

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 898

Education/Higher Education Committee Substitute Adopted 4/21/99

Short Title: School Personnel Law Changes.

(Public)

Sponsors:

Referred to:

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NUMBER OF DAYS WITHIN WHICH A BOARD OF EDUCATION MUST HOLD A TEACHER DISMISSAL HEARING, TO CLARIFY THAT THE SUPERINTENDENT'S DESIGNEE MAY BE PRESENT AT THE CASE MANAGER HEARING, TO ALLOW TIME FOR THE SUPERINTENDENT TO OBTAIN A COPY OF THE CASE MANAGER TRANSCRIPT, TO DECREASE THE NUMBER OF DAYS WITHIN WHICH THE SUPERINTENDENT MUST PROVIDE A LIST OF WITNESSES FOR A BOARD HEARING ON A REDUCTION IN FORCE, TO CHANGE THE DATE WHEN LOCAL BOARDS MUST NOTIFY TEACHERS WHETHER THEIR PROBATIONARY CONTRACTS HAVE BEEN RENEWED, TO REPEAL THE PROFESSIONAL PRACTICES BOARD, AND TO LIMIT THE NONINSTRUCTIONAL DUTIES ASSIGNED TO TEACHERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-325(h)(3) reads as rewritten:

"(3) Within the 14-day period after receipt of the notice, the career employee may file with the superintendent a written request for either (i) a hearing on the grounds for the superintendent's proposed recommendation by a case manager or (ii) a hearing within ~~five~~10 days before the board on

1 the superintendent's recommendation. If the career employee requests  
2 an immediate hearing before the board, he forfeits his right to a hearing  
3 by a case manager. If no request is made within that period, the  
4 superintendent may file his recommendation with the board. The board,  
5 if it sees fit, may by resolution (i) reject the superintendent's  
6 recommendation or (ii) accept or modify the superintendent's  
7 recommendation and dismiss, demote, reinstate, or suspend the  
8 employee without pay. If a request for review is made, the  
9 superintendent shall not file his recommendation for dismissal with the  
10 board until a report of the case manager is filed with the  
11 superintendent."

12 Section 2. G.S. 115C-325(j)(3) reads as rewritten:

13 "(3) At the hearing the career employee and the ~~superintendent~~ superintendent  
14 or the superintendent's designee shall have the right to be present and to  
15 be heard, to be represented by counsel and to present through witnesses  
16 any competent testimony relevant to the issue of whether grounds for  
17 dismissal or demotion exist or whether the procedures set forth in G.S.  
18 115C-325 have been followed."

19 Section 3. G.S. 115C-325(j1)(1) reads as rewritten:

20 "(1) Within two days after receiving the superintendent's notice of intent to  
21 recommend the career employee's dismissal to the board, the career  
22 employee shall decide whether to request a hearing before the board and  
23 shall notify the superintendent, in writing, of the decision. If the career  
24 employee can show that the request for a hearing was postmarked  
25 within the time provided, the career employee shall not forfeit the right  
26 to a board hearing. Within two days after receiving the career  
27 employee's request for a board hearing, the superintendent shall request  
28 that a transcript of the case manager hearing be made. Within two days  
29 of receiving a copy of the transcript, the superintendent shall submit to  
30 the board the written recommendation and shall provide a copy of the  
31 recommendation to the career employee. The superintendent's  
32 recommendation shall state the grounds for the recommendation and  
33 shall be accompanied by a copy of the case manager's ~~report~~ report and  
34 a copy of the transcript of the case manager hearing."

35 Section 4. G.S. 115C-325(j3)(5) reads as rewritten:

36 "(5) At least ~~10~~ eight days before the hearing, the superintendent shall  
37 provide to the career employee a list of witnesses the superintendent  
38 intends to present, a brief statement of the nature of the testimony of  
39 each witness, and a copy of any documentary evidence the  
40 superintendent intends to present."

41 Section 5. G.S. 115C-325(o) reads as rewritten:

42 "(o) Resignation; Nonrenewal of Contract. – A teacher, career or probationary,  
43 should not resign without the consent of the superintendent unless he has given at least 30

1 days' notice. If the teacher does resign without giving at least 30 days' notice, the board  
2 may request that the State Board of Education revoke the teacher's certificate for the  
3 remainder of that school year. A copy of the request shall be placed in the teacher's  
4 personnel file.

5 A probationary teacher whose contract will not be renewed for the next school year  
6 shall be notified of this fact by June ~~4~~15."

7 Section 6. G.S. 115C-295.3 is repealed.

8 Section 7. G.S. 115C-47 is amended by adding a new subdivision to read:

9 "(18a) To Adopt Rules and Policies Limiting the Noninstructional Duties of

10 Teachers. – Local boards of education shall adopt rules and policies  
11 limiting the noninstructional duties assigned to teachers. A local board  
12 may temporarily suspend the rules and policies for individual schools  
13 upon a finding that there is a compelling reason the rules or policies  
14 should not be implemented. These rules and policies shall ensure that:

15 a. Teachers with initial certification are not assigned extracurricular  
16 activities unless they request the assignments in writing and that  
17 other noninstructional duties assigned to these teachers are  
18 minimized, so these teachers have an opportunity to develop into  
19 skilled professionals;

20 b. Teachers with 27 or more years of experience are not assigned  
21 extracurricular activities unless they request the assignments in  
22 writing and that other noninstructional duties assigned to these  
23 teachers are minimized, so these teachers have an opportunity to  
24 informally share their experience and expertise with their  
25 colleagues;

26 c. The noninstructional duties of all teachers are limited to the  
27 extent possible given federal, State, and local laws, rules, and  
28 policies, and that the noninstructional duties required of teachers  
29 are distributed equitably among employees."

30 Section 8. G.S. 115C-296(e) reads as rewritten:

31 "(e) The State Board of Education shall develop a mentor program to provide  
32 ongoing support for teachers entering the profession. In developing the mentor program,  
33 the State Board shall conduct a comprehensive study of the needs of new teachers and  
34 how those needs can be met through an orientation and mentor support program. For the  
35 purpose of helping local boards to support new teachers, the State Board shall develop  
36 and distribute guidelines which address optimum teaching load, extracurricular duties,  
37 student assignment, and other working condition considerations. These guidelines shall  
38 provide that initially certified teachers not be assigned extracurricular activities unless  
39 they request the assignments in writing and that other noninstructional duties of these  
40 teachers be minimized. The State Board shall develop and coordinate a mentor teacher  
41 training program. The State Board shall develop criteria for selecting excellent,  
42 experienced, and qualified teachers to be participants in the mentor teacher training  
43 program."

1           Section 9. This act is effective when it becomes law. Sections 1, 2, 3, and 4  
2 apply to proceedings initiated on or after that date.