

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 369
SENATE BILL 858

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.~~

(1) Beginning July 1, 1995, all persons employed as school administrators shall be employed pursuant to this section.

(2) Notwithstanding G.S. 115C-287.1(a)(1), the following school administrators shall be employed pursuant to G.S. 115C-325:

a. School administrators who, as of July 1, 1995, are serving in a principal or supervisor position with career status in that position; and

b. School administrators who, as of July 1, 1995, are serving in a principal or supervisor position and who are eligible to achieve career status on or before June 30, 1997.

A school administrator shall cease to be employed pursuant to G.S. 115C-325 if the school administrator: (i) voluntarily relinquishes career status or the opportunity to achieve career status through promotion, resignation, or otherwise; or (ii) is dismissed or demoted or whose contract is not renewed pursuant to G.S. 115C-325.

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

~~a:~~

~~a. Principal;~~

~~b. Assistant principal;~~

~~c. Supervisor; or~~

~~d. Director,~~

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

(4) Nothing in this section shall be construed to confer career status on any assistant principal or director, or to make an assistant principal

eligible for career status as an assistant principal or a director eligible for career status as a director.

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

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

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

~~At least 90 days prior to the end of the contract term, if a superintendent intends to notify a school administrator that the school administrator will not be offered reemployment beyond the contract term, the superintendent shall give the school administrator and the local board of education written notice that termination is likely and the reason that termination is likely. The school administrator shall have the right to request and to participate in a conference with the superintendent at least 60 days prior to the end of the contract term to discuss the reasons for the possible termination. After the conference the superintendent may either recommend reemployment of the administrator or notify the school administrator that reemployment will not be offered.~~

If a superintendent intends to recommend to the local board of education that the school administrator be offered a new, renewed, or extended contract, the superintendent shall submit the recommendation to the local board for action. The local

board may approve the superintendent's recommendation or decide not to offer the school administrator a new, renewed, or extended school administrator's contract.

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

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

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

~~(f) If the superintendent or the local board of education fails to notify a school administrator at least 30 days prior to the end of the contract's term by June 1 of the final year of the contract that the school administrator will not be offered employment beyond the end of the contract term, a new school administrator's contract, the school administrator shall be entitled to 30 days of additional employment or severance pay beyond the date the school administrator receives written notice that the a new contract will not be renewed. offered. The cause for nonrenewal shall not be for arbitrary, capricious, discriminatory, personal, or political reasons.~~

~~(g) If the school administrator acquired career status as a teacher prior to appointment as a school administrator, a school administrator whose contract as a~~

~~school administrator is not renewed or extended by the superintendent or the board of education shall be entitled to reassignment and employment in a teaching position. If, prior to appointment as a school administrator, the school administrator held career status as a teacher in the local school administrative unit in which he or she is employed as a school administrator, a school administrator shall retain career status as a teacher if the school administrator is not offered a new, renewed, or extended contract by the local board of education, unless the school administrator voluntarily relinquished that right or is dismissed or demoted pursuant to G.S. 115C-325."~~

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

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

Sec. 3. This act becomes effective July 1, 1995.

In the General Assembly read three times and ratified this the 30th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives