

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 898

Short Title: School Personnel Law Changes.

(Public)

Sponsors: Senators Dalton and Lee.

Referred to: Education/Higher Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE LAWS PERTAINING TO PUBLIC
SCHOOL PERSONNEL.

The General Assembly of North Carolina enacts:

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

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

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

2 "(3) At the hearing the career employee and the ~~superintendent~~ superintendent
3 or the superintendent's designee shall have the right to be present and to
4 be heard, to be represented by counsel and to present through witnesses
5 any competent testimony relevant to the issue of whether grounds for
6 dismissal or demotion exist or whether the procedures set forth in G.S.
7 115C-325 have been followed."

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

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

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

25 "(5) At least ~~10~~ eight days before the hearing, the superintendent shall
26 provide to the career employee a list of witnesses the superintendent
27 intends to present, a brief statement of the nature of the testimony of
28 each witness, and a copy of any documentary evidence the
29 superintendent intends to present."

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

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

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

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

40 Section 7. This act is effective when it becomes law. Sections 1, 2, 3, and 4
41 apply to proceedings initiated on or after that date.