

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 272*

Education/Higher Education Committee Substitute Adopted 3/24/97

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Short Title: Excellent Schools Act.

(Public)

Sponsors:

Referred to:

February 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.
3 The General Assembly of North Carolina enacts:

4 Section 1. This act shall be known as "The Excellent Schools Act".
5

6 *****

7 An outline of the provisions of the act follows this section. The outline shows
8 the heading "**CONTENTS/INDEX**", and it lists by general category the descriptive
9 captions for the various sections and groups of sections that make up the act. This outline
10 is designed for reference only, and it in no way limits, defines, or prescribes the scope or
11 application of the text of the act.
12

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11 **I. PURPOSE OF THE EXCELLENT SCHOOLS ACT**

12
13 Section 2. The purpose of The Excellent Schools Act is to improve student
14 academic achievement. To accomplish this purpose, it is the goal of the General
15 Assembly to: (i) concentrate student learning in the core academic areas; (ii) improve
16 teacher skills and teacher knowledge as those skills and knowledge relate to improved
17 student academic achievement; and (iii) reward teachers for their improved skills and
18 knowledge and for improved student academic achievement. It is also the goal of the
19 General Assembly to annually review the implementation of the revised and more
20 rigorous teacher preparation, professional development, and certification standards
21 developed by the State Board of Education in compliance with this act. Clear and
22 specific evidence demonstrating identifiable progress toward implementing more
23 rigorous teacher professional standards must exist on an annual basis before the General
24 Assembly may consider continued implementation of this act.

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26 **II. EFFORTS TO RAISE STUDENT PERFORMANCE**
27 **STANDARDS**

28
29 Section 3. (a) Part 3 of Article 8B of Chapter 115C of the General Statutes is
30 amended by adding the following new section to read:

31 **"§ 115C-105.38A. Teacher competency assurance.**

32 (a) The State Board of Education shall require all certified staff members working
33 in schools identified as low-performing under this Article and to which the State Board
34 has assigned an assistance team to demonstrate their competency in their certification
35 area. The State Board shall develop and implement a plan to require all certified staff
36 members working in schools identified as low-performing that have not been assigned an
37 assistance team to demonstrate their competency in their certification area. The certified
38 staff members shall acquire a passing score on a test designated by the State Board.
39 Those staff members who fail to meet the competency standard shall engage in a
40 remediation plan as follows:

41 (1) Category I. – This category is designated for individuals who score in
42 the bottom quarter on the standardized measure used to demonstrate

1 competency in their certification area. This remediation shall consist of
2 a program of further study as determined by the State Board.

- 3 (2) Category II. – This category is designated for individuals who fail to
4 meet the designated standard but score above the bottom quarter on the
5 standardized measure used to demonstrate competency in their
6 certification area. This remediation shall consist of a program of further
7 study as determined by the State Board.

8 Upon completion of their remediation program, certified staff members shall be
9 retested. Those individuals who fail to meet the competency standard on the retest shall
10 be required to take an additional semester of training. Those individuals will be retested
11 following this additional training. If they fail to meet the competency standard at that
12 time, the State Board shall proceed under G.S. 115C-325(q)(2a) for the dismissal of those
13 individuals. Individuals who have been dismissed under G.S. 115C-325(q)(2a) may not
14 thereafter be reemployed by any local board of education.

15 (b) The Board of Governors of The University of North Carolina and the State
16 Board shall jointly designate the constituent institutions that shall provide the remediation
17 programs required under this section. Staff members who are required to participate in a
18 remediation plan under this section will be considered on leave with pay, and the State
19 shall reimburse the Board of Governors of The University of North Carolina for all
20 tuition and fees incurred under this section.

21 (c) Nothing in this section shall be construed to prohibit or postpone the ability of
22 the State Board to dismiss a teacher, assistant principal, director, or supervisor for
23 inadequate performance under G.S. 115C-325(q)(2)."

24 (b) The State Board of Education shall develop a plan to create rigorous student
25 academic performance standards for kindergarten through eighth grade and student
26 academic performance standards for courses in grades 9-12. The performance standards
27 shall align, whenever possible, with the student academic performance standards
28 developed for the National Assessment of Educational Progress (NAEP). The plan also
29 shall include clear and understandable methods of reporting individual student academic
30 performance to parents.

31 (c) The State Board of Education shall report on the implementation of subsection
32 (a) of this section to the Joint Legislative Education Oversight Committee as part of its
33 required reports on the implementation of the School-Based Management and
34 Accountability Program. The State Board of Education shall report to the Joint
35 Legislative Education Oversight Committee by March 15, 1998, on the student
36 performance standards and reports developed under subsection (b) of this section. By
37 September 1, 1999, the State Board shall adopt and implement a plan requiring all
38 certified staff members in low performing schools to demonstrate their competency in
39 their certification area.

40
41 **III. RIGOROUS STANDARDS FOR ENTERING THE TEACHING**
42 **PROFESSION**
43

1 **A. ENHANCED STANDARDS FOR TEACHER PREPARATION**
2 **PROGRAMS**

3 Section 4. (a) G.S. 115C-296(b) reads as rewritten:

4 "(b) It is the policy of the State of North Carolina to maintain the highest quality
5 teacher education programs and school administrator programs in order to enhance the
6 competence of professional personnel certified in North Carolina. To the end that teacher
7 preparation programs are upgraded to reflect a more rigorous course of study, the ~~State~~
8 ~~Board of Education shall submit to the General Assembly not later than November 1, 1994, a~~
9 ~~plan to promote this policy.~~ The State Board of Education, as lead agency in coordination
10 and cooperation with the University Board of Governors, the Board of Community
11 Colleges and such other public and private agencies as are necessary, shall continue to
12 refine the several certification requirements, standards for approval of institutions of
13 teacher education, standards for institution-based innovative and experimental programs,
14 standards for implementing consortium-based teacher education, and standards for
15 improved efficiencies in the administration of the approved programs.

16 The State Board of Education, as lead agency in coordination with the Board of
17 Governors of The University of North Carolina and any other public and private agencies
18 as necessary, shall continue to raise standards for entry into teacher education programs.

19 The standards for approval of institutions of teacher education shall require that
20 teacher education programs for students who do not major in special education include
21 courses demonstrated competencies in the identification and education of children with
22 learning disabilities. The State Board of Education shall incorporate the criteria
23 developed in accordance with G.S. 116-74.21 for assessing proposals under the School
24 Administrator Training Program into its school administrator program approval
25 standards.

26 All North Carolina institutions of higher education that offer teacher education
27 programs, masters degree programs in education, or masters degree programs in school
28 administration shall provide annual performance reports to the State Board of Education.
29 The annual performance reports shall follow a common format, shall be submitted
30 according to a plan developed by the State Board and shall include the information
31 required under the plan developed by the State Board."

32 (b) The State Board of Education shall develop a plan to provide a focused
33 review of teacher education programs and the current process of accrediting these
34 programs in order to ensure that the programs produce graduates that are well prepared to
35 teach. The plan shall include the development and implementation of an annual school of
36 education performance report for each teacher education program in North Carolina. The
37 annual report shall include at least the following elements: (i) quality of students entering
38 the schools of education, including the average grade point average and average score on
39 preprofessional skills tests that assess reading, writing, math, and other competencies; (ii)
40 graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on
41 professional and content area examinations for the purpose of certification; (v)
42 percentage of graduates receiving initial certification; (vi) percentage of graduates hired
43 as teachers; (vii) percentage of graduates remaining in teaching for four years; (viii)

1 graduate satisfaction based on a common survey; and (ix) employer satisfaction based on
2 a common survey. The performance reports shall follow a common format. The State
3 Board of Education shall develop a plan to be implemented beginning in the 1998-99
4 school year to reward and sanction approved teacher education programs and masters of
5 education programs and to revoke approval of those programs based on the annual
6 performance reports and other criteria established by the State Board of Education.

7 The State Board also shall develop and implement a plan for annual
8 performance reports for all masters degree programs in education and school
9 administration in North Carolina. To the extent it is appropriate, the performance report
10 shall include similar indicators to those developed for the performance report for teacher
11 education programs. The performance reports shall follow a common format.

12 Both plans for performance reports also shall include a method to provide the
13 annual performance reports to the Board of Governors of The University of North
14 Carolina, the State Board of Education, and the boards of trustees of the independent
15 colleges. The State Board of Education shall review the schools of education
16 performance reports, and the performance reports for masters degree programs in
17 education and school administration annually.

18 The State Board of Education shall report to the Joint Legislative Education
19 Oversight Committee by February 15, 1998, on the plans for schools of education
20 performance reports and performance reports for masters degree programs in education
21 and school administration developed under this subsection.

22 (c) The State Board of Education, in coordination with the Board of Governors of
23 The University of North Carolina, and independent colleges and universities that offer
24 teacher education programs, shall conduct a comprehensive teacher supply and demand
25 study. The study shall examine predicted trends over the course of the next decade and
26 include information regarding the effect of teacher attrition rates on supply and demand.
27 The study shall include information on characteristics of new teachers hired with teaching
28 experience in other states and information regarding graduates of North Carolina schools
29 of education who have not received certification. The survey also shall include school
30 unit analysis and Southern Regional Education Board comparative analysis where
31 appropriate. The State Board of Education shall report the results of the supply and
32 demand study to the Joint Legislative Education Oversight Committee by November 15,
33 1998.

34 (d) By March 15, 1998, the Board of Governors of The University of North
35 Carolina shall report to the Joint Legislative Education Oversight Committee on the
36 efforts to improve teacher preparation through implementation of a second major
37 requirement. The report shall include recommendations to strengthen the requirement
38 and provide greater consistency for second majors throughout the system.

39 **B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS**

40 Section 5. G.S. 115C-296(a) reads as rewritten:

41 "(a) The State Board of Education shall have entire control of certifying all
42 applicants for teaching positions in all public elementary and high schools of North
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1 Carolina; and it shall prescribe the rules and regulations for the renewal and extension of
2 all certificates and shall determine and fix the salary for each grade and type of certificate
3 which it authorizes: Provided, that the State Board of Education shall require each
4 applicant for an initial ~~certificate or bachelors degree certificate or graduate degree~~
5 certificate to demonstrate his the applicant's academic and professional preparation by
6 achieving a prescribed minimum score at least equivalent to that required by the Board on
7 November 30, 1972, on a standard examination appropriate and adequate for that purpose:
8 Provided, further, that in the event the Board shall specify the National Teachers Examination for
9 this purpose, the required minimum score shall not be lower than that which the Board required
10 on November 30, 1972: Provided, further, that the State Board of Education shall not decrease
11 the certification standards for physical education teachers or health education teachers below the
12 standards in effect on June 1, 1988. purpose. The State Board of Education shall continue to
13 make the standard initial certification examination more rigorous and to raise the
14 prescribed minimum score as necessary to ensure that each applicant has adequate
15 academic and professional preparation to teach."

17 C. REPORT ON ENHANCEMENT OF INITIAL CERTIFICATION 18 STANDARDS

19 Section 6. (a) The State Board of Education shall review the admission standards
20 for teacher education programs and the initial certification requirements that were
21 adopted by the Board on July 6, 1994. The State Board shall report to the Joint
22 Legislative Education Oversight Committee by March 15, 1998, on the results of the
23 review. The State Board may consolidate the report required under this subsection with
24 the report on continuing certification required under Section 8 of this act and the report
25 on renewal of teacher certificates required under Section 14 of this act.

26 (b) By March 15, 1999, the State Board shall implement the July 6, 1994,
27 admission standards for teacher education programs and initial certification requirements
28 to the extent the State Board determines those standards and requirements are valid and
29 consistent with the State goal of requiring rigorous professional requirements.

31 IV. RIGOROUS STANDARDS FOR CONTINUING CERTIFICATION

33 A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE YEAR

34 Section 7. (a) G.S. 115C-296(b), as rewritten by Section 4(a) of this act, reads
35 as rewritten:

36 "(b) It is the policy of the State of North Carolina to maintain the highest quality
37 teacher education programs and school administrator programs in order to enhance the
38 competence of professional personnel certified in North Carolina. To the end that teacher
39 preparation programs are upgraded to reflect a more rigorous course of study, the State
40 Board of Education, as lead agency in coordination and cooperation with the University
41 Board of Governors, the Board of Community Colleges and such other public and private
42 agencies as are necessary, shall continue to refine the several certification requirements,
43 standards for approval of institutions of teacher education, standards for institution-based

1 innovative and experimental programs, standards for implementing consortium-based
2 teacher education, and standards for improved efficiencies in the administration of the
3 approved programs. The certification program shall provide for initial certification after
4 completion of preservice training, continuing certification after three years of teaching
5 experience, and certificate renewal every five years thereafter.

6 The State Board of Education, as lead agency in coordination with the Board of
7 Governors of The University of North Carolina and any other public and private agencies
8 as necessary, shall continue to raise standards for entry into teacher education programs.

9 The standards for approval of institutions of teacher education shall require that
10 teacher education programs for students who do not major in special education include
11 competencies in the identification and education of children with learning disabilities.
12 The State Board of Education shall incorporate the criteria developed in accordance with
13 G.S. 116-74.21 for assessing proposals under the School Administrator Training Program
14 into its school administrator program approval standards.

15 All North Carolina institutions of higher education that offer teacher education
16 programs, Masters degree programs in education, or Masters degree programs in school
17 administration shall provide annual performance reports to the State Board of Education.
18 The performance reports shall follow a common format and shall be submitted according
19 to a plan developed by the State Board."

20 (b) This section applies to teachers who have not received continuing certification
21 prior to January 1, 1998.

22 **B. ENHANCED STANDARDS FOR CONTINUING CERTIFICATION**

23 Section 8. The State Board of Education, in consultation with the Board of
24 Governors of The University of North Carolina, shall evaluate and develop enhanced
25 requirements for continuing certification. The new requirements shall reflect more
26 rigorous standards for continuing certification and to the extent possible shall be aligned
27 with quality professional development programs that reflect State priorities for improving
28 student achievement. The State Board shall report to the Joint Legislative Education
29 Oversight Committee by March 15, 1998, on the results of this evaluation. The State
30 Board may consolidate the report required under this section with the report on Initial
31 Certification required under Section 6 of this act and the report on Renewal of Teacher
32 Certificates required under Section 14 of this act. The State Board of Education shall
33 adopt new standards for continuing certification by May 15, 1998.

34 **V. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT** 35 **BEFORE CAREER STATUS IS CONSIDERED**

36 **A. SUPPORT AND MENTORS PROVIDED FOR ALL BEGINNING** 37 **TEACHERS**

38 Section 9. The State Board of Education shall develop a mentor program to
39 provide ongoing support for teachers entering the profession. In developing the mentor
40 program, the State Board shall conduct a comprehensive study of the needs of new
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1 teachers and how those needs can be met through an orientation and mentor support
2 program. For the purpose of helping local boards to support new teachers, the State
3 Board shall develop and distribute guidelines which address optimum teaching load,
4 extracurricular duties, student assignment, and other working condition considerations.
5 The State Board also shall develop and coordinate a mentor teacher training program.
6 The State Board shall develop criteria for selecting excellent, experienced, and qualified
7 teachers to be participants in the mentor teacher training program. The State Board shall
8 report to the Joint Legislative Education Oversight Committee prior to February 15,
9 1998, on its progress in implementing this section.

10
11 **B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY WELL-**
12 **TRAINED EVALUATORS BEFORE CAREER STATUS IS**
13 **CONSIDERED**

14 Section 10. (a) G.S. 115C-326(a) reads as rewritten:

15 "(a) The State Board of Education, in consultation with local boards of education,
16 shall revise and develop uniform performance standards and criteria to be used in
17 evaluating professional public school ~~employees.~~ employees, including school
18 administrators. These standards and criteria shall include improving student achievement
19 and employee skills and employee knowledge. The standards and criteria for school
20 administrators also shall include building-level gains in student learning and effectiveness
21 in carrying out the responsibility of ensuring school safety and enforcing student
22 discipline. The Board shall develop rules to recommend the use of these standards and
23 criteria in the employee evaluation process. The performance standards and criteria may
24 be modified ~~in~~ at the discretion of the Board.

25 The State Board of Education, in collaboration with the Board of Governors of The
26 University of North Carolina, shall develop training programs for practicing school
27 administrators to improve their evaluation of professional public school employees based
28 on the employee's skills and knowledge and student achievement. These programs shall
29 include evaluative methods to determine whether an employee's performance has
30 improved student learning, as well as the appropriate process for professional
31 improvement, contract nonrenewal, and dismissal of school personnel whose
32 performance is inadequate. The Board of Governors of The University of North Carolina
33 shall ensure that the subject matter of the training programs is incorporated into the
34 masters in school administration programs offered by the constituent institutions.

35 Local boards of education shall adopt rules to provide for the evaluation of all
36 professional employees defined as teachers in G.S. 115C-325(a)(6). All teachers who
37 have not attained career status shall be observed at least three times annually by a
38 qualified school administrator or a designee and at least once annually by a teacher, and
39 shall be evaluated at least once annually by a qualified school administrator. All other
40 teachers shall be evaluated annually unless a local board adopts rules that allow specified
41 categories of teachers with career status to be evaluated more or less frequently. Local
42 boards may also adopt rules requiring the annual evaluation of other school employees
43 not specifically covered in this section. Local boards may develop and use alternative

1 evaluation approaches for teachers provided the evaluations are properly validated. Local
2 boards that do not develop alternative evaluations shall utilize the performance standards
3 and criteria adopted by the State Board of Education, but are not limited to those
4 standards and criteria."

5 (b) The State Board of Education shall report to the Joint Legislative Education
6 Oversight Committee by March 15, 1998, on the development of programs to train
7 administrators to improve the evaluation of professional public school employees.

8 (c) The State Board of Education shall report to the Joint Legislative Education
9 Oversight Committee by March 15, 1998, on the revision and development of uniform
10 performance standards and criteria to be used in evaluating professional public school
11 employees including school administrators. The State Board of Education shall adopt
12 new performance standards and criteria by May 15, 1998.

13 (d) The State Board of Education shall develop guidelines for evaluating
14 superintendents. The guidelines shall include criteria for evaluating superintendent
15 effectiveness in providing safe schools and enforcing student discipline. The State Board
16 of Education shall report to the Joint Legislative Education Oversight Committee by
17 April 15, 1998, on the development of the guidelines. The State Board of Education shall
18 adopt guidelines for evaluating superintendents by July 15, 1998.

19
20 **C. CAREER STATUS DECISION TO BE MADE ONE YEAR AFTER**
21 **CONTINUING CERTIFICATION AWARDED**

22 Section 11. (a) G.S. 115C-325(c) reads as rewritten:

- 23 "(c) (1) Election of a Teacher to Career Status. – Except as otherwise
24 provided in subdivision (3) of this subsection, when a teacher ~~will~~
25 ~~have~~has been employed by a North Carolina public school system for
26 ~~three~~four consecutive years, the board, near the end of the ~~third~~fourth
27 year, shall vote upon ~~his employment for the next school year. whether to~~
28 grant the teacher career status. The board shall give ~~him~~the teacher
29 written notice of that decision by June ~~1~~15 of ~~his third year of employment.~~
30 15. If a majority of the board votes to ~~reemploy the teacher, grant~~
31 career status to the teacher, and if it has notified ~~him~~the teacher of the
32 decision, it may not rescind that action but must proceed under the
33 provisions of this section for the demotion or dismissal of a teacher if
34 it decides to terminate ~~his~~the teacher's employment. If a majority of
35 the board votes against reemploying the teacher, ~~he~~the teacher shall
36 not teach beyond the current school term. ~~If~~The board shall not
37 reemploy the teacher if after the fourth consecutive year: (i) the board
38 fails to vote on granting career status~~status; but reemploys him for the~~
39 ~~next year, he automatically becomes a career teacher on the first day of the~~
40 ~~fourth ninth year of employment.~~(ii) a majority of the board votes
41 against granting career status; or (iii) the board vote regarding
42 granting the teacher career status results in a tie.

1 A year, for purposes of computing time as a probationary teacher,
2 shall be not less than 120 workdays performed as a full-time, permanent
3 teacher in a normal school year.

- 4 (2) Employment of a Career Teacher. – A teacher who has obtained career
5 status in any North Carolina public school system need not serve
6 another probationary period of more than ~~years.~~ ~~years,~~ ~~and may,~~ ~~at~~
7 ~~the option of the board, be employed immediately.~~ The board may grant
8 career status immediately upon employing the teacher, or after the first
9 or second year of employment. ~~as a career teacher. In any event, if the~~
10 ~~teacher is reemployed for a third consecutive school year, he shall~~
11 ~~automatically become a career teacher. A teacher with career status who~~
12 ~~resigns and within five years is reemployed by the same local school~~
13 ~~administrative unit need not serve another probationary period of more than~~
14 ~~one school year and may, at the option of the board, be reemployed as a career~~
15 ~~teacher. In any event, if he is reemployed for a second consecutive school~~
16 ~~year, he shall automatically become a career teacher.~~ The board shall not
17 reemploy the teacher if after the second consecutive year: (i) the board
18 fails to vote on granting career status; (ii) a majority of the board votes
19 against granting the teacher career status; or (iii) the board vote
20 regarding granting the teacher career status results in a tie.

- 21 (2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days
22 prior to any board action granting career status, the superintendent shall
23 submit to the board a list of the names of all teachers who are eligible to
24 achieve career status. Notwithstanding any other provision of law, the
25 list shall be a public record under Chapter 132 of the General Statutes.

- 26 (3) Ineligible for Career Status. – No employee of a local board of
27 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible
28 to obtain career status or continue in a career status if he no longer
29 performs the responsibilities of a teacher as defined in G.S. 115C-
30 325(a)(6). No person who is working in a principal or supervisor
31 position who did not acquire career status as a school administrator by
32 June 30, 1997, shall have career status as an administrator. Further, no
33 director or assistant principal is eligible to obtain career status as a
34 school administrator unless he or she has already been conferred that
35 status by the local board of education.

- 36 (4) Leave of Absence. – A career teacher who has been granted a leave of
37 absence by a board shall maintain his career status if he returns to his
38 teaching position at the end of the authorized leave."

39 (b) This section applies to teachers, as defined in G.S. 115C-325(a)(6), who have
40 not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1998.

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1 **VI. ADDITIONAL PROFESSIONAL DEVELOPMENT**
2 **OPPORTUNITIES AND TOUGHER STANDARDS FOR**
3 **TEACHERS WITH CAREER STATUS**

4
5 **A. MEANINGFUL AND CONTINUED PROFESSIONAL**
6 **DEVELOPMENT FOR TEACHERS**

7 Section 12. (a) G.S. 115C-12 is amended by adding a new subdivision to read:

8 "(25) Duty to Monitor and Make Recommendations Regarding Professional
9 Development Programs. – The State Board of Education, in
10 collaboration with the Board of Governors of The University of North
11 Carolina, shall identify and make recommendations regarding
12 meaningful professional development programs for professional public
13 school employees. The programs shall be aligned with State education
14 goals and directed toward improving student academic achievement.
15 The State Board shall annually evaluate and make recommendations
16 regarding professional development programs based upon reports
17 submitted by the Board of Governors under G.S. 116-11(12a)."

18 (b) G.S. 116-11 is amended by adding a new subdivision to read:

19 "(12a) The Board of Governors of The University of North Carolina shall
20 implement, administer, and revise programs for meaningful professional
21 development for professional public school employees based upon the
22 evaluations and recommendations made by the State Board of Education
23 under G.S. 115C-12(25). The programs shall be aligned with State
24 education goals and directed toward improving student academic
25 achievement. The Board of Governors shall submit to the State Board
26 of Education an annual report evaluating the professional development
27 programs administered by the Board of Governors."

28 (c) The State Board of Education shall report to the Board of Governors of The
29 University of North Carolina by January 15, 1998, on its initial recommendations for
30 implementation of subsection (a) of this section.

31 (d) The Board of Governors of The University of North Carolina shall report to
32 the Joint Legislative Education Oversight Committee by April 1, 1998, on a plan to
33 coordinate and consolidate professional development programs for professional public
34 school employees. This report may include recommendations for statutory or other
35 organizational changes.

36
37 **B. TENURE STREAMLINED TO PROVIDE A FAIR AND EFFICIENT**
38 **PROCESS FOR REMOVING POOR TEACHERS FROM THE**
39 **CLASSROOM**

40 Section 13. (a) G.S. 115C-325, as rewritten by Section 11(a) of this act, reads
41 as rewritten:

42 "**§ 115C-325. System of employment for public school teachers.**

1 (a) Definition of Terms. – As used in this section unless the context requires
2 otherwise:

3 (1a) 'Career employee' as used in this section means:

4 a. An employee who has obtained career status with that local
5 board as a teacher as provided in G.S. 115C-325(c);

6 b. An employee who has obtained career status with that local
7 board in an administrative position as provided in G.S. 115C-
8 325(d)(2);

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

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

13 (1b) 'Career school administrator' means a school administrator who has
14 obtained career status in an administrative position as provided in G.S.
15 115C-325(d)(2).

16 (+)

17 (1c) 'Career teacher' means a teacher who has obtained career status as
18 provided in G.S. 115C-325(c).

19 (1d) 'Case manager' means a person selected under G.S. 115C-325(h)(7).

20 (2) ~~'Committee' means the Professional Review Committee created under~~
21 ~~G.S. 115C-325(g).~~

22 (3) 'Day' means calendar day. In computing any period of time, Rule 6 of
23 the North Carolina Rules of Civil Procedure shall apply.

24 (4) 'Demote' means to reduce the ~~compensation~~ salary of a person who is
25 classified or paid by the State Board of Education as a classroom
26 teacher, ~~teacher~~ or as a school administrator. ~~or to transfer him to a new~~
27 position carrying a lower salary, or to suspend him without pay to a maximum
28 of 60 days; provided, however, that a suspension without pay pursuant to the
29 provisions of G.S. 115C-325(f) shall not be considered a demotion.—The
30 word 'demote' does not include a reduction in compensation that results
31 from the elimination of a special duty, such as the duty of an athletic coach,
32 assistant principal, or a choral director. ~~include:~~ (i) a suspension without
33 pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction
34 of bonus payments, including merit-based supplements, or a systemwide
35 modification in the amount of any applicable local supplement; (iii) any
36 reduction in salary that results from the elimination of a special duty,
37 such as the duty of an athletic coach or a choral director; or (iv) the
38 transfer of a career school administrator from one position to another
39 position regardless of whether the transfer results in a reduction of the
40 career administrator's compensation or the transfer is to a
41 nonadministrative position.

- 1 (4a) 'Disciplinary suspension' means a final decision to suspend a teacher or
2 school administrator without pay for no more that 60 days under G.S.
3 115C-325(f)(2).
- 4 (5) 'Probationary teacher' means a certificated person, other than a
5 superintendent, associate superintendent, or assistant superintendent,
6 who has not obtained career-teacher status and whose major
7 responsibility is to supervise teaching.
- 8 (6) 'Teacher' means a person who holds at least a current, not provisional or
9 expired, Class A certificate or a regular, not provisional or expired,
10 vocational certificate issued by the Department of Public Instruction;
11 whose major responsibility is to teach or directly supervises teaching or
12 who is classified by the State Board of Education or is paid as a
13 classroom teacher; and who is employed to fill a full-time, permanent
14 position.
- 15 (7) 'School administrator' means a principal, assistant principal, supervisor,
16 or director; whose major function includes the direct or indirect
17 supervision of teaching or any other part of the instructional program as
18 provided in G.S. 115C-287.1(a)(3).
- 19 (8) 'Year' for purposes of computing time as a probationary teacher shall be
20 not less than 120 workdays performed as a probationary teacher in a
21 full-time permanent position in a school year.

22 (b) Personnel Files. – The superintendent shall maintain in his office a personnel
23 file for each teacher that contains any complaint, commendation, or suggestion for
24 correction or improvement about the teacher's professional conduct, except that the
25 superintendent may elect not to place in a teacher's file (i) a letter of complaint that
26 contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint
27 when there is no documentation of an attempt to resolve the issue. The complaint,
28 commendation, or suggestion shall be signed by the person who makes it and shall be
29 placed in the teacher's file only after five days' notice to the teacher. Any denial or
30 explanation relating to such complaint, commendation, or suggestion that the teacher
31 desires to make shall be placed in the file. Any teacher may petition the local board of
32 education to remove any information from his personnel file that he deems invalid,
33 irrelevant, or outdated. The board may order the superintendent to remove said
34 information if it finds the information is invalid, irrelevant, or outdated.

35 The personnel file shall be open for the teacher's inspection at all reasonable times but
36 shall be open to other persons only in accordance with such rules and regulations as the
37 board adopts. Any preemployment data or other information obtained about a teacher
38 before his employment by the board may be kept in a file separate from his personnel file
39 and need not be made available to him. No data placed in the preemployment file may be
40 introduced as evidence at a hearing on the dismissal or demotion of a teacher, except the
41 data may be used to substantiate G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as
42 grounds for dismissal or demotion.

- 1 (c) (1) Election of a Teacher to Career Status. – Except as otherwise
2 provided in subdivision (3) of this subsection, when a teacher has
3 been employed by a North Carolina public school system for four
4 consecutive years, the board, near the end of the fourth year, shall
5 vote upon whether to grant the teacher career status. The board shall
6 give the teacher written notice of that decision by June 15. If a
7 majority of the board votes to grant career status to the teacher, and if
8 it has notified the teacher of the decision, it may not rescind that
9 action but must proceed under the provisions of this section for the
10 demotion or dismissal of a teacher if it decides to terminate the
11 teacher's employment. If a majority of the board votes against
12 reemploying the teacher, the teacher shall not teach beyond the
13 current school term. The board shall not reemploy the teacher if after
14 the fourth consecutive year: (i) the board fails to vote on granting
15 career status; (ii) a majority of the board votes against granting career
16 status; or (iii) the board vote regarding granting the teacher career
17 status results in a tie.

18 ~~A year, for purposes of computing time as a probationary teacher,~~
19 ~~shall be not less than 120 workdays performed as a full-time, permanent~~
20 ~~teacher in a normal school year.~~

- 21 (2) Employment of a Career Teacher. – A teacher who has obtained career
22 status in any North Carolina public school system need not serve
23 another probationary period of more than two years. The board may
24 grant career status immediately upon employing the teacher, or after the
25 first or second year of employment. The board shall not reemploy the
26 teacher if after the second consecutive year: (i) the board fails to vote on
27 granting career status; (ii) a majority of the board votes against granting
28 the teacher career status; or (iii) the board vote regarding granting the
29 teacher career status results in a tie.
- 30 (2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days
31 prior to any board action granting career status, the superintendent shall
32 submit to the board a list of the names of all teachers who are eligible to
33 achieve career status. Notwithstanding any other provision of law, the
34 list shall be a public record under Chapter 132 of the General Statutes.
- 35 (3) Ineligible for Career Status. – No employee of a local board of
36 education except a teacher as defined by G.S. 115C-325(a)(6) is eligible
37 to obtain career status or continue in a career status as a teacher if he no
38 longer performs the responsibilities of a teacher as defined in G.S.
39 115C-325(a)(6). No person who is ~~working in a principal or supervisor~~
40 ~~position employed as a school administrator~~ who did not acquire career
41 status as a school administrator by June 30, 1997, shall have career
42 status as an administrator. Further, no director or assistant principal is

1 eligible to obtain career status as a school administrator unless he or she
2 has already been conferred that status by the local board of education.

- 3 (4) Leave of Absence. – A career teacher who has been granted a leave of
4 absence by a board shall maintain his career status if he returns to his
5 teaching position at the end of the authorized leave.

6 (d) Career Teachers and Career School Administrators.

- 7 (1) A career teacher or career school administrator shall not be subjected to
8 the requirement of annual appointment nor shall he be dismissed,
9 demoted, or employed on a part-time basis without his consent except as
10 provided in subsection (e).

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

13 ~~b. Whether or not he has previously attained career status as a~~
14 ~~teacher, a person who has performed the duties of a principal in~~
15 ~~the school system for three consecutive years or has performed~~
16 ~~the duties of a supervisor in the school system for three~~
17 ~~consecutive years shall not be transferred from that position to a~~
18 ~~lower paying administrative position or to a lower paying~~
19 ~~nonadministrative position without his consent except for the~~
20 ~~reasons given in G.S. 115C-325(e)(1) and in accordance with the~~
21 ~~provisions for the dismissal of a career teacher set out in this~~
22 ~~section. Transfer of a principal or a supervisor is not a transfer to~~
23 ~~a lower paying position if the principal's or supervisor's salary is~~
24 ~~maintained at the previous salary amount.~~

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

42 A year, for purposes of computing time as a probationary
43 principal or supervisor, shall not be less than 145 workdays

1 performed as a full-time, permanent principal or supervisor in a
2 contract year.

3 A principal or supervisor who has obtained career status in
4 that position in any North Carolina public school system may be
5 required by the board of education in another school system to
6 serve an additional three-year probationary period in that position
7 before being eligible for career status. However, he may, at the
8 option of the board of education, be granted career status
9 immediately or after serving a probationary period of one or two
10 additional years. A principal or supervisor with career status
11 who resigns and within five years is reemployed by the same
12 school system need not serve another probationary period in that
13 position of more than two years and may, at the option of the
14 board, be reemployed immediately as a career principal or
15 supervisor or be given career status after only one year. In any
16 event, if he is reemployed for a third consecutive year, he shall
17 automatically become a career principal or supervisor.

18 (e) Grounds for Dismissal or Demotion of a Career ~~Teacher~~ Employee.

19 (1) Grounds. – No career ~~teacher~~ employee shall be dismissed or demoted or
20 employed on a part-time basis except for one or more of the following:

- 21 a. Inadequate performance.
- 22 b. Immorality.
- 23 c. Insubordination.
- 24 d. Neglect of duty.
- 25 e. Physical or mental incapacity.
- 26 f. Habitual or excessive use of alcohol or nonmedical use of a
27 controlled substance as defined in Article 5 of Chapter 90 of the
28 General Statutes.
- 29 g. Conviction of a felony or a crime involving moral turpitude.
- 30 h. Advocating the overthrow of the government of the United States
31 or of the State of North Carolina by force, violence, or other
32 unlawful means.
- 33 i. Failure to fulfill the duties and responsibilities imposed upon
34 teachers or school administrators by the General Statutes of this
35 State.
- 36 j. Failure to comply with such reasonable requirements as the board
37 may prescribe.
- 38 k. Any cause which constitutes grounds for the revocation of ~~such~~
39 the career teacher's teaching certificate, certificate or the career
40 school administrator's administrator certificate.
- 41 l. A justifiable decrease in the number of positions due to district
42 reorganization, decreased enrollment, or decreased funding,
43 provided that there is compliance with subdivision (2).

- 1 m. Failure to maintain his certificate in a current status.
2 n. Failure to repay money owed to the State in accordance with the
3 provisions of Article 60, Chapter 143 of the General Statutes.
4 o. Providing false information or knowingly omitting a material fact
5 on an application for employment or in response to a
6 preemployment inquiry.

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

32 When a career ~~teacher~~employee is dismissed pursuant to G.S. 115C-
33 325(e)(1)l. above, his name shall be placed on a list of available ~~teachers~~
34 career employees to be maintained by the board. Career ~~teachers~~
35 employees whose names are placed on such a list shall have a priority
36 on all positions in which they acquired career status and for which they
37 are qualified which become available in that system for the three
38 consecutive years succeeding their dismissal. However, if the local
39 school administrative unit offers the dismissed ~~teacher~~career employee a
40 position for which he is certified and he refuses it, his name shall be
41 removed from the priority list.

42 (3) Inadequate Performance. – In determining whether the professional
43 performance of a career ~~teacher~~employee is adequate, consideration

1 shall be given to regular and special evaluation reports prepared in
2 accordance with the published policy of the employing local school
3 administrative unit and to any published standards of performance
4 which shall have been adopted by the board. Failure to notify a career
5 ~~teacher-employee~~ of an inadequacy in his performance shall be
6 conclusive evidence of satisfactory performance.

- 7 (4) Three-Year Limitation on Basis of Dismissal or Demotion – Dismissal
8 or demotion under subdivision (1) above, except ~~paragraph g~~ paragraphs
9 g. and o. thereof, shall not be based on conduct or actions which
10 occurred more than three years before the written notice of the
11 superintendent's intention to recommend dismissal or demotion is
12 mailed to the ~~teacher~~ career employee. The three-year limitation shall
13 not apply to dismissals or demotions pursuant to subdivision (1)b. above
14 when the charge of immorality is based upon a ~~teacher's~~ career
15 employee's sexual misconduct toward or sexual harassment of students
16 or staff.

- 17 (f) (1) Suspension without Pay. – If a superintendent believes that
18 cause exists for dismissing a ~~probationary or career teacher-employee~~
19 for any reason specified in ~~G.S. 115C-325(e)(1)a. through 115C-~~
20 ~~325(e)(1)j.~~ G.S. 115C-325(e)(1) and that immediate suspension of the
21 ~~teacher-career employee~~ is necessary, the superintendent may suspend
22 ~~him~~ the career employee without pay. Before suspending a ~~teacher~~
23 career employee without pay, the superintendent shall meet with the
24 ~~teacher-career employee~~ and give him written notice of the charges
25 against him, an explanation of the bases for the charges, and an
26 opportunity to respond. Within five days after a suspension under this
27 paragraph, the superintendent shall initiate a ~~dismissal~~ dismissal,
28 demotion, or disciplinary suspension without pay as provided in this
29 section. If it is finally determined that no grounds for ~~dismissal~~
30 dismissal, demotion, or disciplinary suspension without pay exist, the
31 ~~teacher-career employee~~ shall be reinstated ~~immediately~~ and
32 immediately, shall be paid for the period of ~~suspension~~ suspension, and
33 all records of the suspension shall be removed from the career
34 employee's personnel file.

- 35 (2) Disciplinary Suspension Without Pay. – A ~~teacher-career employee~~
36 recommended for suspension without pay pursuant to ~~G.S. 115C-~~
37 ~~325(a)(4)~~ 115C-325(a)(4a) may request a hearing before the board. ~~If the~~
38 ~~teacher requests a hearing before the board, the procedures provided in G.S.~~
39 ~~115C-325(j) shall be followed.~~ If no request is made within 15 days, the
40 superintendent may file his recommendation with the board. If, after
41 considering the recommendation of the superintendent and the evidence
42 adduced at the hearing if one is held, the board concludes that the
43 grounds for the recommendation are true and substantiated by a

1 preponderance of the evidence, the board, if it sees fit, may by
2 resolution order such suspension. ~~Provisions of this section which permit~~
3 ~~appointment of, and investigation and review by, a panel of the Professional~~
4 ~~Review Committee shall not apply to a suspension without pay pursuant to~~
5 ~~G.S. 115C-325(a)(4).~~

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

10 1. The recommended disciplinary suspension without pay is
11 for more than 10 days; or

12 2. The disciplinary suspension is for intentional misconduct,
13 such as inappropriate sexual or physical conduct,
14 immorality, insubordination, habitual or excessive alcohol
15 or nonmedical use of a controlled substance as defined in
16 Article 5 of Chapter 90 of the General Statutes, any cause
17 that constitutes grounds for the revocation of the teacher's
18 or school administrator's certificate, or providing false
19 information.

20 b. Board hearing for disciplinary suspensions of no more than 10
21 days. – The procedures for a board hearing under G.S. 115C-
22 325(j2) shall apply to all disciplinary suspensions of no more
23 than 10 days that are not for intentional misconduct as specified
24 in G.S. 115C-325(f)(2)a.2.

25 (f1) Suspension with Pay. – If a superintendent believes that cause may exist for
26 dismissing or demoting a ~~probationary or career teacher~~ employee for any reasons
27 specified in ~~G.S. 115C-325(e)(1)b through 115C-325(e)(1)j~~, G.S. 115C-325(e)(1), but that
28 additional investigation of the facts is necessary and circumstances are such that the
29 ~~teacher~~ career employee should be removed immediately from his duties, the
30 superintendent may suspend the ~~teacher~~ career employee with pay for a reasonable period
31 of time, not to exceed 90 days. The superintendent shall ~~immediately~~ notify the board of
32 education within two days of his action and shall notify the career employee within two
33 days of the action and the reasons for it. If the superintendent has not initiated dismissal
34 or demotion proceedings against the ~~teacher~~ career employee within the 90-day period,
35 the ~~teacher~~ career employee shall be reinstated to his duties immediately and all records of
36 the suspension with pay shall be removed from the ~~teacher's~~ career employee's personnel
37 file at his ~~request~~ request. However, if the superintendent and the employee agree to
38 extend the 90-day period, the superintendent may initiate dismissal or demotion
39 proceedings against the career employee at any time during the period of the extension.

40 - (g) ~~Professional Review Committee; Qualifications; Terms; Vacancy; Training.~~

41 (1) ~~There is hereby created a Professional Review Committee which shall~~
42 ~~consist of 132 citizens, 11 from each of the State's congressional~~
43 ~~districts, five of whom shall be lay persons and six of whom shall have~~

1 ~~been actively and continuously engaged in teaching or in supervision or~~
2 ~~administration of schools in this State for the five years preceding their~~
3 ~~appointment and who are broadly representative of the profession, to be~~
4 ~~appointed by the Superintendent of Public Instruction with the advice~~
5 ~~and consent of the State Board of Education. Each member shall be~~
6 ~~appointed for a term of three years. The initial terms of office of the~~
7 ~~persons appointed from the 12th Congressional District shall commence~~
8 ~~on January 3, 1993, and expire on June 30, 1995. The Superintendent of~~
9 ~~Public Instruction, with the advice and consent of the State Board of~~
10 ~~Education, shall fill any vacancy which may occur in the Committee.~~
11 ~~The person appointed to fill the vacancy shall serve for the unexpired~~
12 ~~portion of the term of the member of the Committee whom he is~~
13 ~~appointed to replace.~~

14 ~~(2) The Superintendent of Public Instruction shall provide for the~~
15 ~~Committee such training as he considers necessary or desirable for the~~
16 ~~purpose of enabling the members of the Committee to perform the~~
17 ~~functions required of them.~~

18 ~~(3) The compensation of committee members while serving as a member of~~
19 ~~a hearing panel shall be as for State boards and commissions pursuant to~~
20 ~~G.S. 138-5. The compensation shall be paid by the State Board of~~
21 ~~Education.~~

22 (h) Procedure for Dismissal or Demotion of Career TeacherEmployee.

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

26 (2) Before recommending to a board the dismissal or demotion of the career
27 teacher-employee, the superintendent shall give written notice to the
28 career teacher-employee by certified mail or personal delivery of his
29 intention to make such recommendation and shall set forth as part of his
30 recommendation the grounds upon which he believes such dismissal or
31 demotion is justified. The superintendent also shall meet with the career
32 employee and give him written notice of the charges against him, an
33 explanation of the basis for the charges, and an opportunity to respond if
34 the career employee has not done so under G.S. 115C-325(f)(1). The
35 notice shall include a statement to the effect that if the teacher-career
36 employee within 45-seven days after the date of receipt of the notice
37 requests a review, he shall be entitled to have the grounds for the
38 proposed recommendations of the superintendent reviewed by a panel of
39 the Committee case manager. A copy of G.S. 115C-325 and a current list
40 of the members of the Professional Review Committee case managers shall
41 also be sent to the career teacher-employee. If the teacher-career
42 employee does not request a panel-hearing with a case manager within

- 1 the ~~15~~seven days provided, the superintendent may submit his
2 recommendation to the board.
- 3 (3) Within the ~~15-day~~seven-day period after receipt of the notice, the career
4 ~~teacher-employee~~ may file with the superintendent a written request for
5 either (i) a review of the a hearing on the grounds for the superintendent's
6 proposed recommendation by a panel of the Professional Review
7 Committee case manager or (ii) a hearing within five days before the
8 board on the superintendent's recommendation. ~~within 10 days.~~ If the
9 ~~teacher-career employee~~ requests an immediate hearing before the board,
10 he forfeits his right to a hearing by a panel of the Professional Review
11 Committee. A hearing conducted by the board pursuant to this subdivision
12 shall be conducted pursuant to G.S. 115C-325(j) and ~~(l)~~a case manager. If
13 no request is made within that period, the superintendent may file his
14 recommendation with the board. The board, if it sees fit, may by
15 resolution ~~dismiss such teacher.~~ (i) reject the superintendent's
16 recommendation or (ii) accept or modify the superintendent's
17 recommendation and dismiss, demote, reinstate, or suspend the
18 employee without pay. If a request for review is made, the
19 superintendent shall not file his recommendation for dismissal with the
20 board until a report of a panel of the ~~Committee~~the case manager is filed
21 with the superintendent.
- 22 (4) ~~If a request for review is made, the superintendent, within five days of~~
23 ~~filing such request for review, shall notify the Superintendent of Public~~
24 ~~Instruction who, within seven days from the time of receipt of such~~
25 ~~notice, shall designate a panel of five members of the Committee, at~~
26 ~~least two of whom shall be lay persons, who shall not be employed in or~~
27 ~~be residents of the county in which the request for review is made, to~~
28 ~~review the proposed recommendations of the superintendent for the~~
29 ~~purpose of determining whether in its opinion the grounds for the~~
30 ~~recommendation are true and substantiated. The teacher or principal~~
31 ~~making the request for review shall have the right to require that at least~~
32 ~~two members of the panel shall be members of his professional peer~~
33 ~~group.~~
- 34 (5) If the career employee elects to request a hearing by a case manager, the
35 career employee and superintendent shall each have the right to
36 eliminate up to one-third of the names on the approved list of case
37 managers. The career employee shall specify those case managers who
38 are not acceptable in the career employee's request for a review of the
39 superintendent's proposed recommendation under G.S. 115C-325(h)(3).
40 The superintendent and career employee may jointly select a person to
41 serve as case manager. The person need not be on the master list of
42 case managers maintained by the Superintendent of Public Instruction.

- 1 (6) If a career employee requests a review by a case manager, the
2 superintendent shall notify the Superintendent of Public Instruction
3 within two days' receipt of the request. The notice shall contain a list of
4 the case managers the career employee and the superintendent have
5 eliminated from the master list or the name of a person, if any, jointly
6 selected. Failure to exercise the right to eliminate names from the
7 master list shall constitute a waiver of that right.
- 8 (7) The Superintendent of Public Instruction shall select a case manager
9 within three days of receiving notice from the superintendent. The
10 Superintendent of Public Instruction shall designate the person jointly
11 selected by the parties to serve as case manager provided the person
12 agrees to serve as case manager and can meet the requirements for time
13 frames for the hearing and report as provided in G.S. 115C-325(i1)(1).
14 If a case manager was not jointly selected or if the case manager is not
15 available, the Superintendent of Public Instruction shall select a case
16 manager from the master list. No person eliminated by the career
17 employee or superintendent shall be designated case manager.
- 18 (8) The superintendent and career employee shall provide each other with
19 copies of all documents submitted to the Superintendent of Public
20 Instruction or to the designated case manager.
- 21 (h1) Case Managers; Qualifications; Training; Compensation.
- 22 (1) Each year the State Board of Education shall select and maintain a
23 master list of no more than 42 qualified case managers.
- 24 (2) Persons selected by the State Board as case managers shall be: (i)
25 certified as a North Carolina Superior Court mediator; (ii) a member of
26 the American Arbitration Association's roster of arbitrators and
27 mediators; or (iii) have comparable certification in alternative dispute
28 resolution. Case managers must complete a special training course
29 approved by the State Board of Education.
- 30 (3) The State Board of Education shall determine the compensation for a
31 case manager. The State Board shall pay the case manager's
32 compensation and reimbursement for expenses.
- 33 ~~(i) Hearing by Panel of Professional Review Committee; Report; Action of~~
34 ~~Superintendent; Review by Board.~~
- 35 ~~(1) The career teacher and superintendent will each have the right to~~
36 ~~designate not more than 33 of the 132 members of the Professional~~
37 ~~Review Committee as not acceptable to the teacher or superintendent~~
38 ~~respectively. No person so designated shall be appointed to the panel.~~
39 ~~The career teacher shall specify to the superintendent those Committee~~
40 ~~members who are not acceptable in his request for a review of the~~
41 ~~superintendent's proposed recommendations provided for in subdivision~~
42 ~~(h)(3) above. The superintendent's notice to the Superintendent of~~
43 ~~Public Instruction provided for in subdivision (h)(4) above shall contain~~

1 a list of those members of the Committee not acceptable to the
2 superintendent and the teacher respectively. Failure to designate
3 nonacceptable members in accordance with this subsection shall
4 constitute a waiver of that right.

5 (2) As soon as possible after the time of its designation, the panel shall elect
6 a chairman and shall conduct a hearing in accordance with G.S. 115C-
7 325(j) for the purpose of determining whether the grounds for the
8 recommendation are true and substantiated. The panel shall be furnished
9 assistance reasonably required to conduct its hearing and shall be
10 empowered to subpoena and swear witnesses and to require them to
11 give testimony and to produce books and papers relevant to its
12 investigation.

13 (3) The career teacher and superintendent involved shall each have the right
14 to meet with the panel accompanied by counsel or other person of his
15 choice and to present any evidence and arguments which he considers
16 pertinent to the considerations of the panel and to cross examine
17 witnesses.

18 (4) When the panel has completed its hearing, it shall prepare a written
19 report and send it to the superintendent and teacher. The report shall
20 contain its findings as to whether or not the grounds for the
21 recommendation are true and substantiated by a preponderance of the
22 evidence, and a statement of the reasons for its findings. The panel shall
23 complete its hearing and prepare the report within 20 days from the time
24 of its designation, except in cases in which the panel finds that justice
25 requires that a greater time be spent in connection with the investigation
26 and the preparation of such report, and reports that finding to the
27 superintendent and the teacher. Provided, that such extension does not
28 exceed 10 days.

29 (5) Within five days after the superintendent receives the report of the
30 panel, the superintendent shall decide whether or not to submit a written
31 recommendation for dismissal to the board or to drop the charges
32 against the teacher and shall notify the teacher, in writing, of the
33 decision. Within five days after receiving the superintendent's notice of
34 his intent to recommend the teacher's dismissal to the board, the teacher
35 shall decide whether to request a hearing before the board and shall
36 notify the superintendent, in writing, of the decision. If the teacher
37 requests a hearing before the board, the superintendent shall submit his
38 written recommendation to the board with a copy to the teacher within
39 five days after receiving the teacher's request. The superintendent's
40 recommendation shall state the grounds for the recommendation and
41 shall be accompanied by a copy of the report of the panel of the
42 Committee.

- 1 ~~(6) Within seven days after receiving the superintendent's recommendation~~
2 ~~and before taking any formal action, the board shall set a time and place~~
3 ~~for the hearing and notify the teacher by certified mail of the date, time~~
4 ~~and place of the hearing. The time specified shall not be less than seven~~
5 ~~nor more than 20 days after the board has notified the teacher. If the~~
6 ~~teacher did not request a hearing, the board may, by resolution, dismiss~~
7 ~~the teacher. If the teacher can show that his request for a hearing was~~
8 ~~postmarked within the time provided, his right to a hearing is not~~
9 ~~forfeited.~~
- 10 (i1) Report of Case Manager; Superintendent's Recommendation.
- 11 (1) The case manager shall complete the hearing held in accordance with
12 G.S. 115C-325(j) and prepare the report within 10 days from the time of
13 the designation, except in cases in which the case manager finds that
14 justice requires that a greater time be spent in connection with the
15 investigation and the preparation of such report, and reports that finding
16 to the superintendent and the career employee. No extension under this
17 subdivision shall exceed five days.
- 18 (2) The case manager shall make all necessary findings of fact, based upon
19 the preponderance of the evidence, on all issues related to each and
20 every ground for dismissal and on all relevant matters related to the
21 question of whether the superintendent's recommendation is justified.
22 The case manager also shall make a recommendation as to whether the
23 findings of fact substantiate the superintendent's grounds for dismissal.
24 The case manager shall deliver copies of the report to the superintendent
25 and the career employee.
- 26 (3) Within two days after receiving the case manager's report, the
27 superintendent shall decide whether to submit a written
28 recommendation to the local board for dismissal, demotion, or
29 disciplinary suspension without pay to the board or to drop the charges
30 against the career employee. The superintendent shall notify the career
31 employee, in writing, of the decision.
- 32 (4) If the superintendent contends that the case manager's report fails to
33 address a critical factual issue, the superintendent shall within three days
34 receipt of the case manager's report, request in writing with a copy to
35 the career employee that the case manager prepare a supplement to the
36 report. The superintendent shall specify what critical factual issue the
37 superintendent contends the case manager failed to address. If the case
38 manager determines that the report failed to address a critical factual
39 issue, the case manager may prepare a supplement to the report to
40 address the issue and deliver the supplement to both parties before the
41 board hearing. The failure of the case manager to prepare a
42 supplemental report or to address a critical factual issue shall not
43 constitute a basis for appeal.

1 (j) Hearing Procedure by a Case Manager. – The following provisions shall be
2 applicable apply to any a hearing conducted pursuant to G.S. 115C-325(k) or (l) or to any
3 hearing conducted by a board pursuant to G.S. 115C-325(h)(3) by the case manager.

4 (1) The hearing shall be private.

5 (2) The hearing shall be conducted in accordance with ~~such reasonable~~
6 ~~rules and regulations as the board may adopt consistent with G.S. 115C-~~
7 ~~325, or if no rules have been adopted, in accordance with reasonable~~
8 rules and regulations adopted by the State Board of Education to govern
9 such case manager hearings.

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

16 (4) Rules of evidence shall not apply to a hearing conducted ~~pursuant to this~~
17 ~~act and boards and panels of the Professional Review Committee by a case~~
18 manager and the case manager may give probative effect to evidence
19 that is of a kind commonly relied on by reasonably prudent persons in
20 the conduct of serious affairs.

21 (5) At least five days before the hearing, the superintendent shall provide to
22 the ~~teacher-career employee~~ a list of witnesses the superintendent intends
23 to present, a brief statement of the nature of the testimony of each
24 witness and a copy of any documentary evidence ~~he the superintendent~~
25 intends to present. At least three days before the hearing, the teacher
26 career employee shall provide to the superintendent a list of witnesses
27 the teacher-career employee intends to present, a brief statement of the
28 nature of the testimony of each witness and a copy of any documentary
29 evidence he the career employee intends to present. Additional
30 witnesses or documentary evidence may not be presented except upon
31 consent of both parties or upon a majority vote of the board or panel upon a
32 finding by the case manager that the new evidence is critical to the
33 matter at issue and the party making the request could not, with
34 reasonable diligence, have discovered and produced the evidence
35 according to the schedule provided in this subdivision.

36 (6) The case manager may subpoena and swear witnesses and may require
37 them to give testimony and to produce records and documents relevant
38 to the grounds for dismissal.

39 (7) The case manager shall decide all procedural issues, including limiting
40 cumulative evidence, necessary for a fair and efficient hearing.

41 (8) The superintendent shall provide for making a transcript of the hearing.
42 If the career employee contemplates a hearing before the board or to
43 appeal the board's decision to a court of law, the career employee may

1 request and shall receive at no charge a transcript of the proceedings
2 before the case manager.

3 (j1) Board Determination.

4 (1) Within two days after receiving the superintendent's notice of intent to
5 recommend the career employee's dismissal to the board, the career
6 employee shall decide whether to request a hearing before the board and
7 shall notify the superintendent, in writing, of the decision. If the career
8 employee can show that the request for a hearing was postmarked
9 within the time provided, the career employee shall not forfeit the right
10 to a board hearing. Within two days after receiving the career
11 employee's request for a board hearing, the superintendent shall submit
12 to the board the written recommendation and shall provide a copy to the
13 career employee. The superintendent's recommendation shall state the
14 grounds for the recommendation and shall be accompanied by a copy of
15 the case manager's report.

16 (2) If the career employee contends that the case manager's report fails to
17 address a critical factual issue the career employee shall, at the same
18 time he notifies the superintendent of a request for a board hearing
19 pursuant to G.S. 115C-325(j1)(1), request in writing with a copy to the
20 superintendent that the case manager prepare a supplement to the case
21 manager's report. The career employee shall specify the critical factual
22 issue he contends the case manager failed to address. If the case
23 manager determines that the report failed to address a critical factual
24 issue, the case manager may prepare a supplement to the report to
25 address the issue and shall deliver the supplement to both parties before
26 the board hearing. The failure of the case manager to prepare a
27 supplemental report or to address a critical factual issue shall not
28 constitute a basis for appeal.

29 (3) Within two days after receiving the superintendent's recommendation
30 and before taking any formal action, the board shall set a time and place
31 for the hearing and shall notify the career employee by certified mail or
32 personal delivery of the date, time, and place of the hearing. The time
33 specified shall not be less than seven nor more than 10 days after the
34 board has notified the career employee. If the career employee did not
35 request a hearing, the board may, by resolution, reject the
36 superintendent's decision, or accept or modify the decision and dismiss,
37 demote, reinstate, or suspend the career employee without pay.

38 (4) If the career employee requests a board hearing, it shall be conducted in
39 accordance with G.S. 115C-325(j2).

40 (5) The board shall make a determination and may (i) reject the
41 superintendent's recommendation or (ii) accept or modify the
42 recommendation and dismiss, demote, reinstate, or suspend the
43 employee without pay.

- 1 (6) Within two days following the hearing, the board shall send a written
2 copy of its findings and determination to the career employee and the
3 superintendent.
- 4 (j2) Board Hearing. – The following procedures shall apply to a hearing conducted
5 by the board:
- 6 (1) The hearing shall be private.
- 7 (2) If the career employee requested a hearing by a case manager, the board
8 shall receive the following:
- 9 a. The whole record from the hearing held by the case manager,
10 including a transcript of the hearing, as well as any other records,
11 exhibits, and documentary evidence submitted to the case
12 manager at the hearing.
- 13 b. The case manager's findings of fact, including any supplemental
14 findings prepared by the case manager under G.S. 115C-325
15 (i1)(4) or G.S. 115C-325(j1)(2).
- 16 c. The case manager's recommendation as to whether the grounds
17 in G.S. 115C-325(e) submitted by the superintendent are
18 substantiated.
- 19 d. The superintendent's recommendation and the grounds for the
20 recommendation.
- 21 (3) If the career employee did not request a hearing by a case manager, the
22 board shall receive the following:
- 23 a. Any documentary evidence the superintendent intends to use to
24 support the recommendation. The superintendent shall provide
25 the documentary evidence to the career employee seven days
26 before the hearing.
- 27 b. Any documentary evidence the career employee intends to use to
28 rebut the superintendent's recommendation. The career
29 employee shall provide the superintendent with the documentary
30 evidence three days before the hearing.
- 31 c. The superintendent's recommendation and the grounds for the
32 recommendation.
- 33 (4) The superintendent and career employee may submit a written statement
34 not less than three days before the hearing.
- 35 (5) The superintendent and career employee shall be permitted to make oral
36 arguments to the board based on the record before the board.
- 37 (6) No new evidence may be presented at the hearing except upon a finding
38 by the board that the new evidence is critical to the matter at issue and
39 the party making the request could not, with reasonable diligence, have
40 discovered and produced the evidence at the hearing before the case
41 manager.
- 42 (7) The board shall accept the case manager's findings of fact unless a
43 majority of the board determines that the findings of fact are not

1 supported by substantial evidence when reviewing the record as a
2 whole. In such an event, the board shall make alternative findings of
3 fact. If a majority of the board determines that the case manager did not
4 address a critical factual issue, the board may remand the findings of
5 fact to the case manager to complete the report to the board. If the case
6 manager does not submit the report within seven days receipt of the
7 board's request, the board may determine its own findings of fact
8 regarding the critical factual issues not addressed by the case manager.
9 The board's determination shall be based upon a preponderance of the
10 evidence.

11 (8) The board is not required to provide a transcript of the hearing to the
12 career employee. If the board elects to make a transcript and if the
13 career employee contemplates an appeal to a court of law, the career
14 employee may request and shall receive at no charge a transcript of the
15 proceedings. A career employee may have the hearing transcribed by a
16 court reporter at the career employee's expense.

17 (j3) Board Hearing for Certain Disciplinary Suspensions and for Reductions in
18 Force. – The following procedures shall apply for a board hearing under G.S. 115C-
19 325(e)(2) and G.S. 115C-325(f)(2)a.:

20 (1) The hearing shall be private.

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

23 (3) At the hearing, the career employee and the superintendent shall have
24 the right to be present and to be heard, to be represented by counsel, and
25 to present through witnesses any competent testimony relevant to the
26 issue of whether grounds exist for a disciplinary suspension without pay
27 under G.S. 115C-325(f)(2)a., or whether the grounds for a dismissal or
28 demotion due to a reduction in force is justified.

29 (4) Rules of evidence shall not apply to a hearing under this subsection and
30 the board may give probative effect to evidence that is of a kind
31 commonly relied on by reasonably prudent persons in the conduct of
32 serious affairs.

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

38 (6) At least six days before the hearing, the career employee shall provide
39 the superintendent a list of witnesses the career employee intends to
40 present, a brief statement of the nature of the testimony of each witness,
41 and a copy of any documentary evidence the career employee intends to
42 present.

- 1 (7) No new evidence may be presented at the hearing except upon a finding
2 by the board that the new evidence is critical to the matter at issue and
3 the party making the request could not, with reasonable diligence, have
4 discovered and produced the evidence according to the schedule
5 provided in this subsection.
- 6 (8) The board may subpoena and swear witnesses and may require them to
7 give testimony and to produce records and documents relevant to the
8 grounds for suspension without pay.
- 9 (9) The board shall decide all procedural issues, including limiting
10 cumulative evidence, necessary for a fair and efficient hearing.
- 11 (10) The superintendent shall provide for making a transcript of the hearing.
12 If the career employee contemplates an appeal of the board's decision to
13 a court of law, the career employee may request and shall receive at no
14 charge a transcript of the proceedings.
- 15 (k) ~~Panel Finds Grounds for Superintendent's Recommendation True and~~
16 ~~Substantiated.~~
- 17 (1) ~~If the panel found that the grounds for the recommendation of the~~
18 ~~superintendent are true and substantiated, at the hearing the board shall~~
19 ~~consider the recommendation of the superintendent, the report of the~~
20 ~~panel, including any minority report, and any evidence which the~~
21 ~~teacher or the superintendent may wish to present with respect to the~~
22 ~~question of whether the grounds for the recommendation are true and~~
23 ~~substantiated. The hearing may be conducted in an informal manner.~~
- 24 (2) ~~If, after considering the recommendation of the superintendent, the~~
25 ~~report of the panel and the evidence adduced at the hearing, the board~~
26 ~~concludes that the grounds for the recommendation are true and~~
27 ~~substantiated, by a preponderance of the evidence, the board, if it sees~~
28 ~~fit, may by resolution order such dismissal.~~
- 29 (l) ~~Panel Does Not Find That the Grounds for Superintendent's Recommendation~~
30 ~~Are True and Substantiated.~~
- 31 (1) ~~If the panel does not find that the grounds for the recommendation of~~
32 ~~the superintendent are true and substantiated, at the hearing the board~~
33 ~~shall determine whether the grounds for the recommendation of the~~
34 ~~superintendent are true and substantiated upon the basis of competent~~
35 ~~evidence adduced at the hearing by witnesses who shall testify under~~
36 ~~oath or affirmation to be administered by any board member or the~~
37 ~~secretary of the board.~~
- 38 (2) ~~The procedure at the hearing shall be such as to permit and secure a full,~~
39 ~~fair and orderly hearing and to permit all relevant competent evidence to~~
40 ~~be received therein. The report of the panel of the committee shall be~~
41 ~~deemed to be competent evidence. A full record shall be kept of all~~
42 ~~evidence taken or offered at such hearing. Both counsel for the local~~

1 school administrative unit and the career teacher or his counsel shall
2 have the right to cross-examine witnesses.

3 (3) ~~At the request of either the superintendent or the teacher, the board shall
4 issue subpoenas requiring the production of papers or records or the
5 attendance of persons residing within the State before the board.
6 Subpoenas for witnesses to testify at the hearing in support of the
7 recommendation of the superintendent or on behalf of the career teacher
8 shall, as requested, be issued in blank by the board over the signature of
9 its chairman or secretary. The board shall pay witness fees for up to five
10 witnesses subpoenaed on behalf of the teacher, except that it shall not
11 pay for any witness who resides within the county in which the
12 dismissal originates or who is an employee of the board. However, no
13 employee of the board shall suffer any loss of compensation because he
14 has been subpoenaed to testify at the hearing. These payments shall be
15 as provided for witnesses in G.S. 7A-314.~~

16 (4) ~~At the conclusion of the hearing provided in this section, the board shall
17 render its decision on the evidence submitted at such hearing and not
18 otherwise. The board's decision shall be based on a preponderance of
19 the evidence.~~

20 (5) ~~Within five days following the hearing, the board shall send a written
21 copy of its findings and order to the teacher and superintendent. The
22 board shall provide for making a transcript of its hearing. If the teacher
23 contemplates an appeal to a court of law, he may request and shall
24 receive at no charge a transcript of the proceedings.~~

25 (m) Probationary Teacher.

26 (1) The board of any local school administrative unit may not discharge a
27 probationary teacher during the school year except for the reasons for
28 and by the procedures by which a career ~~teacher~~ employee may be
29 dismissed as set forth in subsections ~~(e)-(e), (f), (f1), and (h) to (j)3~~
30 above.

31 (2) The board, upon recommendation of the superintendent, may refuse to
32 renew the contract of any probationary teacher or to reemploy any
33 teacher who is not under contract for any cause it deems sufficient:
34 Provided, however, that the cause may not be arbitrary, capricious,
35 discriminatory or for personal or political reasons.

36 (n) **(See note)** Appeal. – Any ~~teacher~~ career employee who has been dismissed or
37 demoted ~~pursuant to under G.S. 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of~~
38 ~~this section~~ under G.S. 115C-325(j)2, or who has been suspended without pay pursuant to
39 G.S. 115C-325(a)(4), under G.S. 115C-325(a)(4a), or any school administrator whose
40 contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher
41 whose contract is not renewed under G.S. 115C-325-G.S. 115C-325(m)(2) shall have the
42 right to appeal from the decision of the board to the superior court for the superior court
43 district or set of districts as defined in G.S. 7A-41.1 in which the teacher or school

1 ~~administrator-career employee~~ is employed. This appeal shall be filed within a period of
2 ~~30-15~~ days after notification of the decision of the board. The cost of preparing the
3 transcript shall be ~~borne by the board.~~ determined under G.S. 115C-325(j2)(8) or G.S.
4 115C-325(j3)(10). A ~~teacher-career employee~~ who has been demoted or dismissed, or a
5 school administrator whose contract is not renewed, who has not requested a hearing
6 before the board of education pursuant to this section shall not be entitled to judicial
7 review of the board's action.

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

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

16 (p) Section Applicable to Certain Institutions. – Notwithstanding any law or
17 regulation to the contrary, this section shall apply to all persons employed in teaching and
18 related educational classes in the schools and institutions of the Departments of Human
19 Resources and Correction regardless of the age of the students.

20 (q) Procedure for Dismissal of School Administrators and Teachers Employed in
21 Low-Performing Schools.

22 (1) Notwithstanding any other provision of this section or any other law, the
23 State Board:

- 24 a. Shall suspend with pay a principal who has been assigned to a
25 school for more than two years before the State Board identifies
26 that school as low-performing and assigns an assistance team to
27 that school under Article 8B of this Chapter; and
28 b. May suspend with pay a principal who has been assigned to a
29 school for no more than two years before the State Board
30 identifies that school as low-performing and assigns an assistance
31 team to that school under Article 8B of this Chapter.

32 These principals shall be suspended with pay pending a hearing before a
33 panel of three members of the State Board. The purpose of this hearing,
34 which shall be held within 60 days after the principal is suspended, is to
35 determine whether the principal shall be dismissed. The panel shall
36 order the dismissal of the principal, at which time the period of
37 suspension with pay shall expire, unless the panel makes a public
38 determination that the principal has established that the factors that led
39 to the identification of the school as low-performing were not due to the
40 inadequate performance of the principal. The State Board shall adopt
41 procedures to ensure that due process rights are afforded to principals
42 under this subsection. Decisions of the panel may be appealed on the

1 record to the State Board, with further right of judicial review under
2 Chapter 150B of the General Statutes.

- 3 (2) Notwithstanding any other provision of this section or any other law,
4 this subdivision shall govern the State Board's dismissal of teachers,
5 assistant principals, directors, and supervisors assigned to schools that
6 the State Board has identified as low-performing and to which the State
7 Board has assigned an assistance team under Article 8B of this Chapter.
8 The State Board shall dismiss a teacher, assistant principal, director, or
9 supervisor when the State Board receives two consecutive evaluations
10 that include written findings and recommendations regarding that
11 person's inadequate performance from the assistance team. These
12 findings and recommendations shall be substantial evidence of the
13 inadequate performance of the teacher or school administrator.

14 The State Board may dismiss a teacher, assistant principal, director,
15 or supervisor when:

- 16 a. The State Board determines that the school has failed to make
17 satisfactory improvement after the State Board assigned an
18 assistance team to that school under G.S. 115C-105.38; and
19 b. That assistance team makes the recommendation to dismiss the
20 teacher, assistant principal, director, or supervisor for one or
21 more grounds established in G.S. 115C-325(e)(1) for dismissal or
22 demotion of a career teacher.

23 A teacher, assistant principal, director, or supervisor may request a
24 hearing before a panel of three members of the State Board within 30
25 days of any dismissal under this subdivision. The State Board shall
26 adopt procedures to ensure that due process rights are afforded to
27 persons recommended for dismissal under this subdivision. Decisions
28 of the panel may be appealed on the record to the State Board, with
29 further right of judicial review under Chapter 150B of the General
30 Statutes.

- 31 (2a) Notwithstanding any other provision of this section or any other law,
32 this subdivision shall govern the State Board's dismissal of certified
33 staff members who have engaged in a remediation plan under G.S.
34 115C-105.38A(a) but who, after two retests, fail to meet the competency
35 standard set by the State Board. The failure to meet the competency
36 standard after two retests shall be substantial evidence of the inadequate
37 performance of the certified staff member.

38 A certified staff member may request a hearing before a panel of
39 three members of the State Board within 30 days of any dismissal under
40 this subdivision. The State Board shall adopt procedures to ensure that
41 due process rights are afforded to certified staff members recommended
42 for dismissal under this subdivision. Decisions of the panel may be

1 appealed on the record to the State Board, with further right of judicial
2 review under Chapter 150B of the General Statutes.

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

8 (4) Neither party to a school administrator contract is entitled to damages
9 under this subsection.

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

13 (b) This section applies to proceedings initiated after September 1, 1997.

14
15 **C. STUDIES ON MAKING RENEWAL OF TEACHER CERTIFICATES**
16 **MORE RIGOROUS**

17 Section 14. The State Board of Education, in consultation with local boards of
18 education and the Board of Governors of The University of North Carolina, shall
19 reevaluate and enhance the requirements for renewal of teacher certificates. The State
20 Board shall consider modifications in the certificate renewal process to align the process
21 with State education goals and improved student achievement and to make it a
22 mechanism for teachers to renew continually their knowledge and professional skills.
23 The State Board of Education shall report to the Joint Legislative Oversight Committee
24 by March 15, 1998, on the proposed new standards for the renewal of teacher certificates.
25 The State Board may consolidate the report required under this section with the report on
26 initial certification required under Section 6 of this act and the report on continuing
27 certification required under Section 8 of this act.

28 The State Board of Education shall adopt new standards for the renewal of
29 teacher certificates by May 15, 1998. The new standards adopted by the State Board
30 shall apply to certificates that expire after July 1, 1998.

31 Section 15. The State Board of Education, in consultation with local boards of
32 education and the Board of Governors of The University of North Carolina, shall study
33 and recommend ways to modify the administrator recertification process to ensure that all
34 schools have well-qualified administrators. The State Board shall report the results of
35 this study to the Joint Legislative Education Oversight Committee by February 15, 1998.

36
37 **VII. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY**
38 **TEACHERS – HIGHER STARTING SALARY, ENHANCED**
39 **LONGEVITY PAY, AND SIGNIFICANT BUMPS IN THE**
40 **SALARY SCHEDULE UPON ACHIEVING CONTINUING**
41 **CERTIFICATION AND CAREER STATUS.**
42

1 Section 16. (a) It is the goal of the General Assembly to increase teacher salaries
 2 over the next four years so as to attract and retain excellent teachers in the public schools;
 3 therefore, it is the goal of the General Assembly to implement, over the upcoming four
 4 fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent
 5 (20%). This would bring the starting salary to at least twenty-five thousand dollars
 6 (\$25,000) by the year 2000. Under this plan, the salary schedule would also contain
 7 significant "bumps" at the third step, which is the point at which teachers have attained
 8 continuing certification; and at the fourth step, which is the point at which teachers may
 9 achieve career status.

10 It is further the intent of the General Assembly that local school administrative
 11 units will not use these State-funded salary increments to supplant local salary
 12 supplements.

13 As a first step in implementing this plan, it is the goal of the General Assembly
 14 to fund a salary schedule plan for the 1997-98 school year for teachers with
 15 "A"certificates similar to the following:

16 **1997-98 SALARY SCHEDULE PLAN**
 17 **"A"TEACHERS**

19	Years of	10-Month
20	<u>Experience</u>	<u>Salary</u>
21	0	\$22,150
22	1	\$22,570
23	2	\$23,000
24	3	\$23,780
25	4	\$25,290
26	5	\$25,760
27	6	\$26,240
28	7	\$26,730
29	8	\$27,220
30	9	\$27,710
31	10	\$28,210
32	11	\$28,730
33	12	\$29,260
34	13	\$29,800
35	14	\$30,350
36	15	\$30,910
37	16	\$31,480
38	17	\$32,060
39	18	\$32,660
40	19	\$33,270
41	20	\$33,900
42	21	\$34,530
43	22	\$35,170

1	23	\$35,820
2	24	\$36,490
3	25	\$37,180
4	26	\$37,880
5	27	\$38,590
6	28	\$39,320
7	29+	\$40,060

8 For subsequent fiscal years, it is the goal of the General Assembly to fund
9 salary schedule plans similar to the following:

10 **1998-99 SALARY SCHEDULE PLAN**

11 "A"Teachers

12		
13	Years of	10-Month
14	<u>Experience</u>	<u>Salary</u>
15	0	\$23,100
16	1	\$23,520
17	2	\$23,950
18	3	\$24,750
19	4	\$26,380
20	5	\$27,890
21	6	\$28,360
22	7	\$28,840
23	8	\$29,330
24	9	\$29,820
25	10	\$30,310
26	11	\$30,810
27	12	\$31,330
28	13	\$31,860
29	14	\$32,400
30	15	\$32,950
31	16	\$33,510
32	17	\$34,080
33	18	\$34,660
34	19	\$35,260
35	20	\$35,870
36	21	\$36,500
37	22	\$37,130
38	23	\$37,770
39	24	\$38,420
40	25	\$39,090
41	26	\$39,780
42	27	\$40,480
43	28	\$41,190

1 29+ \$41,920

2
3 **1999-2000 SALARY SCHEDULE PLAN**
4 **"A"TEACHERS**

5	6	7	8
	<u>Years of</u>		<u>10-Month</u>
	<u>Experience</u>		<u>Salary</u>
9	0		\$24,050
10	1		\$24,470
11	2		\$24,900
12	3		\$25,700
13	4		\$27,580
14	5		\$29,210
15	6		\$30,720
16	7		\$31,190
17	8		\$31,670
18	9		\$32,160
19	10		\$32,650
20	11		\$33,140
21	12		\$33,640
22	13		\$34,160
23	14		\$34,690
24	15		\$35,230
25	16		\$35,780
26	17		\$36,340
27	18		\$36,910
28	19		\$37,490
29	20		\$38,090
30	21		\$38,700
31	22		\$39,330
32	23		\$39,960
33	24		\$40,600
34	25		\$41,250
35	26		\$41,920
36	27		\$42,610
37	28		\$43,310
38	29+		\$44,020

39 **2000-2001 SCHOOL YEAR PLAN**
40 **"A"TEACHERS**

41	42	43
	<u>Years</u>	<u>10-Month</u>
	<u>Experience</u>	<u>Salary</u>

1	0	\$25,000
2	1	\$25,420
3	2	\$25,850
4	3	\$26,650
5	4	\$28,240
6	5	\$30,120
7	6	\$31,750
8	7	\$33,260
9	8	\$33,730
10	9	\$34,210
11	10	\$34,700
12	11	\$35,190
13	12	\$35,680
14	13	\$36,180
15	14	\$36,700
16	15	\$37,230
17	16	\$37,770
18	17	\$38,320
19	18	\$38,880
20	19	\$39,450
21	20	\$40,030
22	21	\$40,630
23	22	\$41,240
24	23	\$41,870
25	24	\$42,500
26	25	\$43,140
27	26	\$43,790
28	27	\$44,460
29	28	\$45,150
30	29+	\$45,850

32 (b) To further implement this plan, it is the goal of the General Assembly to
 33 increase longevity pay for teachers with 25 or more years of State service to four and
 34 one-half percent (4.5%) of base salary, the same level as for State employees.

35
 36 **VIII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL**
 37 **ASSIGNMENTS**

38
 39 **A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY**
 40 **THE STATE BOARD OF EDUCATION**

41 Section 17. (a) The State Board of Education, after consultation with the
 42 Board of Governors of The University of North Carolina, shall develop a new category of
 43 teacher certificate known as the "Masters/Advanced Competencies" certificate. To

1 receive this certificate, an applicant shall successfully complete a masters degree program
2 that includes rigorous academic preparation in the subject area in which the applicant will
3 teach and in the skills and knowledge expected of a master teacher or the applicant shall
4 demonstrate to the satisfaction of the State Board that the candidate has acquired the
5 skills and knowledge expected of a master teacher.

6 (b) The Board of Governors of The University of North Carolina shall develop
7 a plan to revise the current masters of education degree programs at the constituent
8 institutions. The plan shall provide for degree programs that require participants take a
9 more rigorous course of study than is currently required and that includes concentrations
10 in the academic content areas in which the participants will teach. The plan shall also
11 consider methods for: (i) providing the more rigorous course of study using the same
12 number of hours as are currently required for masters of education degrees; and (ii)
13 providing participants the opportunity to complete the masters of education degree
14 program as part-time students, by summer school attendance, and at sites not located at a
15 constituent institution's campus provided there is sufficient demand for the off-campus
16 programs.

17 (c) Persons who qualify for a "G" certificate prior to September 1, 2000, shall
18 be awarded a "Masters/Advanced Competencies" certificate without meeting additional
19 requirements. On and after September 1, 2000, no additional "G" certificates shall be
20 awarded.

21 (d) The State Board of Education shall report to the Joint Legislative Education
22 Oversight Committee by January 15, 1998, on its progress in implementing subsection (a)
23 of this section. The Board of Governors of The University of North Carolina shall report
24 to the Joint Legislative Education Oversight Committee by January 15, 1998, on its plan
25 to implement subsection (b) of this section.

26 27 **B. BONUS PLAN FOR "MASTERS/ADVANCED** 28 **COMPETENCIES" AND FOR NBPTS CERTIFICATION**

29 Section 18. It is the goal of the General Assembly to increase significantly the
30 salaries of teachers who attain a "Masters/Advanced Competencies" certificate and
31 teachers who are certified by the National Board for Professional Teaching Standards
32 (NBPTS) so as to provide an incentive for good teachers to become excellent teachers. In
33 order to do so, it is further the goal of the General Assembly to enact, for the 1997-98
34 school year, a salary schedule plan that will provide a twelve percent (12%) bonus for
35 teachers who attain NBPTS certification. It is further the goal of the General Assembly
36 to enact by the year 2000 a salary schedule plan that will provide a ten percent (10%)
37 bonus to teachers who attain a "Masters/Advanced Competencies" certification.

38 39 **C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM**

40 Section 19. It is the goal of the General Assembly to continue to pay for the
41 National Board for Professional Teaching Standards participation fee and for up to three
42 days of approved paid leave for teachers participating in the NBPTS program during the

1 1997-98 school year and the 1998-99 school year and thereafter for teachers in the public
2 schools.

3
4 **D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S**
5 **PROGRAM**

6 Section 20. (a) It is the goal of the General Assembly to provide school-based
7 incentive awards under G.S. 115C-105.36 (a) to schools at which students achieve higher
8 than expected improvements in the basics and the skills they need to get a good job, and
9 to schools at which students meet the expected improvements in the basics and the skills
10 they need to get a good job. In accordance with State Board of Education policy,
11 incentive awards in schools that achieve higher than expected improvements may be up
12 to: (i) one thousand five hundred dollars (\$1,500) for each teacher and for certified
13 personnel; and (ii) five hundred dollars (\$500.00) for each teacher assistant. In
14 accordance with State Board of Education policy, incentive awards in schools that meet
15 the expected improvements may be up to: (i) seven hundred fifty dollars (\$750.00) for
16 each teacher and for certified personnel; and (ii) three hundred seventy-five dollars
17 (\$375.00) for each teacher assistant.

18 It is further the goal of the General Assembly to provide funds to provide
19 assistance teams to low-performing schools. It is also the goal of the General Assembly
20 to provide funds to provide remediation to teachers who work in schools that are
21 identified as low-performing and who do not acquire a passing score on a test designated
22 by the State Board of Education.

23 (b) G.S. 115C-105.37(b) reads as rewritten:

24 "(b) Each identified low-performing school shall ~~notify~~ provide written notification
25 to the parents of students attending that ~~school~~ school. The written notification shall
26 include a statement that the State Board of Education has found that the school has ~~failed~~
27 'failed to meet the minimum growth standards, as defined by the State Board, and a
28 majority of students in ~~that~~ the school are performing below grade ~~level~~ level.' This
29 notification also shall include a description of the steps the school is taking to improve
30 student performance."
31

32 **E. EXTRA PAY FOR MENTOR TEACHERS**

33 Section 21. It is the goal of the General Assembly to fund a mentor teacher
34 program that will recognize the achievements of excellent, experienced teachers and will
35 provide each newly certified teacher with a qualified and well-trained mentor. The funds
36 shall be used to compensate each mentor for serving as a mentor prior to and during the
37 school year.
38

39 **F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT**

40 Section 22. It is the goal of the General Assembly to compensate every newly
41 certified teacher for three additional days of employment for orientation and classroom
42 preparation.
43

1 G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT

2 Section 23. It is the goal of the General Assembly to provide funds for
3 teachers' participation in professional development programs that are aligned with State
4 educational goals and improved student achievement. The funds should be used for
5 teacher development programs that enable teachers to renew continually their knowledge
6 and professional skills, programs that train principals to observe and evaluate teachers,
7 programs that train master teachers to observe teachers that have not achieved career
8 status, programs that train mentors for beginning teachers, and other programs as directed
9 by the State Board of Education.

10
11 H. EXTRA PAY FOR EXTRA DAYS

12 Section 24. It is the goal of the General Assembly to provide funds to enable
13 school systems to utilize better the teacher workdays within the calendar for planning,
14 staff development, remediation, and other purposes. These funds shall be used to pay
15 teachers for working on, and thereby forfeiting, vacation days.

16
17 I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL
18 RESPONSIBILITIES

19 Section 25. It is the goal of the General Assembly to provide funds to
20 compensate teachers for additional assignments and responsibilities designed to improve
21 student achievement for additional workdays outside of the school calendar. These funds
22 should be allocated to local school administrative units on the basis of average daily
23 membership. The local board should use one-half of the funds on the recommendation of
24 the local superintendent and one-half on the recommendation of school improvement
25 teams. These funds could be used to compensate teachers for purposes such as teaching
26 after-school or Saturday academies for students at risk of academic failure, developing
27 curriculum, participating in teacher training and development outside of the school
28 calendar, and teaching classes on Saturday to students needing additional instructional
29 opportunities.

30
31 IX. FUNDS FOR COMPUTER SYSTEMS

32
33 Section 26. G.S. 115C-546.1(a) reads as rewritten:

34 "(a) There is created the Public School Building Capital Fund. The Fund shall be
35 used to assist county governments in meeting their public school building capital ~~needs-~~
36 needs and their equipment needs under their local school technology plans."

37 Section 27. G.S. 115C-546.2 reads as rewritten:

38 "**§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General**
39 **Fund; matching requirements.**

40 (a) Monies in the Fund shall be allocated to the counties on a per average daily
41 membership basis according to the average daily membership for the budget year as
42 determined and certified by the State Board of Education. Interest earned on funds
43 allocated to each county shall be allocated to that county.

1 (b) ~~Monies~~ Counties shall use monies in the Fund shall be used for capital outlay
2 projects including the planning, construction, reconstruction, enlargement, improvement,
3 repair, or renovation of public school buildings and for the purchase of land for public
4 school ~~buildings~~ buildings; for equipment to implement a local school technology plan
5 that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a
6 local school technology plan shall be transferred to the State School Technology Fund
7 and allocated by that Fund to the local school administrative unit for equipment.

8 As used in this section, 'public school buildings' only includes facilities for individual
9 schools that are used for instructional and related purposes and does not include
10 centralized administration, maintenance, or other facilities.

11 In the event a county finds that it does not need all or part of the funds allocated to it
12 for capital outlay projects including the planning, construction, reconstruction,
13 enlargement, improvement, repair, or renovation of public school ~~buildings or buildings,~~
14 for the purchase of land for public school buildings, or for equipment to implement a
15 local school technology plan, the unneeded funds allocated to that county may be used to
16 retire any indebtedness incurred by the county for public school facilities.

17 In the event a county finds that its public school building needs and its school
18 technology needs can be met in a more timely fashion through the allocation of financial
19 resources previously allocated for purposes other than school building needs or school
20 technology needs and not restricted for use in meeting public school building ~~needs, needs~~
21 or school technology needs, the county commissioners may, with the concurrence of the
22 affected local Board of Education, use those financial resources to meet school building
23 needs and school technology needs and may allocate the funds it receives under this
24 Article for purposes other than school building needs or school technology needs to the
25 extent that financial resources were redirected from such purposes. The concurrence
26 described herein shall be secured in advance of the allocation of the previously
27 unrestricted financial resources and shall be on a form prescribed by the Local
28 Government Commission.

29 (c) Monies in the Fund allocated for capital projects shall be matched on the basis
30 of one dollar of local funds for every three dollars of State funds. Monies in the Fund
31 transferred to the State Technology Fund do not require a local match.

32 Revenue received from local sales and use taxes that is restricted for public school
33 capital outlay purposes pursuant to G.S. 105-502 or G.S. 105-487 may be used to meet
34 the local matching requirement. Funds expended by a county after July 1, 1986, for land
35 acquisition, engineering fees, architectural fees, or other directly related costs for a public
36 school building capital project that was not completed prior to July 1, 1987, may be used
37 to meet the local match requirement."
38

39 X. FUNDS FOR TEACHER SUPPLY AND DEMAND STUDY

40
41 Section 28. It is the goal of the General Assembly to provide funds for the
42 State Board of Education to conduct a comprehensive teacher supply and demand study.
43

1 **XI. FUNDS FOR TRAINING AND COMPENSATING CASE MANAGERS**

2
3 Section 29. It is the goal of the General Assembly to provide funds for training
4 individuals who will serve as case managers. It is also the goal of the General Assembly
5 to provide funds for compensating and reimbursing the expenses of case managers.
6

7 **XII. FUNDS FOR DEVELOPING NEW EVALUATIONS**

8
9 Section 30. It is the goal of the General Assembly to provide funds for
10 developing and revising uniform performance standards and criteria to be used in
11 evaluating professional public school employees including school administrators and for
12 reviewing performance pay systems for teachers.
13

14 **XIII. MISCELLANEOUS PROVISIONS**

15
16 **A. CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT LIMIT**
17 **TEXT**

18 Section 31. The series of captions used in this act (the descriptive phrases in
19 boldface and capital letters) are inserted for convenience and reference only, and they in
20 no way define, limit, or prescribe the scope or application of the text of this act.
21

22 **B. NO APPROPRIATIONS REQUIRED BY ACT**

23 Section 32. This act shall not be construed to obligate the General Assembly
24 to appropriate any funds to implement the provisions of this act. Nothing in Sections 16
25 through 25 or Sections 28 through 30 of this act shall be construed to create any rights or
26 causes of action.
27

28 **C. EFFECTIVE DATES**

29 Section 33. This act is effective when it becomes law.