rewritten:

17 "**§ 115C-307. Duties of teachers.**

18 (a) To Maintain Order and Discipline. – It shall be the duty of all teachers,
19 including student teachers, substitute teachers, voluntary teachers, ~~teacher aides and~~
20 ~~assistants~~ teacher assistants when given authority over some part of the school program
21 by the principal or supervising teacher, to maintain good order and discipline in their
22 respective schools.

23 (b) To Provide for General Well-Being of Students. – It shall be the duty of all
24 teachers, including student teachers, substitute teachers, voluntary teachers, ~~teacher aides~~
25 ~~and assistants~~ teacher assistants when given authority over some part of the school
26 program by the principal or supervising teacher, to encourage temperance, morality,
27 industry, and neatness; to promote the health of all pupils, especially of children in the
28 first three grades, by providing frequent periods of recreation, to supervise the play
29 activities during recess, and to encourage wholesome exercises for all children.

30 (c) To Provide Some Medical Care to Students. – It is within the scope of duty of
31 teachers, including substitute teachers, ~~teacher aides, assistants,~~ student teachers or any
32 other public school employee when given such authority by the board of education or its
33 designee, (i) to administer any drugs or medication prescribed by a doctor upon written
34 request of the parents, (ii) to give emergency health care when reasonably apparent
35 circumstances indicate that any delay would seriously worsen the physical condition or
36 endanger the life of the pupil, and (iii) to perform any other first aid or life saving
37 techniques in which the employee has been trained in a program approved by the State
38 Board of Education: Provided, that no one shall be required to administer drugs or
39 medication or attend life saving techniques programs.

40 Any public school employee, authorized by the board of education or its designee to
41 act under (i), (ii), or (iii) above, shall not be liable in civil damages for any such
42 authorized act or for any omission relating to such act unless such act or omission
43 amounts to gross negligence, wanton conduct or intentional wrongdoing. Any person,
44 serving in a voluntary position at the request of or with the permission or consent of the

1 board of education or its designee, who has been given the authority by the board of
2 education or its designee to act under (ii) above shall not be liable in civil damages for
3 any such authorized act or for any omission relating to such act unless the act amounts
4 to gross negligence, wanton conduct or intentional wrongdoing.

5 At the commencement of each school year, but prior to the beginning of classes, and
6 thereafter as circumstances require, the principal of each school shall determine which
7 persons will participate in the medical care program.

8 (d) To Teach the Students. – It shall be the duty of all teachers, including student
9 teachers, substitute teachers, voluntary teachers, ~~teacher aides and assistants~~ teacher
10 assistants when given authority over some part of the school program by the principal or
11 supervising teacher, to teach as thoroughly as they are able all branches which they are
12 required to teach; to provide for singing in the school, and so far as possible to give
13 instruction in the public school music.

14 (e) To Enter into the Superintendent's Plans for Professional Growth. – It shall be
15 the duty of all teachers, including student teachers, substitute teachers, voluntary
16 teachers, ~~teacher aides and assistants~~ teacher assistants when given authority over some
17 part of the school program by the principal or supervising teacher, to enter actively into
18 the plans of the superintendent for the professional growth of the teachers.

19 (f) To Discourage Nonattendance. – Teachers shall cooperate with the principal
20 in ascertaining the cause of nonattendance of pupils that he may report all violators of
21 the compulsory attendance law to the school social worker in accordance with rules
22 promulgated by the State Board of Education.

23 (g) To Make Required Reports. – Every teacher of a public school shall make
24 such reports as are required by the boards of education, and the superintendent shall not
25 approve the vouchers for the pay of teachers until the required monthly and annual
26 reports are made: Provided, that the superintendents may require teachers to make
27 reports to the principals. Provided further, that any teacher who knowingly and willfully
28 makes or procures another to make any false report or records, requisitions, or payrolls,
29 respecting daily attendance of pupils in the public schools, payroll data sheets, or other
30 reports required to be made to any board or officer in the performance of their duties,
31 shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in
32 the discretion of the court and the certificate of such person to teach in the public
33 schools of North Carolina shall be revoked by the Superintendent of Public Instruction.

34 (h) To Take Care of School Buildings. – It shall be the duty of every teacher to
35 instruct children in proper care of property and to exercise due care in the protection of
36 school property, in accordance with the provisions of G.S. 115C-523.”

37 Sec. 5. G.S. 115C-363.20 reads as rewritten:

38 "**§ 115C-363.20. Teacher Aide—Assistant and Substitute Teacher Retraining**
39 **Program.**

40 (a) The Office of Teacher Recruitment shall administer a Teacher ~~Aide~~ Assistant
41 and Substitute Teacher Retraining Program. The program shall provide one-year
42 scholarship loans to currently employed teacher ~~aides~~ assistants and substitute teachers
43 who hold college degrees and who agree to retraining for certification in subject areas of
44 high need.

1 (b) A recipient of a scholarship loan under this program shall receive the actual
2 amount of the tuition cost up to one thousand dollars (\$1,000) and the minimum salary
3 for a teacher ~~aide~~-assistant on the State salary schedule.

4 (c) Retraining scholarship loans shall be made to individuals who:

5 (1) Are sponsored by a local school administrative unit by which they are
6 currently employed as a teacher ~~aide~~-assistant or substitute teacher and
7 which agrees to employ them as a teacher after they are retrained;

8 (2) Agree to enter a college program full time and secure certification in a
9 specified area; and

10 (3) Agree to accept a teaching position in the local school administrative
11 unit that sponsored them.

12 Recipients shall be selected by the Superintendent of Public Instruction.

13 (d) All retraining scholarship loans shall be evidenced by notes made payable to
14 the State Board of Education that bear interest at the rate of ten percent (10%) per year
15 beginning September 1 after the recipient completes his course work for certification or
16 after termination of the scholarship loan, whichever is earlier. The scholarship loan may
17 be terminated by the recipient withdrawing from school or by the recipient not meeting
18 the standards set by the State Board.

19 (e) The State Board shall forgive the loan, if within four years after completing
20 the course work the recipient teaches for two years in the subject area and the local
21 school administrative unit agreed upon when the loan was made.

22 (f) All funds appropriated to or otherwise received by the Teacher Aide and
23 Substitute Teacher Retraining Program, all funds received as repayment of scholarship
24 loans, and all interest earned on these funds shall be placed in a revolving fund and may
25 be used only for scholarship loans granted under the Teacher Aide and Substitute
26 Teacher Retraining Program."

27 Sec. 6. G.S. 115C-390 reads as rewritten:

28 "**§ 115C-390. School personnel may use reasonable force.**

29 Principals, teachers, substitute teachers, voluntary teachers, ~~teacher aides and~~
30 ~~assistants~~-teacher assistants and student teachers in the public schools of this State may
31 use reasonable force in the exercise of lawful authority to restrain or correct pupils and
32 maintain order. No local board of education shall promulgate or continue in effect a
33 rule, regulation or bylaw which prohibits the use of such force as is specified in this
34 section."

35 Sec. 7. G.S. 115C-391(a) reads as rewritten:

36 "(a) Local boards of education shall adopt policies not inconsistent with
37 the provisions of the Constitutions of the United States and North Carolina, governing
38 the conduct of students and establishing procedures to be followed by school officials in
39 suspending or expelling any student, or in disciplining any student if the offensive
40 behavior could result in suspension, expulsion, or the administration of corporal
41 punishment. The policies that shall be adopted for the administration of corporal
42 punishment shall include at a minimum the following conditions:

43 (1) Corporal punishment shall not be administered in a classroom with
44 other children present;

1 (2) The student body shall be informed beforehand what general types of
2 misconduct could result in corporal punishment;

3 (3) Only a teacher, substitute teacher, principal, or assistant principal may
4 administer corporal punishment and may do so only in the presence of
5 a principal, assistant principal, teacher, substitute teacher, ~~teacher aide~~
6 ~~or assistant,~~ teacher assistant, or student teacher, who shall be informed
7 beforehand and in the student's presence of the reason for the
8 punishment; and

9 (4) An appropriate school official shall provide the child's parent or
10 guardian with notification that corporal punishment has been
11 administered, and upon request, the official who administered the
12 corporal punishment shall provide the child's parent or guardian a
13 written explanation of the reasons and the name of the second school
14 official who was present.

15 The board shall publish all the policies mandated by this subsection and make them
16 available to each student and his parent or guardian at the beginning of each school
17 year. Notwithstanding any policy adopted pursuant to this section, school personnel
18 may use reasonable force, including corporal punishment, to control behavior or to
19 remove a person from the scene in those situations when necessary:

20 (1) To quell a disturbance threatening injury to others;

21 (2) To obtain possession of weapons or other dangerous objects on the
22 person, or within the control, of a student;

23 (3) For self-defense; or

24 (4) For the protection of persons or property."

25 Sec. 8. This act may not be construed to alter the rights, duties or
26 responsibilities conferred upon persons referred to as teacher aides in any other
27 provision of law.

28 Sec. 9. This act is effective upon ratification.