

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1465

Short Title: Teaching Standards Bd. Created.

(Public)

Sponsors: Representatives Barnes; and Bowman.

Referred to: Education.

May 17, 1993

A BILL TO BE ENTITLED

AN ACT TO CREATE THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS BOARD.

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

§ 115C-295.1. North Carolina Professional Teaching Standards Board created.

(a) There is created the North Carolina Professional Teaching Standards Board. The Board shall be located administratively within the Department of Public Education but shall exercise its statutory powers and duties, propose and administer a budget, and hire and direct its staff, independently of the State Board of Education and the Department of Public Instruction.

(b) Effective January 1, 1994, the North Carolina Professional Teaching Standards Board shall:

- (1) Set standards for licensure of public school teachers and other public school employees paid on the teacher salary schedules;
- (2) Issue, renew, and revoke these licenses;
- (3) Approve teacher education programs at colleges and universities;
- (4) Monitor ethics and professional practices of teachers; and
- (5) Approve reciprocity agreements between North Carolina and other states with regard to teacher licensure in accordance with G.S. 115C-358.

(c) The North Carolina Professional Teaching Standards Board shall consist of the following 19 members:

- 1 (1) The State Superintendent of Public Instruction;
- 2 (2) Four teachers appointed by the Governor, at least one of whom teaches
- 3 in elementary school and one of whom teaches vocational education;
- 4 (3) Three teachers appointed by the General Assembly upon the
- 5 recommendation of the President Pro Tempore of the Senate, at least
- 6 one of whom teaches in middle or junior high school and one of whom
- 7 teaches special education;
- 8 (4) Three teachers appointed by the General Assembly upon the
- 9 recommendation of the Speaker of the House of Representatives, at
- 10 least one of whom teaches in high school;
- 11 (5) One school administrator appointed by the General Assembly upon the
- 12 recommendation of the Speaker of the House of Representatives;
- 13 (6) One representative of a teacher education institution appointed by the
- 14 Governor;
- 15 (7) One representative of a teacher education institution appointed by the
- 16 General Assembly upon the recommendation of the President Pro
- 17 Tempore of the Senate;
- 18 (8) One representative of a teacher education institution appointed by the
- 19 General Assembly upon the recommendation of the Speaker of the
- 20 House of Representatives;
- 21 (9) One representative of business appointed by the Governor;
- 22 (10) One representative of business appointed by the General Assembly
- 23 upon the recommendation of the President Pro Tempore of the Senate;
- 24 (11) One parent of a public school child appointed by the General
- 25 Assembly upon the recommendation of the Speaker of the House of
- 26 Representatives;
- 27 (12) One parent of a public school child appointed by the General
- 28 Assembly upon the recommendation of the President Pro Tempore of
- 29 the Senate.

30 The members shall serve for four-year terms: Provided, however, the Governor shall
31 designate three of the Governor's initial appointees to serve for two-year terms, and the
32 General Assembly shall designate three of the initial appointees upon the
33 recommendation of the President Pro Tempore of the Senate and three of the initial
34 appointees upon the recommendation of the Speaker of the House of Representatives to
35 serve for two-year terms. Initial terms shall begin September 1, 1993.

36 Legislative appointments shall be made in accordance with G.S. 120-121.
37 Vacancies in appointments made by the General Assembly shall be filled in accordance
38 with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled by
39 the Governor for the remainder of the unexpired terms. Persons appointed to fill
40 vacancies shall qualify in the same manner as persons appointed for full terms.

41 (d) The chair and vice-chair of the Board shall be elected by the Board from its
42 members for two-year terms and shall be eligible for continuing reelection.

1 (e) Members of the Board who are State or public school employees shall receive
2 travel expenses as set forth in G.S. 138-6. All other Board members shall receive per
3 diem and travel expenses as set forth in G.S. 138-5."

4 Sec. 2. G.S. 115C-296 reads as rewritten:

5 "**§ 115C-296. North Carolina Professional Teaching Standards Board sets**
6 **certification requirements.**

7 (a) The State Board of Education-North Carolina Professional Teaching Standards
8 Board shall have entire control of certifying-licensing all applicants for teaching positions
9 for teachers and other employees paid on the teacher salary schedule in all public
10 elementary and high schools of North Carolina; and it shall prescribe the rules and
11 regulations for the renewal and extension-renewal, extension, and revocation of all
12 certificates and shall determine and fix the salary for each grade and type of certificate which it
13 authorizes-licenses that it issues: Provided, that the State Board of Education-the North
14 Carolina Professional Teaching Standards Board shall require each applicant for an
15 initial certificate-license or graduate certificate-license to demonstrate his-academic and
16 professional preparation by achieving a prescribed minimum score at least equivalent to
17 that required by the Board-State Board of Education on November 30, 1972, on a
18 standard examination appropriate and adequate for that purpose: Provided, further, that
19 in the event the Board-the North Carolina Professional Teaching Standards Board shall
20 specify the National Teachers Examination for this purpose, the required minimum
21 score shall not be lower than that which the Board-State Board of Education required on
22 November 30, 1972: Provided, further, that the State Board of Education-the North
23 Carolina Professional Teaching Standards Board shall not decrease the certification
24 licensure standards for physical education teachers or health education teachers below
25 the standards in effect on June 1, 1988.

26 The State Board of Education shall determine and fix the salary for each grade and
27 type of license authorized by the North Carolina Professional Teaching Standards
28 Board.

29 (b) It is the policy of the State of North Carolina to maintain the highest quality
30 teacher education programs in order to enhance the competence of professional personnel
31 certified teachers licensed in North Carolina. ~~To the end that teacher preparation programs~~
32 ~~are upgraded to reflect a more rigorous course of study, the State Board of Education shall~~
33 ~~submit to the General Assembly not later than November 1, 1984, a plan to promote this policy.~~
34 ~~The State Board of Education,-The North Carolina Professional Teaching Standards~~
35 ~~Board,~~ as lead agency in coordination and cooperation with the State Board of
36 Education, the University Board of Governors, the Board of Community Colleges and
37 such other public and private agencies as are necessary, shall continue to refine the
38 several ~~certification-teacher licensure~~ requirements, standards for approval of institutions
39 of teacher education, standards for institution-based innovative and experimental
40 programs, standards for implementing consortium-based teacher education, and
41 standards for improved efficiencies in the administration of the approved teacher
42 education programs. The standards for approval of institutions of teacher education
43 shall require that teacher education programs for students who do not major in special

1 education include courses in the identification and education of children with learning
2 disabilities.

3 The State Board of Education, as lead agency in coordination and cooperation with
4 the University Board of Governors, the Board of Community Colleges, and such other
5 public and private agencies as are necessary, shall continue to refine the several
6 certification requirements for principals, supervisors, and other administrators,
7 standards for approval of institutions of education for principals, supervisors, and other
8 administrators, standards for institution-based innovative and experimental programs for
9 principals, supervisors, and other administrators, and standards for improved
10 efficiencies in the administration of the approved programs.

11 (c) It is the policy of the State of North Carolina to encourage lateral entry into
12 the profession of teaching by skilled individuals from the private sector. To this end,
13 before the 1985-86 school year begins, the State Board of Education shall develop
14 criteria and procedures to accomplish the employment of such individuals as classroom
15 ~~teachers.~~ teachers: Provided, however, after January 1, 1994, the North Carolina
16 Professional Teaching Standards Board shall develop and administer these criteria and
17 procedures. Regardless of credentials or competence, no one shall begin teaching above
18 the middle level of differentiation. Skilled individuals who choose to enter the
19 profession of teaching laterally may be granted a provisional teaching ~~certificate~~ license
20 for no more than five years and shall be required to obtain ~~certification~~ licensure before
21 contracting for a sixth year of service with any local administrative unit in this State."

22 Sec. 3. G.S. 115C-12(9)a. reads as rewritten:

23 "a. To certify school employees other than teachers and regulate
24 the grade and salary of teachers and other school employees."

25 Sec. 4. G.S. 115C-12(15) reads as rewritten:

26 "(15) Duty to Develop Noncertified Personnel Position Evaluation
27 Descriptions. – The Board is authorized and directed to develop
28 position evaluation descriptions covering those positions in local
29 school administrative units for which certification by the State
30 Board of Education or licensure by the North Carolina Professional
31 Teaching Standards Board is not normally a prerequisite. The
32 position evaluation descriptions required in this subdivision are to
33 be used by local boards of education as the basis for assignment of
34 noncertified employees to an appropriate pay grade in accordance
35 with salary grades and ranges adopted by the State Board of
36 Education. No appropriations are required by this subdivision."

37 Sec. 5. G.S. 115C-110(d) reads as rewritten:

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

39 (1) The qualifications of and standards for certification of ~~teachers,~~ teacher
40 assistants, speech clinicians, school psychologists, and others except
41 for teachers involved in the education and training of children with
42 ~~special needs;~~ needs: Provided, however, the North Carolina
43 Professional Teaching Standards Board shall adopt rules or regulations

1 covering the qualifications of and standards for licensure of teachers
 2 involved in the education and training of children with special needs;

3 (2) Minimum standards for the individualized educational program for all
 4 children with special needs other than for the academically gifted and
 5 the pregnant children, and for the group educational program for the
 6 academically gifted children and the educational program for the
 7 pregnant children, who receive special education and related services;
 8 and

9 (3) Such other rules or regulations as may be necessary or appropriate for
 10 carrying out the purposes of this Article. Representatives from the
 11 Departments of Human Resources and Correction shall be involved in
 12 the development of the standards outlined under this subsection."

13 Sec. 6. G.S. 115C-215 reads as rewritten:

14 **"§ 115C-215. Instruction in driver training and safety education.**

15 There shall be organized and administered under the general supervision of the
 16 Superintendent of Public Instruction a program of driver training and safety education in
 17 the public schools of this State, said courses to be noncredit courses taught by
 18 instructors who meet the requirements established by the State Board of Education.
 19 Instructors shall not be required to hold teacher ~~certificates~~-licenses."

20 Sec. 7. G.S. 115C-238.4(a) reads as rewritten:

21 "(a) Local school administrative units may include, but are not required to
 22 include, a systemwide differentiated pay plan for teachers licensed by the North
 23 Carolina Professional Teaching Standards Board, certified instructional staff, certified
 24 instructional support staff, and certified administrative staff as a part of their local
 25 school improvement plans. Units electing to include differentiated pay plans in their
 26 school improvement plans shall base their differentiated pay plans on:

27 (1) A career development pilot program;

28 (2) A lead teacher pilot program;

29 (3) A locally designed school-based performance program, subject to
 30 limitations and guidelines adopted by the State Board of Education;

31 (4) A differentiated pay plan that the State Board of Education finds has
 32 been successfully implemented in another state; or

33 (5) A locally designed plan including any combination or modification of
 34 the foregoing plans.

35 A differentiated pay plan may also authorize the use of State differentiated pay funds
 36 for staff development and planning activities and for paying substitute teachers as is
 37 necessary to provide time for staff development and planning activities."

38 Sec. 8. G.S. 115C-238.4(f) reads as rewritten:

39 "(f) If a local school administrative unit bases its differentiated pay plan on a
 40 locally designed school-based performance program, pursuant to subdivision (a)(3) of
 41 this section, the plan shall provide that following the attainment of the local school
 42 goals, the local board of education shall make a determination of which teachers
 43 licensed by the North Carolina Professional Teaching Standards Board and which
 44 certified staff members contributed to the attainment of those goals. Differentiated pay

1 bonuses shall then be distributed to those designated employees. The local board of
2 education shall make the determination upon recommendation of (i) the superintendent
3 and (ii) any other person or committee designated in the local differentiated pay plan.
4 The other person or committee designated in the local differentiated pay plan may be
5 the principal, a school-based committee, or any other person or local committee."

6 Sec. 9. G.S. 115C-238.6(a) reads as rewritten:

7 "(a) Prior to June 30 each year, the State Superintendent shall review local school
8 improvement plans submitted by the local school administrative units in accordance
9 with policies and performance indicators adopted by the State Board of Education. If the
10 State Superintendent approves the plan for a local school administrative unit, that unit
11 shall participate in the Program for the next fiscal year.

12 If a local plan contains a request for a waiver of State laws, regulations, or policies,
13 in accordance with G.S. 115C-238.3(b1), the State Superintendent shall determine
14 whether and to what extent the identified laws, regulations, or policies should be
15 waived. The State Superintendent shall present that plan and his determination to the
16 State Board of Education. If the State Board of Education deems it necessary to do so to
17 enable a local unit to reach its local accountability goals, the State Board, only upon the
18 recommendation of the State Superintendent, may grant waivers of:

- 19 (1) State laws pertaining to class size, teacher ~~certification~~, licensure,
20 administrator certification, assignment of teacher assistants, the use of
21 State-adopted textbooks, and the purposes for which State funds for
22 the public schools, except for funds for school health coordinators,
23 may be used: Provided, however, the State Board of Education shall
24 not permit the use of funds for teachers for expanded programs under
25 the Basic Education Program for any other purpose;
- 26 (2) All State regulations and policies, except those pertaining to State
27 salary schedules and employee benefits for school employees, the
28 instructional program that must be offered under the Basic Education
29 Program, the system of employment for public school teachers and
30 administrators set out in G.S. 115C-325, health and safety codes,
31 compulsory school attendance, the minimum lengths of the school day
32 and year, and the Uniform Education Reporting System.

33 Waivers shall be granted only for the specific schools for which they are requested
34 in building-level plans and shall be used only under the specific circumstances for
35 which they are requested."

36 Sec. 10. G.S. 115C-238.23(b) reads as rewritten:

37 "(b) The local board shall issue a request for proposals for leadership teams to bid
38 to operate the selected school. A team shall mean three or more individuals. To reflect
39 the diversity required to implement the purpose of the project defined in G.S. 115C-
40 238.22, the abilities and experience of team members may include: administrative and
41 educational policy and planning skills; familiarity with technology for schools;
42 management and classroom experience; and familiarity with the needs of diverse and
43 special populations. One member shall be designated as the principal or leader of the
44 team. At least twenty-five percent (25%) of the team members shall be licensed in

1 accordance with the regulations of the North Carolina Professional Teaching Standards
2 Board or G.S. 115C-238.6, or certificated in accordance with the regulations of the State
3 Board of Education or G.S. 115C-238.6- Education.

4 Team members awarded the contract shall, if not already, become employees of the
5 local board and become subject to local personnel policies."

6 Sec. 11. G.S. 115C-238.23(f) reads as rewritten:

7 "(f) The team that receives the contract shall interview and select all personnel for
8 the building. The team may select personnel from the current employees of the local
9 board. All teachers employed in a Genesis school shall hold or be qualified to hold a
10 ~~certificate~~ license in accordance with the regulations of the ~~State Board of Education~~ the
11 North Carolina Professional Teaching Standards Board or G.S. 115C-238.6. The local
12 board shall hire those persons selected by the team so long as those positions are within
13 State, local, and other funds approved for this project by the local board. In no event
14 shall a local board dismiss or demote any employee pursuant to G.S. 115C-325(e)(1)l.
15 as a result of a Genesis project.

16 Hiring shall take place no later than July 1, prior to the opening of the new building.
17 The team shall begin conducting training and planning sessions as staff is hired.

18 The local board or the management team may employ noncertificated persons on a
19 temporary basis or for special projects."

20 Sec. 12. G.S. 115C-238.24 reads as rewritten:

21 "**§ 115C-238.24. Grants of flexibility by the State Board.**

22 In implementing local projects, local boards need broad decision-making authority
23 so that local boards and participating school leadership teams can carry out the activities
24 that meet the needs of students in that particular building. Each participating local
25 school administrative unit may request from the State Board of Education, with
26 specificity, those aspects of its project implementation that would be enhanced by
27 flexibility with regard to statutes, policies, and regulations. Upon the recommendation
28 of the State Superintendent, the State Board of Education may grant each local school
29 administrative unit such flexibility with regard to Chapter 115C of the General Statutes,
30 and its policies, and regulations, including the waivers allowed under G.S. 115C-
31 238.6(a)(1) and (a)(2), as it finds necessary and appropriate to implement a local project
32 so long as (i) the total amount of State funds expended for the project does not exceed
33 the amount of State funds available for a school with that average daily membership; (ii)
34 no health or safety standards relating to schools or school transportation are lowered;
35 (iii) the State Board of Education does not find as a fact that the flexibility is being
36 abused; (iv) the provisions of G.S. 115C-325 shall not be waived for any ~~certificated~~
37 licensed teacher working in a Genesis school; and (v) the standard course of study is
38 included in the education program offered to every child in the Genesis school.

39 Article 2A of Chapter 150B of the General Statutes shall not apply to actions by the
40 State Board of Education when waiving its rules under this subsection.

41 The State Board of Education shall report annually waivers granted with regard to
42 statutes, policies, and regulations to the Joint Legislative Education Oversight
43 Committee."

44 Sec. 13. G.S. 115C-274(b) reads as rewritten:

1 "(b) If the superintendent shall fail in the duties enumerated in G.S. 115C-276(g)
2 through (i) or such other duties as may be assigned ~~him, he~~ to the superintendent, the
3 superintendent shall be subject, after notice, to an investigation by the Superintendent of
4 Public Instruction or by ~~his~~ the local board of education for failure to perform ~~his~~ the
5 superintendent's duties. For persistent failure to perform these duties, ~~his~~ the
6 superintendent's certificate may be revoked by the ~~Superintendent of Public Instruction,~~
7 State Board of Education or ~~he~~ the superintendent may be dismissed by ~~his~~ the local
8 board of education."

9 Sec. 14. G.S. 115C-276(p) reads as rewritten:

10 "(p) To Require Teachers and Principals to Make Reports. – The superintendents
11 may require teachers to make reports to the principals and principals to make reports to
12 the superintendent. Any superintendent who knowingly and willfully makes or procures
13 another to make any false report or records, requisitions, or payrolls, respecting daily
14 attendance of pupils in the public schools, payroll data sheets, or other reports required
15 to be made to any board or officer in the performance of his duties, shall be guilty of a
16 misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the
17 court and the certificate of ~~such person to teach in the public schools of North Carolina shall~~
18 ~~be revoked by the Superintendent of Public Instruction.~~ the superintendent shall be revoked
19 by the State Board of Education."

20 Sec. 15. G.S. 115C-284(c) reads as rewritten:

21 "(c) The State Board of Education shall have entire control of certifying all
22 applicants for supervisory and professional ~~positions~~ positions, except for teacher
23 positions, in all public elementary and high schools of North Carolina; and it shall
24 prescribe the rules and regulations for the renewal and extension of all certificates, and
25 shall determine and fix the salary for each grade and type of certificate ~~which~~ that it
26 authorizes. Provided, that the State Board of Education shall require each applicant for
27 an initial certificate or graduate certificate to demonstrate his academic and professional
28 preparation by achieving a prescribed minimum score at least equivalent to that required
29 by the Board on November 30, 1972, on a standard examination appropriate and
30 adequate for that purpose: Provided, further, that in the event the Board shall specify the
31 National Teachers Examination for this purpose, the required minimum score shall not
32 be lower than that which the Board required on November 30, 1972: Provided, further,
33 that the Board shall not issue provisional certificates for principals and assistant
34 principals."

35 Sec. 16. G.S. 115C-288(b) reads as rewritten:

36 "(b) To Make Accurate Reports to the Superintendent and to the Local Board. –
37 The principal shall make all reports to the superintendent. Every principal of a public
38 school shall make such reports as are required by the boards of education, and the
39 superintendent shall not approve the vouchers for the pay of principals until the required
40 monthly and annual reports are made: Provided, that the superintendents may require
41 teachers to make reports to the principals and principals to make reports to the
42 superintendent: Provided further, that any principal or supervisor who knowingly and
43 willfully makes or procures another to make any false report or records, requisitions, or
44 payrolls, respecting daily attendance of pupils in the public schools, payroll data sheets,

1 or other reports required to be made to any board or officer in the performance of his
2 duties, shall be guilty of a misdemeanor and upon conviction shall be fined or
3 imprisoned in the discretion of the court and the certificate of ~~such person to teach in the~~
4 ~~public schools of North Carolina shall be revoked by the Superintendent of Public Instruction.~~
5 the principal or supervisor shall be revoked by the State Board of Education."

6 Sec. 17. G.S. 115C-295 reads as rewritten:

7 "**§ 115C-295. Minimum age and ~~certificate~~-licensure prerequisites.**

8 (a) All teachers employed in the public schools of the State or in schools
9 receiving public funds, shall be required either to hold or be qualified to hold a
10 ~~certificate license~~ in compliance with the provision of the law or in accordance with the
11 regulations of ~~the State Board of Education; the North Carolina Professional Teaching~~
12 Standards Board: Provided, that nothing herein shall prevent the employment of
13 temporary personnel under such rules as ~~the State Board of Education; the North Carolina~~
14 Professional Teaching Standards Board may prescribe: Provided further, that no person
15 shall be employed to teach who is under 18 years of age.

16 (b) It shall be unlawful for any board of education to employ or keep in service
17 any teacher who neither holds nor is qualified to hold a ~~certificate license~~ in compliance
18 with the provision of the law or in accordance with the regulations of ~~the State Board of~~
19 Education; the North Carolina Professional Teaching Standards Board."

20 Sec. 18. G.S. 115C-298 reads as rewritten:

21 "**§ 115C-298. Colleges may assist teachers in ~~certification~~-licensure.**

22 Each and every college or university of the State is hereby authorized to aid public
23 school teachers or prospective teachers in securing, raising, or renewing their ~~certificates,~~
24 licenses, in accordance with the rules and regulations of ~~the State Board of Education; of~~
25 the North Carolina Professional Teaching Standards Board."

26 Sec. 19. G.S. 115C-303 reads as rewritten:

27 "**§ 115C-303. Withholding of salary.**

28 (a) No teacher shall be placed on the payroll of a local school administrative unit
29 unless ~~he the teacher~~ holds a ~~certificate license~~ as required by law, and unless a copy of
30 the teacher's contract has been filed with the superintendent. No teacher may be paid
31 more than ~~he the teacher~~ is due under the local school salary schedule in force in the
32 local school administrative unit. Substitute and interim teachers shall be paid under
33 rules of the State Board of Education.

34 (b) The board of education may withhold the salary of any teacher who delays or
35 refuses to render ~~such reports as are~~ required by law, but when the reports are delivered
36 in accordance with law, the salary shall be ~~paid forthwith.~~ paid."

37 Sec. 20. G.S. 115C-307(g) reads as rewritten:

38 "(g) To Make Required Reports. – Every teacher of a public school shall make
39 such reports as are required by the boards of education, and the superintendent shall not
40 approve the vouchers for the pay of teachers until the required monthly and annual
41 reports are made: Provided, that the superintendents may require teachers to make
42 reports to the principals. Provided further, that any teacher who knowingly and willfully
43 makes or procures another to make any false report or records, requisitions, or payrolls,
44 respecting daily attendance of pupils in the public schools, payroll data sheets, or other

1 reports required to be made to any board or officer in the performance of their duties,
2 shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in
3 the discretion of the court and the ~~certificate of such person to teach in the public schools of~~
4 ~~North Carolina shall be revoked by the Superintendent of Public Instruction.~~ teacher's license
5 shall be revoked by the North Carolina Professional Teaching Standards Board."

6 Sec. 21. G.S. 115C-309 reads as rewritten:

7 "**§ 115C-309. Student teachers.**

8 (a) Student Teacher and Student Teaching Defined. – A 'student teacher' is any
9 student enrolled in an institution of higher education approved by ~~the State Board of~~
10 ~~Education~~ the North Carolina Professional Teaching Standards Board for the preparation
11 of teachers who is jointly assigned by that institution and a local board of education to
12 student-teach under the direction and supervision of a regularly employed ~~certified~~
13 licensed teacher.

14 'Student teaching' may include those duties granted to a teacher by G.S. 115C-307
15 and 115C-390 and any other part of the school program for which either the supervising
16 teacher or the principal is responsible.

17 (b) Legal Protection. – A student teacher under the supervision of a ~~certified~~
18 licensed teacher or certified principal shall have the protection of the laws accorded the
19 ~~certified~~ licensed teacher.

20 (c) Assignment of Duties. – It shall be the responsibility of a supervising teacher,
21 in cooperation with the principal and the representative of the teacher-preparation
22 institution, to assign to the student teacher responsibilities and duties that will provide
23 adequate preparation for teaching."

24 Sec. 22. G.S. 115C-315 reads as rewritten:

25 "**§ 115C-315. Hiring of school personnel.**

26 (a) Janitors and Maids. – In the city administrative units, janitors and maids shall
27 be appointed by the board of education of such local school administrative unit upon the
28 recommendation of the superintendent.

29 (b) Election by Local Boards. – School personnel shall be elected by the local
30 board of education upon the recommendation of the superintendent, in accordance with
31 the provisions of G.S. 115C-276(j).

32 It is the policy of the State of North Carolina to encourage and provide for the most
33 efficient and cost-effective method of meeting the needs of local school administrative
34 units for noncertified support personnel. To this end, the State Board of Education shall
35 recommend to the General Assembly by November 1, 1984, a system using factors and
36 formulas to determine the total number of noncertified support personnel allotted to
37 local school administrative units. The recommended system for allotting noncertified
38 support personnel shall include the proposed State's funding obligation for these
39 positions and shall be developed in consultation with school-based support personnel or
40 their representatives.

41 (c) Prerequisites for Employment. – All professional personnel employed in the
42 public schools of the State or in schools receiving public funds shall be required either
43 to hold or be qualified to hold a certificate or license in compliance with the provision
44 of the law or in accordance with the regulations of the State Board of ~~Education~~:

1 Education or the North Carolina Professional Teaching Standards Board: Provided, that
 2 nothing herein shall prevent the employment of temporary personnel under such rules as
 3 the State Board of Education or the North Carolina Professional Teaching Standards
 4 Board may prescribe.

5 (d) Certification for Professional Positions. – The State Board of Education shall
 6 have entire control of certifying all applicants for professional ~~positions~~-positions, except
 7 for teachers and other professional employees paid on the teacher salary schedule, in all
 8 public elementary and high schools of North Carolina; the North Carolina Professional
 9 Teaching Standards Board shall have entire control of licensing all applicants for
 10 teacher positions. ~~and it~~ The State Board of Education shall prescribe the rules and
 11 regulations for the renewal and extension of all certificates and shall determine and fix
 12 the salary for each grade and type of certificate ~~which it authorizes; that it authorizes and~~
 13 for each grade and type of license that the North Carolina Professional Teaching
 14 Standards Board authorizes: Provided, that the State Board of Education shall require
 15 each applicant for an initial certificate or graduate certificate and the North Carolina
 16 Professional Teaching Standards Board shall require each applicant for an initial license
 17 or graduate license to demonstrate his or her academic and professional preparation by
 18 achieving a prescribed minimum score at least equivalent to that required by the Board
 19 on November 30, 1972, on a standard examination appropriate and adequate for that
 20 purpose: Provided, further, that in the event the ~~Board~~ State Board of Education or the
 21 North Carolina Professional Teaching Standards Board shall specify the National
 22 Teachers Examination for this purpose, the required minimum score shall not be lower
 23 than that which the ~~Board~~ State Board of Education required on November 30, 1972.

24 (e) Repealed by Session Laws 1989, c. 385, s. 3.

25 (f) Employing Persons Not Holding Nor Qualified to Hold Certificate. –It shall
 26 be unlawful for any board of education to employ or keep in service any professional
 27 person who neither holds nor is qualified to hold a certificate in compliance with the
 28 provisions of the law or in accordance with the regulations of the State Board of
 29 ~~Education~~–or a license in accordance with the regulations of the North Carolina
 30 Professional Teaching Standards Board."

31 Sec. 23. G.S. 115C-317 reads as rewritten:

32 "**§ 115C-317. Penalty for making false reports or records.**

33 Any school employee of the public schools other than a superintendent, principal, or
 34 teacher, who knowingly and willfully makes or procures another to make any false
 35 report or records, requisitions, or payrolls, respecting daily attendance of pupils in the
 36 public schools, payroll data sheets, or other reports required to be made to any board or
 37 officer in the performance of his duties, shall be guilty of a misdemeanor and upon
 38 conviction shall be fined or imprisoned in the discretion of the court and the certificate
 39 ~~of such person to teach in the public schools of North Carolina shall be revoked by the~~
 40 ~~Superintendent of Public Instruction. of the person to work in the public schools shall be~~
 41 revoked by the State Board of Education or the license of the person to teach in the
 42 public schools shall be revoked by the North Carolina Professional Teaching Standards
 43 Board."

44 Sec. 24. G.S. 115C-325(a) reads as rewritten:

1 "(a) Definition of Terms. – As used in this section unless the context requires
2 otherwise:

- 3 (1) 'Career teacher' means a teacher who has obtained career status as
4 provided in G.S. 115C-325(c).
5 (2) 'Committee' means the Professional Review Committee created under
6 G.S. 115C-325(g).
7 (3) 'Day' means calendar day. In computing any period of time, Rule 6 of
8 the North Carolina Rules of Civil Procedure shall apply.
9 (4) 'Demote' means to reduce the compensation of a person who is
10 classified or paid by the State Board of Education as a classroom
11 teacher, or to transfer him to a new position carrying a lower salary, or
12 to suspend him without pay to a maximum of 60 days; provided,
13 however, that a suspension without pay pursuant to the provisions of
14 G.S. 115C-325(f) shall not be considered a demotion. The word
15 'demote' does not include a reduction in compensation that results from
16 the elimination of a special duty, such as the duty of an athletic coach,
17 assistant principal, or a choral director.
18 (5) 'Probationary teacher' means a ~~certificated~~-licensed person, other than a
19 superintendent, associate superintendent, or assistant superintendent,
20 who has not obtained career-teacher status and whose major
21 responsibility is to teach or to supervise teaching.
22 (6) 'Teacher' means a person who holds at least a current, not expired,
23 Class A ~~certificate~~-license or a regular, not provisional or expired,
24 vocational ~~certificate~~-license issued by the ~~Department of Public~~
25 ~~Instruction;~~ the North Carolina Professional Teaching Standards Board
26 or a person who holds an administrator's certificate issued by the
27 Department of Public Instruction; whose major responsibility is to
28 teach or directly supervise teaching or who is classified by the State
29 Board of Education or is paid as a classroom teacher; and who is
30 employed to fill a full-time, permanent position."

31 Sec. 25. G.S. 115C-325(e) reads as rewritten:

32 "(e) Grounds for Dismissal or Demotion of a Career Teacher.

- 33 (1) No career teacher shall be dismissed or demoted or employed on a
34 part-time basis except for one or more of the following:
35 a. Inadequate performance.
36 b. Immorality.
37 c. Insubordination.
38 d. Neglect of duty.
39 e. Physical or mental incapacity.
40 f. Habitual or excessive use of alcohol or nonmedical use of a
41 controlled substance as defined in Article 5 of Chapter 90 of the
42 General Statutes.
43 g. Conviction of a felony or a crime involving moral turpitude.

- 1 h. Advocating the overthrow of the government of the United
 2 States or of the State of North Carolina by force, violence, or
 3 other unlawful means.
- 4 i. Failure to fulfill the duties and responsibilities imposed upon
 5 teachers by the General Statutes of this State.
- 6 j. Failure to comply with such reasonable requirements as the
 7 board may prescribe.
- 8 k. Any cause which constitutes grounds for the revocation of such
 9 career teacher's ~~teaching certificate~~ license to teach or
 10 administrator's certificate.
- 11 l. A justifiable decrease in the number of positions due to district
 12 reorganization, decreased enrollment, or decreased funding,
 13 provided that there is compliance with subdivision (2).
- 14 m. Failure to maintain his license or certificate in a current status.
- 15 n. Failure to repay money owed to the State in accordance with the
 16 provisions of Article 60, Chapter 143 of the General Statutes.
- 17 o. Providing false information or knowingly omitting a material
 18 fact on an application for employment or in response to a
 19 preemployment inquiry.
- 20 (2) Before recommending to a board the dismissal or demotion of the
 21 career teacher pursuant to G.S. 115C-325(e)(1)l., the superintendent
 22 shall give written notice to the career teacher by certified mail or
 23 personal delivery of his intention to make such recommendation and
 24 shall set forth as part of his recommendation the grounds upon which
 25 he believes such dismissal is justified. The notice shall include a
 26 statement to the effect that if the teacher within 15 days after receipt of
 27 the notice requests a review, he shall be entitled to have the proposed
 28 recommendations of the superintendent reviewed by the board. Within
 29 the 15-day period after receipt of the notice, the career teacher may file
 30 with the superintendent a written request for a hearing before the board
 31 within 10 days. If the teacher requests a hearing before the board, the
 32 hearing procedures provided in G.S. 115C-325(j) shall be followed. If
 33 no request is made within the 15-day period, the superintendent may
 34 file his recommendation with the board. If, after considering the
 35 recommendation of the superintendent and the evidence adduced at the
 36 hearing if there is one, the board concludes that the grounds for the
 37 recommendation are true and substantiated by a preponderance of the
 38 evidence, the board, if it sees fit, may by resolution order such
 39 dismissal. Provisions of this section which permit appointment of, and
 40 investigation and review by, a panel of the Professional Review
 41 Committee shall not apply to a dismissal or demotion recommended
 42 pursuant to G.S. 115C-325(e)(1)l.
- 43 When a career teacher is dismissed pursuant to G.S. 115C-
 44 325(e)(1)l. above, his name shall be placed on a list of available

1 teachers to be maintained by the board. Career teachers whose names
2 are placed on such a list shall have a priority on all positions for which
3 they are qualified which become available in that system for the three
4 consecutive years succeeding their dismissal. However, if the local
5 school administrative unit offers the dismissed teacher a position for
6 which he is licensed or certified and he refuses it, his name shall be
7 removed from the priority list.

8 (3) In determining whether the professional performance of a career
9 teacher is adequate, consideration shall be given to regular and special
10 evaluation reports prepared in accordance with the published policy of
11 the employing local school administrative unit and to any published
12 standards of performance which shall have been adopted by the board.
13 Failure to notify a career teacher of an inadequacy in his performance
14 shall be conclusive evidence of satisfactory performance.

15 (4) Dismissal under subdivision (1) above, except paragraph g thereof,
16 shall not be based on conduct or actions which occurred more than
17 three years before the written notice of the superintendent's intention to
18 recommend dismissal is mailed to the teacher. The three-year
19 limitation shall not apply to dismissals or demotions pursuant to
20 subdivision (1)b. above when the charge of immorality is based upon a
21 teacher's sexual misconduct toward or sexual harassment of students or
22 staff."

23 Sec. 26. G.S. 115C-325(o) reads as rewritten:

24 "(o) Resignation; Nonrenewal of Contract. – A teacher, career or probationary,
25 should not resign without the consent of the superintendent unless he has given at least
26 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the
27 board may request that the North Carolina Professional Teaching Standards Board
28 revoke the teacher's license or the State Board of Education revoke the teacher's
29 certificate as an administrator for the remainder of that school year. A copy of the
30 request shall be placed in the teacher's personnel file.

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

33 Sec. 27. G.S. 115C-363.19 reads as rewritten:

34 "**§ 115C-363.19. Tuition grants for certain areas of need.**

35 (a) The Office of Teacher Recruitment shall administer a Tuition Grant Program.
36 The Program shall provide scholarship loans to individuals with skills in a subject area
37 of high need who hold college degrees but do not have teacher ~~certification, licensure,~~
38 and to ~~certified-licensed~~ teachers who agree to retraining for ~~certification-licensure~~ in
39 subject areas of high need.

40 (b) A recipient of a tuition scholarship loan shall receive a grant toward the
41 actual amount of his tuition cost, up to one thousand dollars (\$1,000).

42 (c) Tuition scholarship loans shall be made to individuals who agree to become
43 ~~certified-licensed~~ in a subject of high need and who agree to work in a region or local

1 school administrative unit of need. Recipients shall be selected by the Superintendent of
2 Public Instruction.

3 (d) All scholarship loans shall be evidenced by notes made payable to the State
4 Board of Education that bear interest at the rate of ten percent (10%) per year beginning
5 September 1 after the recipient completes his course work for ~~certification~~-licensure or
6 after termination of the scholarship loan, whichever is earlier. The scholarship loan may
7 be terminated by the recipient withdrawing from school or by the recipient not meeting
8 the standards set by the State Board.

9 (e) The State Board shall forgive the loan if, within four years after completing
10 the course work, the recipient teaches for two years in the subject area and the
11 geographical area agreed upon when the loan was made.

12 (f) All funds appropriated to or otherwise received by the Tuition Grant
13 Program, all funds received as repayment of scholarship loans, and all interest earned on
14 these funds shall be placed in a revolving fund. This revolving fund may be used only
15 for scholarship loans granted under the Tuition Grant Program."

16 Sec. 28. G.S. 115C-363.20 reads as rewritten:

17 **"§ 115C-363.20. Teacher Assistant and Substitute Teacher Retraining Program.**

18 (a) The Office of Teacher Recruitment shall administer a Teacher Assistant and
19 Substitute Teacher Retraining Program. The program shall provide one-year scholarship
20 loans to currently employed teacher assistants and substitute teachers who hold college
21 degrees and who agree to retraining for ~~certification~~-licensure in subject areas of high
22 need.

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

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

- 27 (1) Are sponsored by a local school administrative unit by which they are
28 currently employed as a teacher assistant or substitute teacher and
29 which agrees to employ them as a teacher after they are retrained;
- 30 (2) Agree to enter a college program full time and secure ~~certification~~
31 licensure in a specified area; and
- 32 (3) Agree to accept a teaching position in the local school administrative
33 unit that sponsored them.

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

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

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

1 (f) All funds appropriated to or otherwise received by the Teacher Assistant and
2 Substitute Teacher Retraining Program, all funds received as repayment of scholarship
3 loans, and all interest earned on these funds shall be placed in a revolving fund and may
4 be used only for scholarship loans granted under the Teacher Assistant and Substitute
5 Teacher Retraining Program."

6 Sec. 29. G.S. 115C-358 reads as rewritten:

7 **"§ 115C-358. Designated state official.**

8 For the purposes of the agreement set forth in this Article the 'designated state
9 official' for this State shall be the Superintendent of Public Instruction. ~~He~~The
10 Superintendent shall enter into contracts pursuant to G.S. 115C-351 with regard to
11 teachers and other employees paid on the teacher salary schedule only with the approval
12 of the specific text thereof by the North Carolina Professional Teaching Standards
13 Board. The Superintendent shall enter into contracts pursuant to G.S. 115C-351 with
14 regard to other educational personnel only with the approval of the specific text thereof
15 by the State Board of Education."

16 Sec. 30. G.S. 115C-471 reads as rewritten:

17 **"§ 115C-471. Fund administered by State Superintendent of Public Instruction;**
18 **rules and regulations.**

19 The Scholarship Loan Fund for Prospective Teachers shall be administered by the
20 State Superintendent of Public Instruction, under the following rules and regulations,
21 and under such further rules and regulations as the State Board of Education shall in its
22 discretion promulgate:

23 (1) Any resident of North Carolina who is interested in preparing to teach
24 in the public schools of the State shall be eligible to apply in writing to
25 the State Superintendent of Public Instruction for a regular scholarship
26 loan in the amount of not more than two thousand dollars (\$2,000) per
27 academic school year.

28 (2) All scholarship loans shall be evidenced by notes made payable to the
29 State Board of Education which shall bear interest at the rate of six
30 percent (6%) per annum from and after September 1 following
31 fulfillment by a prospective teacher of the requirements for a ~~certificate~~
32 license based upon the entry level degree; or in the case of persons
33 already teaching in the public schools who obtain scholarship loans
34 such notes shall bear interest at the prescribed rate from and after
35 September 1 of the school year beginning immediately after the use of
36 such scholarship loans; or in the event any such scholarship shall be
37 terminated under the provisions of subdivision (3) of this section then
38 such notes shall bear interest from the date of such termination. A
39 minor recipient who signs such note or notes shall also obtain the
40 endorsement thereon by a parent, if there be a living parent, unless
41 such endorsement is waived by the Superintendent of Public
42 Instruction. Such minor recipient shall be obligated upon such note or
43 notes as fully as if ~~he or she~~ the minor were of age and shall not be

1 permitted to plead such minority as a defense in order to avoid the
2 obligations undertaken upon such note or notes.

3 (3) Each recipient of a scholarship loan under the provisions of this
4 program shall be eligible for scholarship loans each year until ~~he~~the
5 recipient has qualified for a ~~certificate~~license based upon the entry
6 level degree, but ~~he~~the recipient shall not be so eligible for more than
7 the minimum number of years required by the college or university for
8 qualifying for said ~~certificate~~license. The permanent withdrawal of
9 any recipient from college or failure of such recipient to do college
10 work in a manner acceptable to the State Superintendent of Public
11 Instruction will immediately forfeit such recipient's right to retain such
12 scholarship and subject such scholarship to termination by the State
13 Superintendent of Public Instruction in his discretion. All terminated
14 scholarships shall be regarded as vacant and subject to being awarded
15 to other eligible persons.

16 (4) Except under emergency conditions applicable to the State
17 Superintendent of Public Instruction, recipients of scholarship loans
18 shall enter the public school system of North Carolina at the beginning
19 of the next school term after qualifying for a ~~certificate~~license based
20 upon the entry level degree or in case of persons already teaching in
21 the public schools at the beginning of the next school term after the use
22 of such loan. All teaching service for which the recipient of any
23 scholarship loan is obligated shall be rendered within seven years after
24 the completion of the use of each such scholarship loan.

25 (5) For each full school year taught in a North Carolina public school, the
26 recipient of a scholarship loan shall receive credit upon the amount due
27 by reason of such loan equal to all interest accrued upon the loan to
28 that time plus a credit of two thousand dollars (\$2,000) upon the
29 principal amount of such obligation or such lesser amount as may
30 remain due upon said principal; provided, however, that in lieu of
31 teaching in the public school, a recipient may elect to pay in cash the
32 full amount of scholarship loans received plus interest then due
33 thereon or any part thereof which has not been canceled by the State
34 Board of Education by reason of teaching service rendered.

35 (6) If any recipient of a scholarship loan who is fulfilling his obligation
36 under subdivision (4) of this section dies within the seven-year period,
37 or if any recipient dies during the period of attendance at a college or
38 university under a scholarship loan, any balance that has not been
39 discharged through service shall be automatically canceled.

40 If any recipient of a scholarship loan fails to fulfill his obligations
41 under subdivision (4) of this section, other than as provided above, the
42 amount of his loan and accrued interest, if any, shall be due and
43 payable from the time of failure to fulfill such obligations.

1 (7) The State Superintendent of Public Instruction shall award scholarship
2 loans with due consideration to such factors and circumstances as:
3 aptitude, purposefulness, scholarship, character, financial need, and
4 areas or subjects of instruction in which the demands for teachers are
5 greatest. Since the primary purpose of this Article is to attract worthy
6 young people to the teaching profession, preference shall be given to
7 high school seniors in the awarding of scholarships."

8 Sec. 31. G.S. 120-123 is amended by adding a new subdivision to read:

9 "(60) The North Carolina Professional Teaching Standards Board, as
10 established by G.S. 115C-295.1."

11 Sec. 32. (a) Effective January 1, 1994, the statutory authority, powers, duties,
12 and functions, and records, of the State Board of Education with regard to (i) setting
13 standards and fees for licensure of public school teachers and other public school
14 employees paid on the teacher salary schedules, (ii) issuing, renewing, and revoking
15 these licenses, (iii) approving teacher education programs at colleges and universities,
16 (iv) monitoring ethics and professional practices of teachers; and (v) approving
17 reciprocity agreements between North Carolina and other states with regard to teacher
18 licensure, are transferred from the State Board of Education to the North Carolina
19 Professional Teaching Standards Board.

20 (b) Effective January 1, 1994, the statutory authority, powers, duties, and
21 functions, records, personnel, property, unexpended balances of appropriations,
22 allocations or other funds, including the functions of budgeting and purchasing, of the
23 Department of Public Instruction with regard to (i) setting standards and fees for
24 licensure of public school teachers and other public school employees paid on the
25 teacher salary schedules, (ii) issuing, renewing, and revoking these licenses, (iii)
26 approving teacher education programs at colleges and universities, (iv) monitoring
27 ethics and professional practices of teachers; and (v) approving reciprocity agreements
28 between North Carolina and other states with regard to teacher licensure, are transferred
29 from the Department of Public Instruction to the North Carolina Professional Teaching
30 Standards Board.

31 (c) All rules of the State Board of Education with regard to authority transferred
32 to the North Carolina Professional Teaching Standards Board shall remain in effect until
33 amended or repealed by the North Carolina Professional Teaching Standards Board. All
34 references in the rules to the State Board of Education or the Department of Public
35 Instruction shall be construed to refer to the North Carolina Professional Teaching
36 Standards Board.

37 (d) All teachers and other public school employees paid on the teacher salary
38 schedule who were certified or certificated teachers on December 31, 1993, shall be
39 considered to be licensed for the same purpose as long as their certification is not
40 expired or revoked.

41 (e) Every act of the State Board of Education or the Department of Public
42 Instruction with regard to the certification of teachers and other public school
43 employees paid on the teacher salary schedule that occurred prior to January 1, 1994,
44 and that is otherwise valid continues to be valid and effective notwithstanding the

1 transfer of authority to the North Carolina Professional Teaching Standards Board or the
2 changes in terminology from a system of certification to a system of licensure.

3 Sec. 33. There is appropriated from the General Fund to the North Carolina
4 Professional Teaching Standards Board the sum of fifty thousand dollars (\$50,000) for
5 the 1993-94 fiscal year and the sum of fifty thousand dollars (\$50,000) for the 1994-95
6 fiscal year to implement the provisions of this act.

7 Sec. 34. Except as otherwise provided in this act, Sections 1, 31, and 32 of
8 this act are effective upon ratification. Sections 2 through 30 of this act become
9 effective January 1, 1994. Section 33 of this act becomes effective July 1, 1993.