

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 1292 (Second Edition)

SHORT TITLE: Employment of Noncertified School Personnel.

SPONSOR(S): Representatives Harrison, Jeffus, Womble, and Lucas

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
EXPENDITURES:					
State:				None	
Local Boards of Education:				None	
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Local Boards of Education				
EFFECTIVE DATE:	October 1, 2009				

BILL SUMMARY:

House Bill 1292 amends GS 115C-45(c) so that noncertified employees have the right to an attorney at a local board of education hearing regarding the dismissal, demotion or suspension without pay of the noncertified employee, given that the employee provide prior notice in accordance with local board of education policy. The attorney will be present at the employee’s expense. The bill is effective October 1, 2009, and applies to administrative decisions on or after that date.

Under current law, noncertified employees are considered at-will employees of local boards of education. G.S. 115C-45 provides that a school employee may appeal to the local board of education any “final administrative decision” regarding the terms or conditions of employment or employment status of that employee. A further appeal may be made to State superior court by noncertified employees only if the decision of the local board of education concerned the dismissal, demotion, or suspension without pay of the noncertified employee. A noncertified employee can request and is entitled to receive written notice as to the reasons for the noncertified employee’s dismissal, demotion or suspension without pay, but it is not required. This written notice is to be provided to the noncertified employee before the local board of education’s hearing. Currently, noncertified employees do not have the right to an attorney at local board of education hearings.

ASSUMPTIONS AND METHODOLOGY:

This bill would have no impact on the revenues or expenditures of the State or local boards of education as it simply would allow noncertified employees the right to have an attorney at certain hearings. The noncertified employee would be responsible for any attorney expenses. The bill would place no additional financial requirements on the State or local boards of education.

It is possible that certain local boards of education will *choose* to increase expenditures on attorney fees as a result of this bill. Local boards of education are likely to hire an attorney if the non-certified employee has one present at a hearing. However, this bill places no such obligations on local boards of education. Any increases in such expenditures would be entirely optional.

SOURCES OF DATA: None

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Kristopher Nordstrom, James Robinson

APPROVED BY: Marilyn Chism, Director
Fiscal Research Division

DATE: May 14, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices