

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 241

Short Title: School Employee Continuing Contracts.

(Public)

Sponsors: Representatives Cummings; J. Brown, Cocklereece, Culp, Grady, Justus, Pate, Preston, Sherrill, Shubert, Sutton, Weatherly, and G. Wilson.

Referred to: Education.

February 22, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT NONCERTIFICATED PUBLIC SCHOOL EMPLOYEES BE HIRED ON A CONTINUING CONTRACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-315 reads as rewritten:

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

(a) ~~Janitors and Maids.— In the city administrative units, janitors and maids shall be appointed by the board of education of such local school administrative unit upon the recommendation of the superintendent.~~ Election of Noncertificated Employees. — Noncertificated employees shall be elected by the local board of education upon the recommendation of the superintendent, in accordance with G.S. 115C-276(j).

(b) ~~Election by Local Boards.— School personnel shall be elected by the local board of education upon the recommendation of the superintendent, in accordance with the provisions of G.S. 115C-276(j).~~ Continuing Contracts; Termination; Hearing. — Noncertificated employees shall be employed on a continuing contract and may be terminated by the local board upon the recommendation of the superintendent. If the local board decides to terminate an employee, the employee shall be provided written notice of the termination at least 14 calendar days prior to termination. The reason for termination

1 shall not be arbitrary, capricious, discriminatory, personal, or political. The decision of
2 the local board may be appealed in accordance with G.S. 115C-45.

3 ~~It is the policy of the State of North Carolina to encourage and provide for the most~~
4 ~~efficient and cost-effective method of meeting the needs of local school administrative~~
5 ~~units for noncertified support personnel. To this end, the State Board of Education shall~~
6 ~~recommend to the General Assembly by November 1, 1984, a system using factors and~~
7 ~~formulas to determine the total number of noncertified support personnel allotted to local~~
8 ~~school administrative units. The recommended system for allotting noncertified support~~
9 ~~personnel shall include the proposed State's funding obligation for these positions and~~
10 ~~shall be developed in consultation with school-based support personnel or their~~
11 ~~representatives.~~

12 (c) Prerequisites for Employment. – All professional personnel employed in the
13 public schools of the State or in schools receiving public funds shall be required either to
14 hold or be qualified to hold a certificate in compliance with the provision of the law or in
15 accordance with the regulations of the State Board of Education: Provided, that nothing
16 herein shall prevent the employment of temporary personnel under such rules as the State
17 Board of Education may prescribe.

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

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

31 (f) Employing Persons Not Holding Nor Qualified to Hold Certificate. – It shall
32 be unlawful for any board of education to employ or keep in service any professional
33 person who neither holds nor is qualified to hold a certificate in compliance with the
34 provisions of the law or in accordance with the regulations of the State Board of
35 Education."

36 Sec. 2. G.S. 115C-45 is amended by adding a new subsection to read:

37 "(d) An employee may appeal a termination decision made in accordance with G.S.
38 115C-315(b) to the local board in accordance with subsection (c) of this section."

39 Sec. 3. This act becomes effective August 1, 1995.