

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 858

Education/Higher Education Committee Substitute Adopted 5/4/95

Short Title: Clarify School Administrators' Contracts.

(Public)

Sponsors:

Referred to:

April 26, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW REGARDING CONTRACTS FOR SCHOOL ADMINISTRATORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-287.1 reads as rewritten:

"§ 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(e)(3) shall be determined in accordance with the provisions of G.S. 115C-325. Any principal or supervisor who achieved career status in his or her current position on or before June 30, 1997, as provided in G.S. 115C-325, shall retain career status in that position unless and until the principal or supervisor (i) voluntarily relinquishes career status through promotion, resignation, or otherwise, or (ii) is dismissed or demoted pursuant to the provisions of G.S. 115C-325.~~

Any school administrator who did not achieve career status in his or her position on or before June 30, 1997, shall be employed pursuant to the provisions of this section.

(a1) For purposes of this section, school administrator means ~~a principal, assistant principal, supervisor, or director. Provided, however, nothing a:~~

(1) Principal;

1 (2) Assistant principal;

2 (3) Supervisor; or

3 (4) Director,

4 whose major function includes the direct or indirect supervision of teaching or of any
5 other part of the instructional program.

6 Nothing in this section shall be construed to confer career status on any assistant
7 principal or director, or to make an assistant principal eligible for career status as an
8 assistant principal or a director eligible for career status as a director.

9 (b) Local boards of education shall employ school administrators who are
10 ineligible for career status as provided by G.S. 115C-325(c)(3), upon the
11 recommendation of the superintendent. ~~The first contract~~ All contracts between the school
12 administrator and the local board of education shall be for two to four years; ~~subsequent~~
13 ~~contracts shall be for terms of four years. Contracts shall be renewed only at the end of the~~
14 ~~contract period.~~ years, ending on June 30 of the final 12 months of the contract. The local
15 board of education may, with the written consent of the school administrator, extend,
16 renew, or offer a new school administrator's contract at any time after the first 12 months
17 of the contract so long as the term of the new, renewed, or extended contract does not
18 exceed four years. Rolling annual contract renewals are not allowed. Nothing in this
19 section shall be construed to prohibit the filling of an administrative position on an
20 interim or temporary basis.

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

26 (d) ~~If the superintendent elects not to recommend the reemployment of a school~~
27 ~~administrator at the end of the contract's term, the superintendent shall notify the school~~
28 ~~administrator in writing at least 30 days prior to the end of the contract's term that the~~
29 ~~school administrator will not be offered reemployment beyond the contract's term. In the~~
30 ~~notice the superintendent shall state the reason the school administrator will not be~~
31 ~~offered reemployment beyond the contract term. No action by the board of education~~
32 ~~shall be necessary unless the school administrator requests a hearing before the board in~~
33 ~~accordance with G.S. 115C-45 and G.S. 115C-305. In the event a hearing is requested,~~
34 ~~the local board of education shall make the final decision concerning whether the school~~
35 ~~administrator's contract will be renewed. The cause for nonrenewal may not be for~~
36 ~~arbitrary, capricious, discriminatory, personal, or political reasons. Any school~~
37 ~~administrator who is nonrenewed pursuant to this section shall have the right to an appeal~~
38 ~~in accordance with G.S. 115C-305 and G.S. 115C-325(n).~~

39 ~~At least 90 days prior to the end of the contract term, if a superintendent intends to~~
40 ~~notify a school administrator that the school administrator will not be offered~~
41 ~~reemployment beyond the contract term, the superintendent shall give the school~~
42 ~~administrator and the local board of education written notice that termination is likely and~~
43 ~~the reason that termination is likely. The school administrator shall have the right to~~

1 request and to participate in a conference with the superintendent at least 60 days prior to
2 the end of the contract term to discuss the reasons for the possible termination. After the
3 conference the superintendent may either recommend reemployment of the administrator
4 or notify the school administrator that reemployment will not be offered.

5 If a superintendent intends to recommend to the local board of education that the
6 school administrator be offered a new, renewed, or extended contract, the superintendent
7 shall submit the recommendation to the local board for action. The local board may
8 approve the superintendent's recommendation or decide not to offer the school
9 administrator a new, renewed, or extended school administrator's contract.

10 If a superintendent decides not to recommend that the local board of education offer a
11 new, renewed, or extended school administrator's contract to the school administrator, the
12 superintendent shall give the school administrator written notice of his or her decision
13 and the reasons for his or her decision no later than May 1 of the final year of the
14 contract. The superintendent's reasons may not be arbitrary, capricious, discriminatory,
15 personal, or political. No action by the local board or further notice to the school
16 administrator shall be necessary unless the school administrator files with the
17 superintendent a written request, within 10 days of receipt of the superintendent's
18 decision, for a hearing before the local board. Failure to file a timely request for a
19 hearing shall result in a waiver of the right to appeal the superintendent's decision. If a
20 school administrator files a timely request for a hearing, the local board shall conduct a
21 hearing pursuant to the provisions of G.S. 115C-45(c) and make a final decision on
22 whether to offer the school administrator a new, renewed, or extended school
23 administrator's contract.

24 If the local board decides not to offer the school administrator a new, renewed, or
25 extended school administrator's contract, the local board shall notify the school
26 administrator of its decision by June 1 of the final year of the contract. A decision not to
27 offer the school administrator a new, renewed, or extended contract may be for any cause
28 that is not arbitrary, capricious, discriminatory, personal, or political. The local board's
29 decision not to offer the school administrator a new, renewed, or extended school
30 administrator's contract is subject to judicial review in accordance with Article 4 of
31 Chapter 150B of the General Statutes.

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

42 (f) If the superintendent or the local board of education fails to notify a school
43 administrator at least 30 days prior to the end of the contract's term by June 1 of the final year

1 of the contract that the school administrator will not be offered employment beyond the end
2 of the contract term, a new school administrator's contract, the school administrator shall
3 be entitled to 30 days of additional employment or severance pay beyond the date the
4 school administrator receives written notice that the a new contract will not be renewed.
5 offered. The cause for nonrenewal shall not be for arbitrary, capricious, discriminatory,
6 personal, or political reasons.

7 (g) If the school administrator acquired career status as a teacher prior to
8 appointment as a school administrator, a school administrator whose contract as a school
9 administrator is not renewed or extended by the superintendent or the board of education
10 shall be entitled to reassignment and employment in a teaching position. If, prior to
11 appointment as a school administrator, the school administrator held career status as a
12 teacher in the local school administrative unit in which he or she is employed as a school
13 administrator, a school administrator shall retain career status as a teacher if the school
14 administrator is not offered a new, renewed, or extended contract by the local board of
15 education, unless the school administrator voluntarily relinquished that right or is
16 dismissed or demoted pursuant to G.S. 115C-325."

17 Sec. 2. G.S. 115C-325(c)(3) reads as rewritten:

18 "(3) Ineligible for Career Status. – No superintendent, associate superintendent,
19 assistant superintendent or other school employee who is not employee of a
20 local board of education except a teacher as defined by G.S. 115C-
21 325(a)(6) is eligible to obtain career status or continue in a career status
22 if he no longer performs the responsibilities of a teacher as defined in
23 G.S. 115C-325(a)(6). No person who is promoted to or employed working
24 in a principal, director, principal or supervisor position after July 1, 1995,
25 is eligible to obtain who did not acquire career status as a school
26 administrator by June 30, 1997, shall have career status as an
27 administrator. Further, no director or assistant principal is eligible to
28 obtain career status as a school administrator unless he or she has
29 already been conferred that status by the local board of education. If the
30 person acquired career status as a teacher in a local school administrative unit
31 before being promoted to or employed in a principal, director, or supervisor
32 position, the person shall retain career status as a teacher and the person has a
33 right to reassignment to a teaching position in the event the person is not
34 continued in employment as a principal, supervisor, or director."

35 Sec. 3. This act is effective upon ratification.