

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 155
Committee Substitute Favorable 3/21/17
Senate Education/Higher Education Committee Substitute Adopted 6/21/17
Fourth Edition Engrossed 6/26/17

Short Title: Omnibus Education Law Changes.

(Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. MODIFY SCHOOL/CLASS SIZE REPORT DATE**

6 **SECTION 1.(a)** G.S. 115C-47(10), as amended by Section 2(a) of S.L. 2017-9,
7 reads as rewritten:

8 "(10) To Assure Appropriate Class Size. – It shall be the responsibility of local
9 boards of education to assure that the class size requirements set forth in
10 G.S. 115C-301 for kindergarten through third grade are met. Any teacher
11 who believes that the requirements of G.S. 115C-301 have not been met
12 shall make a report to the principal and superintendent, and the
13 superintendent shall immediately determine whether the requirements have
14 in fact not been met. If the superintendent determines the requirements have
15 not been met, he or she shall make a report to the next local board of
16 education meeting. The local board of education shall take action to meet the
17 requirements of the statute. If the local board cannot organizationally correct
18 the exception, it shall immediately apply to the State Board of Education for
19 additional personnel or a waiver of the class size requirements, as provided
20 in G.S. 115C-301(g).

21 Upon notification from the State Board of Education that the reported
22 exception does not qualify for an allotment adjustment or a waiver under
23 provisions of G.S. 115C-301, the local board, within 30 days, shall take
24 action necessary to correct the exception, as required in G.S. 115C-301(g).

25 At the end of ~~September~~October and end of February of each school
26 year, the local board of education, through the superintendent, shall file a
27 report with the Superintendent of Public Instruction, in a format prescribed
28 by the Superintendent of Public Instruction, describing the organization for
29 each school in the local school administrative unit, as required by
30 G.S. 115C-301(f).

31 In addition to assuring that the requirements of G.S. 115C-301 are met,
32 each local board of education shall also have the duty to provide an adequate
33 number of classrooms to meet the requirements of that statute."



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1 **SECTION 1.(b)** G.S. 115C-301(f), as amended by Section 2(b) of S.L. 2017-9,
2 reads as rewritten:

3 "(f) Biannual Reports. – At the end of ~~September~~October and end of February of each
4 school year, each local board of education, through the superintendent, shall file a report, based
5 on information provided by the principal, for each school within the local school administrative
6 unit with the Superintendent of Public Instruction. The report shall be filed in a format
7 prescribed by the Superintendent of Public Instruction and shall include the organization for
8 each school in the local school administrative unit, including the following information:

9 "

10 **SECTION 1.(c)** This section is effective when it becomes law and applies
11 beginning with the 2017-2018 school year.

12
13 **PART II. MAKES CONFORMING CHANGES TO CAREER STATUS STATUTES TO**
14 **ALIGN WITH NORTH CAROLINA SUPREME COURT DECISION**

15 **SECTION 2.(a)** Section 9.6(a) of S.L. 2013-360 is repealed.

16 **SECTION 2.(b)** G.S. 115C-325 reads as rewritten:

17 **"§ 115C-325. System of employment for public school teachers.**

18 (a) Definition of Terms. – ~~As Notwithstanding G.S. 115C-325.1, as used in this section~~
19 ~~section, the following definitions apply,~~ unless the context requires otherwise:

20 (1) Repealed by Session Laws 1997-221, s. 13(a).

21 (1a) "Career employee" as used in this section ~~means;~~ means

22 a. ~~An an~~ employee who ~~has obtained~~was awarded career status with that
23 local board as a teacher ~~as provided in G.S. 115C-325(e);~~prior to August 1,
24 2013.

25 b. ~~An employee who has obtained career status with that local board in~~
26 ~~an administrative position as provided in G.S. 115C-325(d)(2);~~

27 c. ~~A probationary teacher during the term of the contract as provided in~~
28 ~~G.S. 115C-325(m); and~~

29 d. ~~A school administrator during the term of a school administrator~~
30 ~~contract as provided in G.S. 115C-287.1(c).~~

31 (1b) ~~"Career school administrator" means a school administrator who has~~
32 ~~obtained career status in an administrative position as provided in G.S.~~
33 ~~115C-325(d)(2).~~

34 (1e) "Career teacher" means a teacher who has obtained career status as provided
35 in G.S. 115C-325(e).

36 (1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and
37 applicable to persons recommended for dismissal or demotion on or after
38 that date.

39 (2) Repealed by Session Laws 1997, c. 221, s. 13(a).

40 (3) ~~"Day" means calendar day. In computing any period of time, Rule 6 of the~~
41 ~~North Carolina Rules of Civil Procedure shall apply.~~

42 (4) "Demote" means to reduce the salary of a person who is classified or paid by
43 the State Board of Education as a classroom ~~teacher or as a school~~
44 ~~administrator.~~teacher. The word "demote" does not include: (i) a suspension
45 without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or
46 reduction of bonus payments, including merit-based supplements, or a
47 systemwide modification in the amount of any applicable local supplement;
48 or (iii) any reduction in salary that results from the elimination of a special
49 duty, such as the duty of an athletic coach or a choral director.

- 1 (4a) "Disciplinary suspension" means a final decision to suspend a ~~teacher or~~
2 ~~school administrator~~ career employee without pay for no more than 60 days
3 under G.S. 115C-325(f)(2).
- 4 (4b) ~~"Exchange teacher" means a nonimmigrant alien teacher participating in an~~
5 ~~exchange visitor program designated by the United States Department of~~
6 ~~State pursuant to 22 C.F.R. Part 62 or by the United States Department of~~
7 ~~Homeland Security pursuant to 8 C.F.R. Part 214.2(q).~~
- 8 (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).
- 9 (5) ~~"Probationary teacher" means a licensed person, other than a superintendent,~~
10 ~~associate superintendent, or assistant superintendent, who has not obtained~~
11 ~~career teacher status and whose major responsibility is to teach or to~~
12 ~~supervise teaching.~~
- 13 (5a) [Expired.]
- 14 (5b) ~~"School administrator" means a principal, assistant principal, supervisor, or~~
15 ~~director whose major function includes the direct or indirect supervision of~~
16 ~~teaching or any other part of the instructional program as provided in G.S.~~
17 ~~115C-287.1(a)(3).~~
- 18 (6) "Teacher" means a person who holds at least a current, not provisional or
19 expired, Class A license or a regular, not provisional or expired, vocational
20 license issued by the State Board of Education; whose major responsibility is
21 to teach or directly supervises teaching or who is classified by the State
22 Board of Education or is paid either as a classroom teacher or instructional
23 support personnel; and who is employed to fill a full-time, permanent
24 position.
- 25 (7) Redesignated.
- 26 (8) ~~"Year" for purposes of computing time as a probationary teacher shall be not~~
27 ~~less than 120 workdays performed as a probationary teacher in a full-time~~
28 ~~permanent position in a school year. Workdays performed pending the~~
29 ~~outcome of a criminal history check as provided in G.S. 115C-332 are~~
30 ~~included in computing time as a probationary teacher.~~

31 (a1) This section shall apply only to career employees. No person who is employed as a
32 teacher who did not acquire career status as a teacher by August 1, 2013, shall have career
33 status.

34 (b) Personnel Files. – The superintendent shall maintain in his or her office a personnel
35 file for each ~~teacher~~ career employee that contains any complaint, commendation, or suggestion
36 for correction or improvement about the ~~teacher's~~ career employee's professional conduct,
37 except that the superintendent may elect not to place in a ~~teacher's~~ career employee's file (i) a
38 letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter
39 of complaint when there is no documentation of an attempt to resolve the issue. The complaint,
40 commendation, or suggestion shall be signed by the person who makes it and shall be placed in
41 the ~~teacher's~~ career employee's file only after five days' notice to the ~~teacher~~ employee. Any
42 denial or explanation relating to such complaint, commendation, or suggestion that the
43 ~~teacher~~ career employee desires to make shall be placed in the file. Any ~~teacher~~ career employee
44 may petition the local board of education to remove any information from his or her personnel
45 file that he or she deems invalid, irrelevant, or outdated. The board may order the
46 superintendent to remove said information if it finds the information is invalid, irrelevant, or
47 outdated.

48 The personnel file shall be open for the ~~teacher's~~ career employee's inspection at all
49 reasonable times but shall be open to other persons only in accordance with such rules and
50 regulations as the board adopts. Any preemployment data or other information obtained about a
51 ~~teacher~~ career employee before his or her employment by the board may be kept in a file

1 separate from his or her personnel file and need not be made available to ~~him~~him or her. No
2 data placed in the preemployment file may be introduced as evidence at a hearing on the
3 dismissal or demotion of a ~~teacher~~career employee, except the data may be used to substantiate
4 G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as grounds for dismissal or demotion.

5 (c) (1) through (3) Repealed.

6 (4) Leave of Absence. – A career ~~teacher~~employee who has been granted a
7 leave of absence by a board shall maintain his or her career status if he or
8 she returns to his or her teaching position at the end of the authorized leave.

9 (5), (6) Repealed.

10 (d) ~~Career Teachers and Career School Administrators~~Employees.

11 (1) A career ~~teacher or career school administrator~~employee shall not be
12 subjected to the requirement of annual appointment nor shall he or she be
13 dismissed, demoted, or employed on a part-time basis without his or her
14 consent except as provided in subsection ~~(e)~~(e) of this section.

15 (2) a. ~~The provisions of this subdivision do not apply to a person who is~~
16 ~~ineligible for career status as provided by G.S. 115C-325(e)(3).~~

17 b. Repealed by Session Laws 1997, c. 221, s. 13(a).

18 c. Subject to G.S. 115C-287.1, when a teacher has performed the duties
19 of supervisor or principal for three consecutive years, the board, near
20 the end of the third year, shall vote upon his or her employment for
21 the next school year. The board shall give him or her written notice
22 of that decision by June 1 of his or her third year of employment as a
23 supervisor or principal. If a majority of the board votes to reemploy
24 the teacher as a principal or supervisor, and it has notified him or her
25 of that decision, it may not rescind that action but must proceed
26 under the provisions of this section. If a majority of the board votes
27 not to reemploy the teacher as a principal or supervisor, he or she
28 shall retain career status as a teacher if that status was attained prior
29 to assuming the duties of supervisor or principal. A supervisor or
30 principal who has not held that position for three years and whose
31 contract will not be renewed for the next school year shall be notified
32 by June 1 and shall retain career status as a teacher if that status was
33 attained prior to assuming the duties of supervisor or principal.

34 A year, for purposes of computing time as a probationary
35 principal or supervisor, shall not be less than 145 workdays
36 performed as a full-time, permanent principal or supervisor in a
37 contract year.

38 ~~A principal or supervisor who has obtained career status in that~~
39 ~~position in any North Carolina public school system may be required~~
40 ~~by the board of education in another school system to serve an~~
41 ~~additional three year probationary period in that position before~~
42 ~~being eligible for career status. However, he may, at the option of the~~
43 ~~board of education, be granted career status immediately or after~~
44 ~~-serving a probationary period of one or two additional years. A~~
45 ~~principal or supervisor with career status who resigns and within five~~
46 ~~years is reemployed by the same school system need not serve~~
47 ~~another probationary period in that position of more than two years~~
48 ~~and may, at the option of the board, be reemployed immediately as a~~
49 ~~career principal or supervisor or be given career status after only one~~
50 ~~year. In any event, if he is reemployed for a third consecutive year,~~
51 ~~he shall automatically become a career principal or supervisor.~~

- 1 (e) Grounds for Dismissal or Demotion of a Career Employee.
- 2 (1) Grounds. – No career employee shall be dismissed or demoted or employed
- 3 on a part-time basis except for one or more of the following:
- 4 a. Inadequate performance.
- 5 b. Immorality.
- 6 c. Insubordination.
- 7 d. Neglect of duty.
- 8 e. Physical or mental incapacity.
- 9 f. Habitual or excessive use of alcohol or nonmedical use of a
- 10 controlled substance as defined in Article 5 of Chapter 90 of the
- 11 General Statutes.
- 12 g. Conviction of a felony or a crime involving moral turpitude.
- 13 h. Advocating the overthrow of the government of the United States or
- 14 of the State of North Carolina by force, violence, or other unlawful
- 15 means.
- 16 i. Failure to fulfill the duties and responsibilities imposed upon
- 17 teachers ~~or school administrators~~ by the General Statutes of this
- 18 State.
- 19 j. Failure to comply with such reasonable requirements as the board
- 20 may prescribe.
- 21 k. Any cause which constitutes grounds for the revocation of the career
- 22 ~~teacher's~~ employee's teaching license ~~or the career school~~
- 23 ~~administrator's administrator license.~~
- 24 l. A justifiable decrease in the number of positions due to district
- 25 reorganization, decreased enrollment, or decreased funding, provided
- 26 that there is compliance with subdivision ~~(2)~~ (2) of this subsection.
- 27 m. Failure to maintain his or her license in a current status.
- 28 n. Failure to repay money owed to the State in accordance with the
- 29 provisions of Article 60, Chapter 143 of the General Statutes.
- 30 o. Providing false information or knowingly omitting a material fact on
- 31 an application for employment or in response to a preemployment
- 32 inquiry.
- 33 (2) Reduction in Force. –
- 34 a. A local board of education shall adopt a policy for implementing a
- 35 reduction in force pursuant to sub-subdivision (e)(1)l. of this section
- 36 that includes the following criteria:
- 37 1. In determining which positions shall be subject to a reduction,
- 38 a local board of education shall consider the following:
- 39 I. Structural considerations, such as identifying
- 40 positions, departments, courses, programs, operations,
- 41 and other areas where there are (i) less essential,
- 42 duplicative, or excess personnel; (ii) job responsibility
- 43 and position inefficiencies; (iii) opportunities for
- 44 combined work functions; and (iv) decreased student
- 45 or other demands for curriculum, programs,
- 46 operations, or other services.
- 47 II. Organizational considerations, such as anticipated
- 48 organizational needs of the local school administrative
- 49 unit and program or school enrollment.
- 50 2. In identifying which ~~teachers~~ career employees in similar
- 51 positions shall be subject to a dismissal, demotion, or

1 reduction to employment on a part-time basis under the
2 policy, a local school administrative unit shall consider work
3 performance and ~~teacher~~ evaluations.

- 4 b. Before recommending to a board the dismissal or demotion of the
5 career employee pursuant to G.S. 115C-325(e)(1)~~l.~~, the
6 superintendent shall give written notice to the career employee by
7 certified mail or personal delivery of his or her intention to make
8 such recommendation and shall set forth as part of his or her
9 recommendation the grounds upon which he or she believes such
10 dismissal or demotion is justified. The notice shall include a
11 statement to the effect that if the career employee within 15 days
12 after receipt of the notice requests a review, he or she shall be
13 entitled to have the proposed recommendations of the superintendent
14 reviewed by the board. Within the 15-day period after receipt of the
15 notice, the career employee may file with the superintendent a
16 written request for a hearing before the board within 10 days. If the
17 career employee requests a hearing before the board, the hearing
18 procedures provided in G.S. 115C-325(j3) shall be followed. If no
19 request is made within the 15-day period, the superintendent may file
20 his or her recommendation with the board. If, after considering the
21 recommendation of the superintendent and the evidence adduced at
22 the hearing if there is one, the board concludes that the grounds for
23 the recommendation are true and substantiated by a preponderance of
24 the evidence, the board, if it sees fit, may by resolution order such
25 dismissal. Provisions of this section which permit a hearing by a
26 hearing officer shall not apply to a dismissal or demotion
27 recommended pursuant to G.S. 115C-325(e)(1)~~l.~~.

28 When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)~~l.~~,
29 above, his or her name shall be placed on a list of available career employees
30 to be maintained by the board.

- 31 (3) Inadequate Performance. – In determining whether the professional
32 performance of a career employee is adequate, consideration shall be given
33 to regular and special evaluation reports prepared in accordance with the
34 published policy of the employing local school administrative unit and to
35 any published standards of performance which shall have been adopted by
36 the board. Failure to notify a career employee of an inadequacy or deficiency
37 in performance shall be conclusive evidence of satisfactory performance.
38 Inadequate performance for a ~~teacher-career employee~~ shall mean (i) the
39 failure to perform at a proficient level on any standard of the evaluation
40 instrument or (ii) otherwise performing in a manner that is below standard.
41 ~~However, for a probationary teacher, a performance rating below proficient~~
42 ~~may or may not be deemed adequate at that stage of development by a~~
43 ~~superintendent or designee.~~ For a career ~~teacher, employee,~~ a performance
44 rating below proficient shall constitute inadequate performance unless the
45 principal noted on the instrument that the ~~teacher~~ career employee is making
46 adequate progress toward proficiency given the circumstances.

- 47 (4) Three-Year Limitation on Basis of Dismissal or Demotion. – Dismissal or
48 demotion under subdivision (1) above, except paragraphs g. and o. thereof,
49 shall not be based on conduct or actions which occurred more than three
50 years before the written notice of the superintendent's intention to
51 recommend dismissal or demotion is mailed to the career employee. The

1 three-year limitation shall not apply to dismissals or demotions pursuant to
2 subdivision (1)b. above when the charge of immorality is based upon a
3 career employee's sexual misconduct toward or sexual harassment of
4 students or staff.

5 (f) (1) Suspension without Pay. – If a superintendent believes that cause exists for
6 dismissing a career employee for any reason specified in
7 G.S. 115C-325(e)(1) and that immediate suspension of the career employee
8 is necessary, the superintendent may suspend the career employee without
9 pay. Before suspending a career employee without pay, the superintendent
10 shall meet with the career employee and give him or her written notice of the
11 charges against ~~him~~, him or her, an explanation of the bases for the charges,
12 and an opportunity to respond. Within five days after a suspension under this
13 paragraph, the superintendent shall initiate a dismissal, demotion, or
14 disciplinary suspension without pay as provided in this section. If it is finally
15 determined that no grounds for dismissal, demotion, or disciplinary
16 suspension without pay exist, the career employee shall be reinstated
17 immediately, shall be paid for the period of suspension, and all records of
18 the suspension shall be removed from the career employee's personnel file.

19 (2) Disciplinary Suspension Without Pay. – A career employee recommended
20 for disciplinary suspension without pay ~~pursuant to G.S. 115C-325(a)(4a)~~
21 may request a hearing before the board. If no request is made within 15 days,
22 the superintendent may file his or her recommendation with the board. If,
23 after considering the recommendation of the superintendent and the evidence
24 adduced at the hearing if one is held, the board concludes that the grounds
25 for the recommendation are true and substantiated by a preponderance of the
26 evidence, the board, if it sees fit, may by resolution order such suspension.

27 a. Board hearing for disciplinary suspensions for more than 10 days or
28 for certain types of intentional misconduct. – The procedures for a
29 board hearing under G.S. 115C-325(j3) shall apply if any of the
30 following circumstances exist:

- 31 1. The recommended disciplinary suspension without pay is for
32 more than 10 days; or
- 33 2. The disciplinary suspension is for intentional misconduct,
34 such as inappropriate sexual or physical conduct, immorality,
35 insubordination, habitual or excessive alcohol or nonmedical
36 use of a controlled substance as defined in Article 5 of
37 Chapter 90 of the General Statutes, any cause that constitutes
38 grounds for the revocation of the ~~teacher's or school~~
39 ~~administrator's~~ career employee's license, or providing false
40 information.

41 b. Board hearing for disciplinary suspensions of no more ~~that~~ than 10
42 days. – The procedures for a board hearing under G.S. 115C-325(j2)
43 shall apply to all disciplinary suspensions of no more than 10 days
44 that are not for intentional misconduct as specified in
45 ~~G.S. 115C-325(f)(2)a.2.~~ sub-sub-subdivision a.2. of this subdivision.

46 (f1) Suspension with Pay. – If a superintendent believes that cause may exist for
47 dismissing or demoting a career employee for any reasons specified in G.S. 115C-325(e)(1),
48 but that additional investigation of the facts is necessary and circumstances are such that the
49 career employee should be removed immediately from his or her duties, the superintendent may
50 suspend the career employee with pay for a reasonable period of time, not to exceed 90 days.
51 The superintendent shall notify the board of education within two days of his or her action and

1 shall notify the career employee within two days of the action and the reasons for it. If the
2 superintendent has not initiated dismissal or demotion proceedings against the career employee
3 within the 90-day period, the career employee shall be reinstated to his or her duties
4 immediately and all records of the suspension with pay shall be removed from the career
5 employee's personnel file at his or her request. However, if the superintendent and the
6 employee agree to extend the 90-day period, the superintendent may initiate dismissal or
7 demotion proceedings against the career employee at any time during the period of the
8 extension.

9 ~~(f2) Procedure for Demotion of Career School Administrator.—If a superintendent~~
10 ~~intends to recommend the demotion of a career school administrator, the superintendent shall~~
11 ~~give written notice to the career school administrator by certified mail or personal delivery and~~
12 ~~shall include in the notice the grounds upon which the superintendent believes the demotion is~~
13 ~~justified. The notice shall include a statement that if the career school administrator requests a~~
14 ~~hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the~~
15 ~~grounds for the proposed demotion reviewed by the local board of education. If the career~~
16 ~~school administrator does not request a board hearing within 15 days, the superintendent may~~
17 ~~file the recommendation of demotion with the board. If, after considering the superintendent's~~
18 ~~recommendation and the evidence presented at the hearing if one is held, the board concludes~~
19 ~~that the grounds for the recommendation are true and substantiated by a preponderance of the~~
20 ~~evidence, the board may by resolution order the demotion. The procedures for a board hearing~~
21 ~~under G.S. 115C-325(j3) shall apply to all demotions of career school administrators.~~

22 (g) Repealed by Session Laws 1997, c. 221, s. 13(a).

23 (h) Procedure for Dismissal or Demotion of Career Employee.

24 (1) a. A career employee may not be dismissed, demoted, or reduced to
25 part-time employment except upon the superintendent's
26 recommendation.

27 b. ~~G.S. 115C-325(f2) shall apply to the demotion of a career school~~
28 ~~administrator.~~

29 (2) Before recommending to a board the dismissal or demotion of the career
30 employee, the superintendent shall give written notice to the career
31 employee by certified mail or personal delivery of his or her intention to
32 make such recommendation and shall set forth as part of his or her
33 recommendation the grounds upon which he or she believes such dismissal
34 or demotion is justified. The superintendent also shall meet with the career
35 employee and provide written notice of the charges against the career
36 employee, an explanation of the basis for the charges, and an opportunity to
37 respond if the career employee has not done so under G.S. 115C-325(f)(1).
38 The notice shall include a statement to the effect that if the career employee
39 within 14 days after the date of receipt of the notice requests a review, he or
40 she may request to have the grounds for the proposed recommendations of
41 the superintendent reviewed by an impartial hearing officer appointed by the
42 Superintendent of Public Instruction as provided for in G.S. 115C-325(h)(7).
43 A copy of G.S. 115C-325 shall also be sent to the career employee. If the
44 career employee does not request a hearing before a hearing officer within
45 the 14 days provided, the superintendent may submit his or her
46 recommendation to the board.

47 (3) Within the 14-day period after receipt of the notice, the career employee
48 may file with the superintendent a written request for either (i) a hearing on
49 the grounds for the superintendent's proposed recommendation by a hearing
50 officer or (ii) a hearing within 10 days before the board on the
51 superintendent's recommendation. If the career employee requests an

1 immediate hearing before the board, he or she forfeits his or her right to a
 2 hearing by a hearing officer. If no request is made within that period, the
 3 superintendent may file his or her recommendation with the board. The
 4 board, if it sees fit, may by resolution (i) reject the superintendent's
 5 recommendation or (ii) accept or modify the superintendent's
 6 recommendation and dismiss, demote, reinstate, or suspend the career
 7 employee without pay. If a request for review is made, the superintendent
 8 shall not file the recommendation for dismissal with the board until a report
 9 of the hearing officer is filed with the superintendent. Failure of the hearing
 10 officer to submit the report as required by G.S. 115C-325(i1)(1) shall entitle
 11 the career employee to a hearing before the board under the same procedures
 12 as provided in G.S.115C-325(j).

13 (4) Repealed by Session Laws 1997, c. 221, s. 13(a).

14 (5) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and
 15 applicable to persons recommended for dismissal or demotion on or after
 16 that date.

17 (6) If a career employee requests a review by a hearing officer, the
 18 superintendent shall notify the Superintendent of Public Instruction within
 19 five days of his or her receipt of the request.

20 (7) Within five days of being notified of the request for a hearing before a
 21 hearing officer, the Superintendent of Public Instruction shall submit to both
 22 parties a list of hearing officers trained and approved by the State Board of
 23 Education. Within five days of receiving the list, the parties may jointly
 24 select a hearing officer from that list, or, if the parties cannot agree to a
 25 hearing officer, each party may strike up to one-third of the names on the list
 26 and submit its strikeout list to the Superintendent of Public Instruction. The
 27 Superintendent of Public Instruction shall then appoint a hearing officer
 28 from those individuals remaining on the list. Further, the parties may jointly
 29 agree on another hearing officer not on the State Board of Education's list,
 30 provided that individual is available to proceed in a timely manner and is
 31 willing to accept the terms of appointment required by the State Board of
 32 Education. No person eliminated by the career employee or superintendent
 33 shall be designated as the hearing officer for that case.

34 (8) The superintendent and career employee shall serve a copy to the other party
 35 of all documents submitted to the Superintendent of Public Instruction and to
 36 the designated hearing officer and include a signed certificate of service
 37 similar to that required in court pleadings.

38 ...

39 (j3) ~~Board Hearing for Certain Disciplinary Suspensions, Demotions of Career School~~
 40 ~~Administrators, Suspensions and for Reductions in Force. – The following procedures shall~~
 41 ~~apply for a board hearing under G.S. 115C-325(e)(2), G.S. 115C-325(f2), G.S. 115C-325(e)(2)~~
 42 ~~and G.S. 115C-325(f)(2)a:~~

43 (1) The hearing shall be private.

44 (2) The hearing shall be conducted in accordance with reasonable rules adopted
 45 by the State Board of Education to govern such hearings.

46 (3) At the hearing, the career employee and the superintendent shall have the
 47 right to be present and to be heard, to be represented by counsel, and to
 48 present through witnesses any competent testimony relevant to the issue of
 49 whether grounds exist for a disciplinary suspension without pay under ~~G.S.~~
 50 ~~115C-325(f)(2)a., a demotion of a career school administrator under G.S.~~

- 1 ~~115C-325(f2), G.S. 115C-325(f)(2)a.~~ or whether the grounds for a dismissal
2 or demotion due to a reduction in force is justified.
- 3 (4) Rules of evidence shall not apply to a hearing under this subsection and the
4 board may give probative effect to evidence that is of a kind commonly
5 relied on by reasonably prudent persons in the conduct of serious affairs.
- 6 (5) At least eight days before the hearing, the superintendent shall provide to the
7 career employee a list of witnesses the superintendent intends to present, a
8 brief statement of the nature of the testimony of each witness, and a copy of
9 any documentary evidence the superintendent intends to present.
- 10 (6) At least six days before the hearing, the career employee shall provide the
11 superintendent a list of witnesses the career employee intends to present, a
12 brief statement of the nature of the testimony of each witness, and a copy of
13 any documentary evidence the career employee intends to present.
- 14 (7) No new evidence may be presented at the hearing except upon a finding by
15 the board that the new evidence is critical to the matter at issue and the party
16 making the request could not, with reasonable diligence, have discovered
17 and produced the evidence according to the schedule provided in this
18 subsection.
- 19 (8) The board may subpoena and swear witnesses and may require them to give
20 testimony and to produce records and documents relevant to the grounds for
21 suspension without pay.
- 22 (9) The board shall decide all procedural issues, including limiting cumulative
23 evidence, necessary for a fair and efficient hearing.
- 24 (10) The superintendent shall provide for making a transcript of the hearing. If
25 the career employee contemplates an appeal of the board's decision to a court
26 of law, the career employee may request and shall receive at no charge a
27 transcript of the proceedings.
- 28 (k), (l) Repealed by Session Laws 1997, c. 221, s. 13(a).
- 29 (m) Probationary Teacher.
- 30 (1) ~~The board of any local school administrative unit may not discharge a~~
31 ~~probationary teacher during the school year except for the reasons for and by~~
32 ~~the procedures by which a career employee may be dismissed as set forth in~~
33 ~~subsections (e), (f), (f1), and (h) to (j3) above.~~
- 34 (2) ~~The board, upon recommendation of the superintendent, may refuse to renew~~
35 ~~the contract of any probationary teacher or to reemploy any teacher who is~~
36 ~~not under contract for any cause it deems sufficient: Provided, however, that~~
37 ~~the cause may not be arbitrary, capricious, discriminatory or for personal or~~
38 ~~political reasons.~~
- 39 (3) ~~The superintendent shall provide written notice to a probationary teacher no~~
40 ~~later than May 15 of the superintendent's intent to recommend nonrenewal~~
41 ~~and the teacher's right, within 10 days of receipt of the superintendent's~~
42 ~~recommendation, to (i) request and receive written notice of the reasons for~~
43 ~~the superintendent's recommendation for nonrenewal and the information~~
44 ~~that the superintendent may share with the board to support the~~
45 ~~recommendation for nonrenewal; and (ii) request a hearing for those teachers~~
46 ~~eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely~~
47 ~~request within the 10 days shall result in a waiver of the right to this~~
48 ~~information and any right to a hearing. If a teacher files a timely request, the~~
49 ~~superintendent shall provide the requested information and arrange for a~~
50 ~~hearing, if allowed, and the teacher shall be permitted to submit~~
51 ~~supplemental information to the superintendent and board prior to the board~~

1 making a decision or holding a hearing as provided in this section. The board
 2 shall adopt a policy to provide for the orderly exchange of information prior
 3 to the board's decision on the superintendent's recommendation for
 4 nonrenewal.

5 (4) ~~If the probationary teacher is eligible for career status pursuant to G.S.
 6 115C-325(e)(1) and (e)(2) and the superintendent recommends not to give
 7 the probationary teacher career status, the probationary teacher has the right
 8 to a hearing before the board unless the reason is a justifiable board or
 9 superintendent approved decrease in the number of positions due to district
 10 reorganization, decreased enrollment, or decreased funding.~~

11 (5) ~~For probationary contracts that are not in the final year before the
 12 probationary teacher is eligible for career status, the probationary teacher
 13 shall have the right to petition the local board of education for a hearing, and
 14 the local board may grant a hearing regarding the superintendent's
 15 recommendation for nonrenewal. The local board of education shall notify
 16 the probationary teacher making the petition of its decision whether to grant
 17 a hearing.~~

18 (6) ~~Any hearing held according to this subsection shall be pursuant to the
 19 provisions of G.S. 115C-45(e).~~

20 (7) ~~The board shall notify a probationary teacher whose contract will not be
 21 renewed for the next school year of its decision by June 15; provided,
 22 however, if a teacher submits a request for information or a hearing, the
 23 board shall provide the nonrenewal notification by July 1 or such later date
 24 upon the written consent of the superintendent and teacher.~~

25 (n) Appeal. – Any career employee who has been dismissed or demoted under
 26 G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without pay
 27 under ~~G.S. 115C-325(a)(4a)~~, or any school administrator whose contract is not renewed in
 28 accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed
 29 ~~under G.S. 115C-325(m)(2)~~ G.S. 115C-325(f)(2) shall have the right to appeal from the
 30 decision of the board to the superior court for the superior court district or set of districts as
 31 defined in G.S. 7A-41.1 in which the career employee is ~~employed~~ employed on one or more of
 32 the following grounds that the decision:

33 (1) Is in violation of constitutional provisions.

34 (2) Is in excess of the statutory authority or jurisdiction of the board.

35 (3) Was made upon unlawful procedure.

36 (4) Is affected by other error of law.

37 (5) Is unsupported by substantial evidence in view of the entire record as
 38 submitted.

39 (6) Is arbitrary or capricious.

40 This appeal shall be filed within a period of 30 days after notification of the decision of the
 41 board. The cost of preparing the transcript shall be determined under G.S. 115C-325(j2)(8) or
 42 G.S. 115C-325(j3)(10). A career employee who has been demoted or ~~dismissed~~, or a school
 43 ~~administrator whose contract is not renewed~~, dismissed who has not requested a hearing before
 44 the board of education pursuant to this section shall not be entitled to judicial review of the
 45 board's action.

46 (o) Resignation. –

47 (1) If a career employee has been recommended for dismissal under
 48 G.S. 115C-325(e)(1) and the employee chooses to resign without the written
 49 agreement of the superintendent, then:

50 a. The superintendent shall report the matter to the State Board of
 51 Education.

1 b. The career employee shall be deemed to have consented to (i) the
2 placement in the employee's personnel file of the written notice of
3 the superintendent's intention to recommend dismissal and (ii) the
4 release of the fact that the superintendent has reported this employee
5 to the State Board of Education to prospective employers, upon
6 request. The provisions of G.S. 115C-321 shall not apply to the
7 release of this particular information.

8 c. The career employee shall be deemed to have voluntarily surrendered
9 his or her license pending an investigation by the State Board of
10 Education in a determination whether or not to seek action against
11 the employee's license. This license surrender shall not exceed 45
12 days from the date of resignation. Provided further that the cessation
13 of the license surrender shall not prevent the State Board of
14 Education from taking any further action it deems appropriate. The
15 State Board of Education shall initiate investigation within five
16 working days of the written notice from the superintendent and shall
17 make a final decision as to whether to revoke or suspend the career
18 employee's license within 45 days from the date of resignation.

19 (2) A ~~teacher, career or probationary,~~career employee who is not recommended
20 for dismissal should not resign without the consent of the superintendent
21 unless he or she has given at least 30 days' notice. If a ~~teacher~~career
22 employee who is not recommended for dismissal does resign without giving
23 at least 30 days' notice, the board may request that the State Board of
24 Education revoke the ~~teacher's~~career employee's license for the remainder of
25 that school year. A copy of the request shall be placed in the ~~teacher's~~career
26 employee's personnel file.

27 (p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation
28 to the contrary, this section shall apply to all ~~persons~~career employees employed in teaching
29 and related educational classes in the schools and institutions of the Departments of Health and
30 Human Services and Public Instruction and the Divisions of Juvenile Justice and Adult
31 Correction of the Department of Public Safety regardless of the age of the students.

32 (p1) Procedure for Dismissal of ~~School Administrators and Teachers~~Career Employees
33 Employed in Low-Performing Residential Schools. –

34 (1) Notwithstanding any other provision of this section or any other law, this
35 subdivision shall govern the dismissal by the Secretary of Health and Human
36 Services of ~~teachers, principals, assistant principals, directors, supervisors,~~
37 ~~and other licensed personnel~~career employees assigned to a residential
38 school that the State Board has identified as low-performing and to which
39 the State Board has assigned an assistance team under Part 3A of Article 3 of
40 Chapter 143B of the General Statutes. The Secretary shall dismiss a ~~teacher,~~
41 ~~principal, assistant principal, director, supervisor, or other licensed~~
42 ~~personnel~~career employee when the Secretary receives two consecutive
43 evaluations that include written findings and recommendations regarding
44 that person's inadequate performance from the assistance team. These
45 findings and recommendations shall be substantial evidence of the
46 inadequate performance of the ~~teacher or school administrator,~~career
47 employee.

48 The Secretary may dismiss a ~~teacher, principal, assistant principal,~~
49 ~~director, supervisor, or other licensed personnel~~career employee when:

50 a. The Secretary determines that the school has failed to make
51 satisfactory improvement after the State Board assigned an assistance

1 team to that school under Part 3A of Article 3 of Chapter 143B of the
2 General Statutes; and

- 3 b. That assistance team makes the recommendation to dismiss the
4 ~~teacher, principal, assistant principal, director, supervisor, or other~~
5 ~~licensed personnel~~career employee for one or more grounds
6 established in G.S. 115C-325(e)(1) for dismissal or demotion of a
7 career employee.

8 Within 30 days of any dismissal under this subdivision, a ~~teacher,~~
9 ~~principal, assistant principal, director, supervisor, or other licensed~~
10 ~~personnel~~career employee may request a hearing before a panel of three
11 members designated by the Secretary. The Secretary shall adopt procedures
12 to ensure that due process rights are afforded to persons recommended for
13 dismissal under this subdivision. Decisions of the panel may be appealed on
14 the record to the Secretary, with further right of judicial review under
15 Chapter 150B of the General Statutes.

- 16 (2) Notwithstanding any other provision of this section or any other law, this
17 subdivision shall govern the dismissal by the Secretary of Health and Human
18 Services of licensed ~~staff members~~career employees who have engaged in a
19 remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail
20 to meet the general knowledge standard set by the State Board. The failure to
21 meet the general knowledge standard after one retest shall be substantial
22 evidence of the inadequate performance of the licensed ~~staff member~~career
23 employee.

24 Within 30 days of any dismissal under this subdivision, a licensed ~~staff~~
25 ~~member~~career employee may request a hearing before a panel of three
26 members designated by the Secretary of Health and Human Services. The
27 Secretary shall adopt procedures to ensure that due process rights are
28 afforded to licensed ~~staff members~~career employees recommended for
29 dismissal under this subdivision. Decisions of the panel may be appealed on
30 the record to the Secretary, with further right of judicial review under
31 Chapter 150B of the General Statutes.

- 32 (3) ~~The Secretary of Health and Human Services or the superintendent of a~~
33 ~~residential school may terminate the contract of a school administrator~~
34 ~~dismissed under this subsection.~~ Nothing in this subsection shall prevent the
35 Secretary from refusing to renew the contract of any person employed in a
36 school identified as low-performing under Part 3A of Article 3 of Chapter
37 143B of the General Statutes.

- 38 (4) ~~Neither party to a school administrator contract is entitled to damages under~~
39 ~~this subsection.~~

- 40 (5) The Secretary of Health and Human Services shall have the right to
41 subpoena witnesses and documents on behalf of any party to the proceedings
42 under this subsection.

43 (q) Procedure for Dismissal of ~~School Administrators and Teachers~~Career Employees
44 Employed in Low-Performing Schools. –

- 45 (1) ~~Notwithstanding any other provision of this section or any other law, this~~
46 ~~subdivision governs the State Board's dismissal of principals assigned to~~
47 ~~low performing schools to which the Board has assigned an assistance team:~~

48 a. ~~The State Board through its designee may, at any time, recommend~~
49 ~~the dismissal of any principal who is assigned to a low performing~~
50 ~~school to which an assistance team has been assigned. The State~~
51 ~~Board through its designee shall recommend the dismissal of any~~

- 1 principal when the Board receives from the assistance team assigned
2 to that principal's school two consecutive evaluations that include
3 written findings and recommendations regarding the principal's
4 inadequate performance.
- 5 b. If the State Board through its designee recommends the dismissal of
6 a principal under this subdivision, the principal shall be suspended
7 with pay pending a hearing before a panel of three members of the
8 State Board. The purpose of this hearing, which shall be held within
9 60 days after the principal is suspended, is to determine whether the
10 principal shall be dismissed.
- 11 e. The panel shall order the dismissal of the principal if it determines
12 from available information, including the findings of the assistance
13 team, that the low performance of the school is due to the principal's
14 inadequate performance.
- 15 d. The panel may order the dismissal of the principal if (i) it determines
16 that the school has not made satisfactory improvement after the State
17 Board assigned an assistance team to that school; and (ii) the
18 assistance team makes the recommendation to dismiss the principal
19 for one or more grounds established in G.S. 115C-325(e)(1) for
20 dismissal or demotion of a career employee.
- 21 e. If the State Board or its designee recommends the dismissal of a
22 principal before the assistance team assigned to the principal's school
23 has evaluated that principal, the panel may order the dismissal of the
24 principal if the panel determines from other available information
25 that the low performance of the school is due to the principal's
26 inadequate performance.
- 27 f. In all hearings under this subdivision, the burden of proof is on the
28 principal to establish that the factors leading to the school's low
29 performance were not due to the principal's inadequate performance.
30 In all hearings under sub-subdivision d. of this subdivision, the
31 burden of proof is on the State Board to establish that the school
32 failed to make satisfactory improvement after an assistance team was
33 assigned to the school and to establish one or more of the grounds
34 established for dismissal or demotion of a career employee under
35 G.S. 115C-325(e)(1).
- 36 g. In all hearings under this subdivision, two consecutive evaluations
37 that include written findings and recommendations regarding that
38 person's inadequate performance from the assistance team are
39 substantial evidence of the inadequate performance of the principal.
- 40 h. The State Board shall adopt procedures to ensure that due process
41 rights are afforded to principals under this subdivision. Decisions of
42 the panel may be appealed on the record to the State Board, with
43 further right of judicial review under Chapter 150B of the General
44 Statutes.
- 45 (2) Notwithstanding any other provision of this section or any other law, this
46 subdivision shall govern the State Board's dismissal of teachers, assistant
47 principals, directors, and supervisorscareer employees assigned to schools
48 that the State Board has identified as low-performing and to which the State
49 Board has assigned an assistance team under Article 8B of this Chapter. The
50 State Board shall dismiss a teacher, assistant principal, director, or
51 supervisorcareer employee when the State Board receives two consecutive

1 evaluations that include written findings and recommendations regarding
 2 that person's inadequate performance from the assistance team. These
 3 findings and recommendations shall be substantial evidence of the
 4 inadequate performance of the ~~teacher or school administrator~~ career
 5 employee.

6 The State Board may dismiss a ~~teacher, assistant principal, director, or~~
 7 ~~supervisor~~ career employee when:

- 8 a. The State Board determines that the school has failed to make
 9 satisfactory improvement after the State Board assigned an assistance
 10 team to that school under G.S. 115C-105.38; and
 11 b. That assistance team makes the recommendation to dismiss the
 12 ~~teacher, assistant principal, director, or supervisor~~ career employee
 13 for one or more grounds established in G.S. 115C-325(e)(1) for
 14 dismissal or demotion of a career ~~teacher~~ employee.

15 A ~~teacher, assistant principal, director, or supervisor~~ career employee
 16 may request a hearing before a panel of three members of the State Board
 17 within 30 days of any dismissal under this subdivision. The State Board shall
 18 adopt procedures to ensure that due process rights are afforded to persons
 19 recommended for dismissal under this subdivision. Decisions of the panel
 20 may be appealed on the record to the State Board, with further right of
 21 judicial review under Chapter 150B of the General Statutes.

- 22 (2a) Notwithstanding any other provision of this section or any other law, this
 23 subdivision shall govern the State Board's dismissal of licensed ~~staff~~
 24 ~~members~~ career employees who have engaged in a remediation plan under
 25 G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general
 26 knowledge standard set by the State Board. The failure to meet the general
 27 knowledge standard after one retest shall be substantial evidence of the
 28 inadequate performance of the licensed ~~staff member~~ career employee.

29 A licensed ~~staff member~~ career employee may request a hearing before a
 30 panel of three members of the State Board within 30 days of any dismissal
 31 under this subdivision. The State Board shall adopt procedures to ensure that
 32 due process rights are afforded to licensed ~~staff members~~ career employees
 33 recommended for dismissal under this subdivision. Decisions of the panel
 34 may be appealed on the record to the State Board, with further right of
 35 judicial review under Chapter 150B of the General Statutes.

- 36 (3) ~~The State Board of Education or a local board may terminate the contract of~~
 37 ~~a school administrator dismissed under this subsection. Nothing in this~~
 38 ~~subsection shall prevent a local board from refusing to renew the contract of~~
 39 ~~any person employed in a school identified as low performing under G.S.~~
 40 ~~115C-105.37.~~

- 41 (4) ~~Neither party to a school administrator contract is entitled to damages under~~
 42 ~~this subsection.~~

- 43 (5) The State Board shall have the right to subpoena witnesses and documents
 44 on behalf of any party to the proceedings under this subsection."

45 **SECTION 2.(c)** G.S. 115C-218.90(a)(3) reads as rewritten:

- 46 "(3) If a teacher employed by a local school administrative unit makes a written
 47 request for a leave of absence to teach at a charter school, the local school
 48 administrative unit shall grant the leave for one year. For the initial year of a
 49 charter school's operation, the local school administrative unit may require
 50 that the request for a leave of absence be made up to 45 days before the
 51 teacher would otherwise have to report for duty. After the initial year of a

1 charter school's operation, the local school administrative unit may require
 2 that the request for a leave of absence be made up to 90 days before the
 3 teacher would otherwise have to report for duty. A local board of education
 4 is not required to grant a request for a leave of absence or a request to extend
 5 or renew a leave of absence for a teacher who previously has received a
 6 leave of absence from that school board under this subdivision. AA teacher
 7 who has received a leave of absence to teach at a charter school may return
 8 to a public school in the local school administrative unit at the end of the
 9 leave of absence or upon the end of employment at the charter school if an
 10 appropriate position is available. If a teacher—~~who~~ has career status under
 11 G.S. 115C-325 prior to receiving a leave of absence to teach at a charter
 12 school, the teacher may return to a public school in the local school
 13 administrative unit with career status at the end of the leave of absence or
 14 upon the end of employment at the charter school if an appropriate position
 15 is available. If an appropriate position is unavailable, the teacher's name
 16 shall be placed on a list of available teachers and that teacher shall have
 17 priority on all positions for which that teacher is qualified in accordance with
 18 G.S. 115C-325(e)(2)."

19 **SECTION 2.(d)** G.S. 115C-238.68(3) reads as rewritten:

20 "(3) Leave of absence from local school administrative unit. – If a teacher
 21 employed by a local school administrative unit makes a written request for a
 22 leave of absence to teach at the regional school, the local school
 23 administrative unit shall grant the leave for one year. For the initial year of
 24 the regional school's operation, the local school administrative unit may
 25 require that the request for a leave of absence be made up to 45 days before
 26 the teacher would otherwise have to report for duty. After the initial year of
 27 the regional school's operation, the local school administrative unit may
 28 require that the request for a leave of absence be made up to 90 days before
 29 the teacher would otherwise have to report for duty. A local board of
 30 education is not required to grant a request for a leave of absence or a
 31 request to extend or renew a leave of absence for a teacher who previously
 32 has received a leave of absence from that school board under this
 33 subdivision. AA teacher who has received a leave of absence to teach at a
 34 regional school may return to a public school in the local school
 35 administrative unit at the end of the leave of absence or upon the end of
 36 employment at the regional school if an appropriate position is available. If a
 37 teacher—~~who~~ has career status under G.S. 115C-325 prior to receiving a leave
 38 of absence to teach at the regional school, the teacher may return to a
 39 public school in the local school administrative unit with career status at the
 40 end of the leave of absence or upon the end of employment at the regional
 41 school if an appropriate position is available. If an appropriate position is
 42 unavailable, the teacher's name shall be placed on a list of available teachers
 43 in accordance with G.S. 115C-325(e)(2)."

44 **SECTION 2.(e)** G.S. 115C-287.1 reads as rewritten:

45 **"§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**
 46 **and directors.**

47 ...

48 (f1) If, prior to appointment as a school administrator, the school administrator held
 49 career status as a teacher in the local school administrative unit in which he or she is employed
 50 as a school administrator, the school administrator shall retain career status as a teacher if the
 51 school administrator is not offered a new, renewed, or extended contract by the local board of

1 education, unless the school administrator voluntarily relinquished career status or is dismissed
2 or demoted pursuant to G.S. 115C-325.

3 (h) An individual who holds a provisional assistant principal's license and who is
4 employed as an assistant principal under G.S. 115C-284(c) shall be considered a school
5 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a
6 local board may enter into one-year contracts with a school administrator who holds a
7 provisional assistant principal's license. If the school administrator held career status as a
8 teacher in the local school administrative unit prior to being employed as an assistant principal
9 and the State Board of Education for any reason does not extend the school administrator's
10 provisional assistant principal's license, the school administrator shall retain career status as a
11 teacher unless the school administrator voluntarily relinquished career status or is dismissed or
12 demoted pursuant to G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be
13 construed to require a local board to extend or renew the contract of a school administrator who
14 holds a provisional assistant principal's license."

15 **SECTION 2.(f)** G.S. 115C-296(b)(1)a.1. reads as rewritten:

16 "1. Continuing licensure of a teacher as defined in ~~G.S.~~
17 ~~115C-325(6)~~ G.S. 115C-325(6), or a teacher as defined in
18 G.S. 115C-325.1(6), who has (i) 30 or more years of teaching
19 experience in North Carolina upon the date of retirement of
20 the teacher and (ii) served as a substitute teacher at least once
21 every three years since retirement."

22 **SECTION 2.(g)** G.S. 115C-302.1(b) reads as rewritten:

23 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months.
24 State-allotted months of employment for vocational education to local boards shall be used for
25 the employment of teachers of vocational and technical education for a term of employment to
26 be determined by the local boards of education. However, local boards shall not reduce the
27 term of employment for any vocational agriculture teacher personnel position that was 12
28 calendar months for the 1982-83 school year for any school year thereafter. In addition, local
29 boards shall not reduce the term of employment for any vocational agriculture teacher
30 personnel position that was 12 calendar months for the 2003-2004 school year for any school
31 year thereafter. In addition, local boards shall not reduce the term of employment for any
32 vocational agriculture teacher personnel position that was 12 calendar months for the
33 2014-2015 school year for any school year thereafter.

34 Each local board of education shall establish a set date on which monthly salary payments
35 to State-allotted teachers shall be made. This set pay date may differ from the end of the month
36 of service. The daily rate of pay for teachers shall equal midway between one twenty-first and
37 one twenty-second of the monthly rate of pay. Except for teachers employed in a year-round
38 school or paid in accordance with a year-round calendar, or both, the initial pay date for
39 teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent
40 pay dates shall be spaced no more than one month apart and shall include a full monthly
41 payment.

42 Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who
43 fails to attend scheduled workdays or who has not worked the number of days for which the
44 teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall
45 repay to the local board any salary payments received for days not yet worked. A teacher who
46 has been prepaid and continues to be employed by a local board but fails to attend scheduled
47 workdays may be subject to dismissal under G.S. 115C-325 or G.S. 115C-325.4 or other
48 appropriate discipline.

49 Any individual teacher who is not employed in a year-round school may be paid in 12
50 monthly installments if the teacher so requests on or before the first day of the school year. The
51 request shall be filed in the local school administrative unit which employs the teacher. The

1 payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the
2 teacher's annual salary nor in any other way alter the contract made between the teacher and the
3 local school administrative unit. Teachers employed for a period of less than 10 months shall
4 not receive their salaries in 12 installments.

5 Notwithstanding this subsection, the term "daily rate of pay" for the purpose of
6 G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher
7 salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

8 **SECTION 2.(h)** G.S. 115C-325.1 reads as rewritten:

9 **"§ 115C-325.1. Definitions.**

10 ~~As~~Except as otherwise provided in G.S. 115C-325, as used in this Part, the following
11 definitions apply:

12 "...."

13 **SECTION 2.(i)** G.S. 115C-404(b) reads as rewritten:

14 "(b) Documents received under this section shall be used only to protect the safety of or
15 to improve the education opportunities for the student or others. Information gained in
16 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
17 student. Upon receipt of each document, the principal shall share the document with those
18 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
19 and (ii) a specific need to know in order to protect the safety of the student or others. Those
20 individuals shall indicate in writing that they have read the document and that they agree to
21 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
22 required by this section is grounds for the dismissal of an employee who is not employed on
23 contract, grounds for dismissal of an employee on contract in accordance with
24 G.S. 115C-325.4(a)(9), and grounds for dismissal of an employee who is a career
25 ~~teacher~~employee in accordance with G.S. 115C-325(e)(1)i."

26 **SECTION 2.(j)** G.S. 116-239.10(4) reads as rewritten:

27 "(4) Leave of absence from local school administrative unit. – If a teacher
28 employed by a local school administrative unit makes a written request for a
29 leave of absence to teach at the lab school, the local school administrative
30 unit shall grant the leave for one year. For the initial year of the lab school's
31 operation, the local school administrative unit may require that the request
32 for a leave of absence be made up to 45 days before the teacher would
33 otherwise have to report for duty. After the initial year of the lab school's
34 operation, the local school administrative unit may require that the request
35 for a leave of absence be made up to 90 days before the teacher would
36 otherwise have to report for duty. A local board of education is not required
37 to grant a request for a leave of absence or a request to extend or renew a
38 leave of absence for a teacher who previously has received a leave of
39 absence from that local board under this subdivision. ~~A~~A teacher who has
40 received a leave of absence to teach at a lab school may return to a public
41 school in the local school administrative unit at the end of the leave of
42 absence or upon the end of employment at the lab school if an appropriate
43 position is available. If a teacher-who has career status under G.S. 115C-325
44 prior to receiving a leave of absence to teach at the lab ~~school~~school, the
45 teacher may return to a public school in the local school administrative unit
46 with career status at the end of the leave of absence or upon the end of
47 employment at the lab school if an appropriate position is available. If an
48 appropriate position is unavailable, the teacher's name shall be placed on a
49 list of available teachers in accordance with G.S. 115C-325(e)(2)."

50 **SECTION 2.(k)** G.S. 143B-146.8(b) reads as rewritten:

1 "(b) Action Plans. – If a licensed employee in a participating school that has been
2 identified as low-performing receives an unsatisfactory or below standard rating on any
3 function of the evaluation that is related to the employee's instructional duties, the individual or
4 team that conducted the evaluation shall recommend to the principal that: (i) the employee
5 receive an action plan designed to improve the employee's performance; or (ii) the principal
6 recommend that the employee who is a career ~~teacher~~employee be dismissed or demoted as
7 provided in G.S. 115C-325 or the employee who is a teacher on contract not be recommended
8 for renewal; or (iii) if the employee who is a teacher on contract engages in inappropriate
9 conduct or performs inadequately to such a degree that such conduct or performance causes
10 substantial harm to the educational environment that a proceeding for immediate dismissal or
11 demotion under G.S. 115C-325.4 be instituted. The principal shall determine whether to
12 develop an action plan, to not recommend renewal of the employee's contract, or to recommend
13 a dismissal proceeding. The person who evaluated the employee or the employee's supervisor
14 shall develop the action plan unless an assistance team or assessment team conducted the
15 evaluation. If an assistance team or assessment team conducted the evaluation, that team shall
16 develop the action plan in collaboration with the employee's supervisor. Action plans shall be
17 designed to be completed within 90 instructional days or before the beginning of the next
18 school year. The State Board shall develop guidelines that include strategies to assist in
19 evaluating licensed personnel and developing effective action plans within the time allotted
20 under this section. The State Board may adopt policies for the development and implementation
21 of action plans or professional development plans for personnel who do not require action plans
22 under this section."

23 **SECTION 2.(l)** Section 9.6(i) of S.L. 2013-360 is repealed.

24 **SECTION 2.(m)** Section 9.6(j) of S.L. 2013-360 reads as rewritten:

25 **"SECTION 9.6.(j)** Subsection (b) of this section becomes effective July 1, 2014.
26 G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all
27 teachers on ~~one- or one-, two-, or~~ four-year contracts beginning July 1, 2014. ~~G.S. 115C-325.1~~
28 ~~through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers employed by~~
29 ~~local boards of education or the State on or after July 1, 2018."~~

30 **SECTION 2.(n)** Sections 9.7(o) through 9.7(t) of S.L. 2013-360 and Sections
31 9.7(v) through 9.7(x) of S.L. 2013-360 are repealed.

32 **SECTION 2.(o)** Section 9.7(y) of S.L. 2013-360 reads as rewritten:

33 **"SECTION 9.7.(y)** Subsection (u) of this section becomes effective August 1, 2013.
34 Subsections (a) through (n) of this section become effective July 1, 2014. ~~Subsections (o)~~
35 ~~through (t) and (v) through (x) become effective June 30, 2018."~~

36 **SECTION 2.(p)** Section 8.38(c) of S.L. 2015-241 is repealed.

37 **SECTION 2.(q)** This section is effective when it becomes law.

38 39 **PART III. AUTHORIZE ASSISTANT PRINCIPALS AT CERTAIN SCHOOLS TO** 40 **CONDUCT EVALUATIONS FOR BEGINNING TEACHERS**

41 **SECTION 3.(a)** G.S. 115C-333(a) reads as rewritten:

42 "(a) Annual Evaluations; Low-Performing Schools. – Local school administrative units
43 shall evaluate at least once each year all licensed employees assigned to a school that has been
44 identified as low-performing. The evaluation shall occur early enough during the school year to
45 provide adequate time for the development and implementation of a mandatory improvement
46 plan if one is recommended under subsection (b) of this section. If the employee is a teacher
47 with career status as defined under G.S. 115C-325(a)(6), or a teacher as defined under
48 G.S. 115C-325.1(6), either the principal, the assistant principal who supervises the teacher, or
49 an assistance team assigned under G.S. 115C-105.38 shall conduct the evaluation. If the
50 employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the
51 superintendent or the superintendent's designee shall conduct the evaluation.

1 All teachers in low-performing schools who have been employed for less than three
2 consecutive years shall be observed at least three times annually by the principal or the
3 principal's designee and at least once annually by a teacher and shall be evaluated at least once
4 annually by a principal. For high schools with at least 1,500 students, the annual evaluation
5 may be conducted by an assistant principal, provided that at least one evaluation in such a
6 teacher's first three years of employment is conducted by a principal. All teachers in
7 low-performing schools who have been licensed as a teacher for less than two years shall be
8 observed at least three times annually by the principal or the principal's designee, at least once
9 annually by a teacher, and at least once annually by a principal, and at least two of those
10 observations shall be conducted in the first semester of the school year, and if practicable, at
11 least one of those observations shall be conducted within the first grading period of the school
12 year. This section shall not be construed to limit the duties and authority of an assistance team
13 assigned to a low-performing school under G.S. 115C-105.38.

14 A local board shall use the performance standards and criteria adopted by the State Board
15 and may adopt additional evaluation criteria and standards. All other provisions of this section
16 shall apply if a local board uses an evaluation other than one adopted by the State Board."

17 **SECTION 3.(b)** G.S. 115C-333.1(a) reads as rewritten:

18 "(a) Annual Evaluations. – All teachers who are assigned to schools that are not
19 designated as low-performing and who have not been employed for at least three consecutive
20 years shall be observed at least three times annually by the principal or the principal's designee
21 and at least once annually by a teacher and shall be evaluated at least once annually by a
22 principal. For high schools with at least 1,500 students, the annual evaluation may be
23 conducted by an assistant principal, provided that at least one evaluation in such a teacher's first
24 three years of employment is conducted by a principal. All teachers who are assigned to
25 schools that are not designated as low-performing and who have been licensed as a teacher for
26 less than two years shall be observed at least three times annually by the principal or the
27 principal's designee, at least once annually by a teacher, and at least once annually by a
28 principal, and at least two of those observations shall be conducted in the first semester of the
29 school year, and if practicable, at least one of those observations shall be conducted within the
30 first grading period of the school year. All teachers with career status or on a four-year contract
31 who are assigned to schools that are not designated as low-performing shall be evaluated
32 annually unless a local board adopts rules that allow teachers with career status or on a
33 four-year contract to be evaluated more or less frequently, provided that such rules are not
34 inconsistent with State or federal requirements. Local boards also may adopt rules requiring the
35 annual evaluation of nonlicensed employees. A local board shall use the performance standards
36 and criteria adopted by the State Board and may adopt additional evaluation criteria and
37 standards. All other provisions of this section shall apply if a local board uses an evaluation
38 other than one adopted by the State Board."

39 **SECTION 3.(c)** This section is effective when it becomes law and applies
40 beginning with the 2017-2018 school year.

41 **PART IV. SUPERINTENDENT STUDY STUDENT HEALTH ISSUES**

42 **SECTION 4.(a)** The Superintendent of Public Instruction shall convene a work
43 group to study effective and positive intervention measures or policy changes to address risky
44 behaviors and encourage student health and mental health. The work group shall consist of
45 personnel from within the Department of Public Instruction with expertise in student health
46 issues, including mental health, as well as personnel from the Department of Health and Human
47 Services, Division of Public Health. The Superintendent may also appoint representatives from
48 various public and private stakeholder groups as well as representatives from local school
49 administrative units and charter schools. The Superintendent shall report on the work group's
50

1 findings and recommendations to the State Board of Education and the Joint Legislative
2 Education Oversight Committee by April 1, 2018.

3 **SECTION 4.(b)** This section is effective when it becomes law.
4

5 **PART V. STATE BOARD OF EDUCATION INTERAGENCY ADVISORY**
6 **COMMITTEE AND SCHOOL-BASED MENTAL HEALTH INITIATIVE DELAY**
7 **IMPLEMENTATION**

8 **SECTION 5.(a)** The State Board of Education shall not adopt or implement any
9 policies or recommendations from the Interagency Advisory Committee established by the
10 State Board of Education in Policy ADVS-009 until October 1, 2018.

11 **SECTION 5.(b)** The State Board of Education shall change the timelines for the
12 development and implementation of plans and training required by Policy SHLT-003 regarding
13 school-based student mental health initiatives as follows for local school administrative units:
14 (i) development of the plans to assess mental health and substance use needs shall occur during
15 the 2018-2019 school year; (ii) the implementation plan and three-year review cycle shall
16 commence in the 2019-2020 school year; and (iii) school mental health training will be
17 provided by the Department of Public Instruction to the local school administrative units during
18 the 2019-2020 school year. The State Board of Education shall change the timelines for the
19 development and implementation of plans and training required by Policy SHLT-003 regarding
20 school-based student mental health initiatives as follows for charter schools: (i) development of
21 the plans to assess mental health and substance use needs shall occur during the 2019-2020
22 school year; (ii) the implementation plan and three-year review cycle shall commence in the
23 2020-2021 school year; and (iii) school mental health training will be provided by the
24 Department of Public Instruction to charter schools during the 2020-2021 school year.

25 **SECTION 5.(c)** The State Board of Education shall provide notice to local school
26 administrative units participating in the "Whole School, Whole Community, Whole Child" pilot
27 program regarding Parts IV and V of this act and shall allow the units to withdraw from the
28 pilot program at their discretion.

29 **SECTION 5.(d)** This section is effective when it becomes law.
30

31 **PART VI. STUDY/EXPAND COMPUTER SCIENCE TO ALL STUDENTS**

32 **SECTION 6.(a)** The Superintendent of Public Instruction and the Department of
33 Public Instruction, in collaboration with the Friday Institute for Educational Innovation at
34 North Carolina State University (Friday Institute) and the North Carolina School of Science
35 and Mathematics (NC School of Science and Math), shall develop recommendations to further
36 the teaching and student learning of computational thinking and computer science in North
37 Carolina K-12 schools. In developing recommendations, the Superintendent and the
38 Department, in collaboration with the Friday Institute and the NC School of Science and Math,
39 shall do at least the following:

- 40 (1) Develop curriculum guidelines that are aligned with K-12 Computer Science
41 Framework (October 2016) developed by the CSforAll Consortium.
- 42 (2) Develop recommendations to increase the number of teachers prepared to
43 teach computational thinking and computer science, addressing both
44 preservice educator preparation for teachers and professional development
45 for in-service teachers.
- 46 (3) Develop policy recommendations.
- 47 (4) Align recommendations with the ongoing implementation of the Digital
48 Learning Plan in North Carolina by the Department and the Friday Institute.

49 **SECTION 6.(b)** By January 15, 2018, the Superintendent of Public Instruction
50 shall report to the Joint Legislative Education Oversight Committee on the recommendations,
51 including any proposed legislation, developed in accordance with this act.

1 **SECTION 6.(c)** This section is effective when it becomes law.

2

3 **PART VII. EFFECTIVE DATE**

4 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
5 law.