

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 674
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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

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE NAME OF TEACHER AIDES TO TEACHER
3 ASSISTANTS.

4 The General Assembly of North Carolina enacts:

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

6 "(16) Power with Regard to Salary Schedules.

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

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

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

20 "(31) Local boards of education shall determine the hours of employment for
21 teacher ~~aides.~~ assistants. The Legislative Commission of Salary Schedules for Public

1 School Employees shall include in its report to the General Assembly recommendations
2 regarding hours of employment for teacher ~~aides-assistants~~ and other employees."

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

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

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

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

19 "**§ 115C-307. Duties of teachers.**

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

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

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

42 Any public school employee, authorized by the board of education or its designee to
43 act under (i), (ii), or (iii) above, shall not be liable in civil damages for any such
44 authorized act or for any omission relating to such act unless such act or omission

1 amounts to gross negligence, wanton conduct or intentional wrongdoing. Any person,
2 serving in a voluntary position at the request of or with the permission or consent of the
3 board of education or its designee, who has been given the authority by the board of
4 education or its designee to act under (ii) above shall not be liable in civil damages for
5 any such authorized act or for any omission relating to such act unless the act amounts
6 to gross negligence, wanton conduct or intentional wrongdoing.

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

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

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

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

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

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

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

40 "**§ 115C-363.20. Teacher Aide–Assistant and Substitute Teacher Retraining**
41 **Program.**

42 (a) The Office of Teacher Recruitment shall administer a Teacher Aide–Assistant
43 and Substitute Teacher Retraining Program. The program shall provide one-year
44 scholarship loans to currently employed teacher ~~aides~~ assistants and substitute teachers

1 who hold college degrees and who agree to retraining for certification in subject areas of
2 high need.

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

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

- 7 (1) Are sponsored by a local school administrative unit by which they are
8 currently employed as a teacher ~~aide~~-assistant or substitute teacher and
9 which agrees to employ them as a teacher after they are retrained;
- 10 (2) Agree to enter a college program full time and secure certification in a
11 specified area; and
- 12 (3) Agree to accept a teaching position in the local school administrative
13 unit that sponsored them.

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

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

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

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

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

30 "**§ 115C-390. School personnel may use reasonable force.**

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

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

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

- 1 (1) Corporal punishment shall not be administered in a classroom with
2 other children present;
- 3 (2) The student body shall be informed beforehand what general types of
4 misconduct could result in corporal punishment;
- 5 (3) Only a teacher, substitute teacher, principal, or assistant principal may
6 administer corporal punishment and may do so only in the presence of
7 a principal, assistant principal, teacher, substitute teacher, ~~teacher aide~~
8 ~~or assistant,~~ teacher assistant, or student teacher, who shall be informed
9 beforehand and in the student's presence of the reason for the
10 punishment; and
- 11 (4) An appropriate school official shall provide the child's parent or
12 guardian with notification that corporal punishment has been
13 administered, and upon request, the official who administered the
14 corporal punishment shall provide the child's parent or guardian a
15 written explanation of the reasons and the name of the second school
16 official who was present.

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

- 22 (1) To quell a disturbance threatening injury to others;
- 23 (2) To obtain possession of weapons or other dangerous objects on the
24 person, or within the control, of a student;
- 25 (3) For self-defense; or
- 26 (4) For the protection of persons or property."

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

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