

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1139\*  
Education/Higher Education Committee Substitute Adopted 6/8/98  
Third Edition Engrossed 6/10/98  
House Committee Substitute Favorable 6/25/98

Short Title: Misc. Corrections/G.S. 115C-325.

(Public)

Sponsors:

Referred to:

May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE  
4 TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-  
5 325; AND TO AMEND THE EXPANDED COMPREHENSIVE SEX EDUCATION  
6 PROGRAM.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-325(c)(1) reads as rewritten:

9 "(c) (1) Election of a Teacher to Career Status. – Except as otherwise  
10 provided in subdivision (3) of this subsection, when a teacher has  
11 been employed by a North Carolina public school system for four  
12 consecutive years, the board, near the end of the fourth year, shall  
13 vote upon whether to grant the teacher career status. The board shall  
14 give the teacher written notice of that decision by June 15. If a  
15 majority of the board votes to grant career status to the teacher, and if  
16 it has notified the teacher of the decision, it may not rescind that  
17 action but must proceed under the provisions of this section for the

1 demotion or dismissal of a teacher if it decides to terminate the  
2 teacher's employment. If a majority of the board votes against  
3 granting career status, the teacher shall not teach in that local school  
4 administrative unit beyond the current school term. If the board fails  
5 to vote on granting career status:

- 6 a. It shall not reemploy the teacher for a fifth consecutive year;  
7 b. As of June 16, the teacher shall be entitled to one month's pay as  
8 compensation for the board's failure to vote upon the issue of  
9 granting career status; and  
10 c. The teacher shall be entitled to an additional month's pay for  
11 every 30 days after June 16 that the board fails to vote upon the  
12 issue of granting career status."

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

14 "(3) Within the 14-day period after receipt of the notice, the career employee  
15 may file with the superintendent a written request for either (i) a hearing  
16 on the grounds for the superintendent's proposed recommendation by a  
17 case manager or (ii) a hearing within ~~five~~ 10 days before the board on  
18 the superintendent's recommendation. If the career employee requests  
19 an immediate hearing before the board, he forfeits his right to a hearing  
20 by a case manager. If no request is made within that period, the  
21 superintendent may file his recommendation with the board. The board,  
22 if it sees fit, may by resolution (i) reject the superintendent's  
23 recommendation or (ii) accept or modify the superintendent's  
24 recommendation and dismiss, demote, reinstate, or suspend the  
25 employee without pay. If a request for review is made, the  
26 superintendent shall not file his recommendation for dismissal with the  
27 board until a report of the case manager is filed with the  
28 superintendent."

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

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

36 Section 4. G.S. 115C-325(j1)(1) reads as rewritten:

37 "(1) Within two days after receiving the superintendent's notice of intent to  
38 recommend the career employee's dismissal to the board, the career  
39 employee shall decide whether to request a hearing before the board and  
40 shall notify the superintendent, in writing, of the decision. If the career  
41 employee can show that the request for a hearing was postmarked  
42 within the time provided, the career employee shall not forfeit the right  
43 to a board hearing. Within two days after receiving the career

1 employee's request for a board hearing, the superintendent shall request  
2 that a transcript of the case manager hearing be made. Within two days  
3 of receiving a copy of the transcript, the superintendent shall submit to  
4 the board the written recommendation and shall provide a copy of the  
5 recommendation to the career employee. The superintendent's  
6 recommendation shall state the grounds for the recommendation and  
7 shall be accompanied by a copy of the case manager's ~~report.~~ report and  
8 a copy of the transcript of the case manager hearing."

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

10 "(5) At least ~~10~~-eight days before the hearing, the superintendent shall  
11 provide to the career employee a list of witnesses the superintendent  
12 intends to present, a brief statement of the nature of the testimony of  
13 each witness, and a copy of any documentary evidence the  
14 superintendent intends to present."

15 Section 6. G.S. 115C-325(o) reads as rewritten:

16 "(o) Resignation; Nonrenewal of Contract. – A teacher, career or probationary,  
17 should not resign without the consent of the superintendent unless he has given at least 30  
18 days' notice. If the teacher does resign without giving at least 30 days' notice, the board  
19 may request that the State Board of Education revoke the teacher's certificate for the  
20 remainder of that school year. A copy of the request shall be placed in the teacher's  
21 personnel file.

22 A probationary teacher whose contract will not be renewed for the next school year  
23 shall be notified of this fact by June ~~1~~-15."

24 Section 6.1. G.S. 115C-81(e1)(8) reads as rewritten:

25 "(8) Students may receive information about where to obtain contraceptives  
26 ~~and abortion referral services~~—only in accordance with a local board's  
27 policy regarding parental consent. A student may receive information  
28 about where to obtain abortion referral services only with the written  
29 consent of that student's parent or guardian. Any instruction concerning  
30 the use of contraceptives or prophylactics shall provide accurate  
31 statistical information on their effectiveness and failure rates for  
32 preventing pregnancy and sexually transmitted diseases, including  
33 Acquired Immune Deficiency Syndrome (AIDS), in actual use among  
34 adolescent populations and shall explain clearly the difference between  
35 risk reduction and risk elimination through abstinence."

36 Section 7. This act is effective when it becomes law. Sections 2, 3, 4, and 5  
37 apply to proceedings initiated on or after that date.