

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1199

Short Title: Restore Career Status. (Public)

Sponsors: Representatives Glazier, Goodman, Carney, and Terry (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education.

May 23, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE CAREER STATUS FOR EFFECTIVE TEACHERS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Section 9.6 of S.L. 2013-360 is repealed.

5 **SECTION 2.** Section 9.7 of S.L. 2013-360 is repealed.

6 **SECTION 3.** G.S. 115C-325, as it existed on July 31, 2013, is reenacted.

7 **SECTION 4.** G.S. 115C-325, as reenacted by this act, reads as rewritten:

8 "**§ 115C-325. System of employment for public school teachers.**

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

10 (1) Repealed by Session Laws 1997-221, s. 13(a).

11 (1a) "Career employee" as used in this section means:

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

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

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

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

20 (1b) "Career school administrator" means a school administrator who has
21 obtained career status in an administrative position as provided in
22 G.S. 115C-325(d)(2).

23 (1c) "Career teacher" means a teacher who has ~~obtained~~achieved career status as
24 provided in G.S. 115C-325(c).

25 (1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and
26 applicable to persons recommended for dismissal or demotion on or after
27 that date.

28 (2) Repealed by Session Laws 1997, c. 221, s. 13(a).

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

31 (4) "Demote" means to reduce the salary of a person who is classified or paid by
32 the State Board of Education as a classroom teacher or as a school
33 administrator. The word "demote" does not include: (i) a suspension without
34 pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of
35 bonus payments, including merit-based supplements, or a systemwide



- 1 modification in the amount of any applicable local supplement; or (iii) any
2 reduction in salary that results from the elimination of a special duty, such as
3 the duty of an athletic coach or a choral director.
- 4 (4a) "Disciplinary suspension" means a final decision to suspend a teacher or
5 school administrator without pay for no more than 60 days under
6 G.S. 115C-325(f)(2).
- 7 (4b) "Exchange teacher" means a nonimmigrant alien teacher participating in an
8 exchange visitor program designated by the United States Department of
9 State pursuant to 22 C.F.R. Part 62 or by the United States Department of
10 Homeland Security pursuant to 8 C.F.R. Part 214.2(q).
- 11 (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).
- 12 (5) "Probationary teacher" means a licensed person, other than a superintendent,
13 associate superintendent, or assistant superintendent, who has not ~~obtained~~
14 achieved career-teacher status and whose major responsibility is to teach or
15 to supervise teaching.
- 16 (5a) [Expired.]
- 17 (5b) "School administrator" means a principal, assistant principal, supervisor, or
18 director whose major function includes the direct or indirect supervision of
19 teaching or any other part of the instructional program as provided in
20 G.S. 115C-287.1(a)(3).
- 21 (6) "Teacher" means a person who holds at least a current, not provisional or
22 expired, Class A license or a regular, not provisional or expired, vocational
23 license issued by the State Board of Education; whose major responsibility is
24 to teach or directly supervises teaching or who is classified by the State
25 Board of Education or is paid either as a classroom teacher or instructional
26 support personnel; and who is employed to fill a full-time, permanent
27 position.
- 28 (6a) "Teacher Performance Evaluation Standards" means the following
29 competencies:
- 30 a. Demonstration of leadership.
31 b. Establishment of a respectful environment for a diverse population of
32 students.
33 c. Content knowledge.
34 d. Facilitation of learning for students.
35 e. Reflection on teaching practice.
36 f. Contribution to the academic success of students.
- 37 (6b) "Teacher Performance Ratings" means the following ratings based on annual
38 evaluations of teacher performance evaluation standards:
- 39 a. Developing: Demonstration of adequate growth towards achieving
40 teacher performance evaluation standards during the performance
41 period but failure to demonstrate basic competence on teacher
42 performance evaluation standards.
43 b. Proficient: Demonstration of basic competence on teacher
44 performance evaluation standards.
45 c. Accomplished: Exceeding basic competence on teacher performance
46 evaluation standards most of the time.
47 d. Distinguished: Consistently and significantly exceeding basic
48 competence on teacher performance evaluation standards.
49 e. Not demonstrated: Failure to demonstrate basic competence on or
50 adequate growth on teacher performance evaluation standards.

- 1 f. Student growth that is indicated by one of the following: (i) meeting
 2 expected student growth, (ii) exceeding expected student growth, or
 3 (iii) failure to meet expected student growth.
- 4 (6c) "Teacher Status" means the following indicators based on a three-year
 5 rolling average of student growth values used to populate the teacher
 6 performance evaluation standard in sub-subdivision (a)(6a)f. of this section:
- 7 a. In need of improvement: A teacher who fails to receive a rating of at
 8 least proficient on each of the teacher performance evaluation
 9 standards or who does not meet expected student growth.
- 10 b. Effective: A teacher who receives a rating of at least proficient on
 11 each of the teacher performance evaluation standards and who at
 12 least meets expected student growth.
- 13 c. Highly effective: A teacher who receives a rating of at least
 14 accomplished on each of the teacher evaluation standards and who
 15 exceeds expected student growth.
- 16 (7) Redesignated.
- 17 (8) "Year" for purposes of computing time as a probationary teacher shall be not
 18 less than 120 workdays performed as a probationary teacher in a full-time
 19 permanent position in a school year. Workdays performed pending the
 20 outcome of a criminal history check as provided in G.S. 115C-332 are
 21 included in computing time as a probationary teacher.
- 22 ...
- 23 (c) (1) ~~Election of a Teacher Achievement to of Career Status. –~~
 24 Except as otherwise provided in subdivision (3) of this subsection, when a
 25 teacher has been employed by a North Carolina public school system for
 26 four consecutive years, ~~the board, near the end of the fourth year, shall vote~~
 27 ~~upon whether to grant the teacher career status.~~ the determination of a
 28 teacher's career status shall be as follows:
- 29 a. If a probationary teacher is (i) evaluated using the State Board
 30 teacher evaluation process and (ii) has received a teacher status of
 31 "highly effective" by the end of the fourth year of evaluations, the
 32 teacher shall achieve career status.
- 33 b. If a probationary teacher is (i) evaluated using the State Board
 34 teacher evaluation process and (ii) has received a teacher status of "in
 35 need of improvement" by the end of the fourth year of evaluations,
 36 the teacher shall not achieve career status and the teacher shall not
 37 teach beyond the school term.
- 38 c. If neither of the circumstances in sub-subdivisions a. and b. of this
 39 subdivision apply to a teacher or if a teacher is not evaluated using
 40 the State Board teacher evaluation process, the board shall vote upon
 41 whether to grant the teacher career status. The teacher has a right to
 42 notice and hearing prior to the board's vote as provided in
 43 G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4). The board shall
 44 give the teacher written notice of that decision by June 15 or such
 45 later date as provided in G.S. 115C-325(m)(7). If a majority of the
 46 board votes to grant career status to the teacher, and if it has notified
 47 the teacher of the decision, it may not rescind that action but must
 48 proceed under the provisions of this section for the demotion or
 49 dismissal of a teacher if it decides to terminate the teacher's
 50 employment. If a majority of the board votes against granting career
 51 status, the teacher shall not teach beyond the current school term. If

1 the board fails to vote on granting career status, the teacher shall be
2 entitled to an additional month's pay for every 30 days or portion
3 thereof after June 16 or such later date as provided in
4 G.S. 115C-325(m)(7) if a majority of the board belatedly votes
5 against granting career status.

6 (1a) Revocation of career status. – If, for two consecutive years, a teacher with
7 career status who is evaluated using the State Board teacher evaluation
8 process receives a teacher status rating of "in need of improvement," the
9 teacher shall lose career status and may serve as a probationary teacher
10 beginning with the next school year. A local board of education may dismiss
11 or demote the teacher as provided in subsection (e) of this section. If the
12 teacher remains employed by the local board of education as a probationary
13 teacher for two years, at the end of those two years one of the following shall
14 apply:

15 a. If the teacher receives a teacher status rating of "highly effective,"
16 the teacher shall achieve career status.

17 b. If the teacher has received a teacher status rating of "effective," the
18 teacher shall be eligible for a vote by the local board of education on
19 whether to grant the teacher career status in accordance with
20 sub-subdivision (c)(1)c. of this section.

21 c. If the teacher has received a teacher performance rating of "in need
22 of improvement," the teacher shall not achieve career status and shall
23 be an at-will employee. The teacher shall not be entitled to the
24 employment protections provided a career employee or probationary
25 teacher.

26 (2) Employment of a Career Teacher. – Except as otherwise provided in this
27 section, a teacher who has ~~obtained~~ achieved career status in any North
28 Carolina public school system under sub-subdivision (c)(1)c. of this section
29 need not serve another probationary period of more than one year. The board
30 may grant career status immediately upon employing the teacher, or after the
31 first year of employment. The teacher has a right to notice and hearing prior
32 to the board's vote as provided in G.S. 115C-325(m)(3) and
33 G.S. 115C-325(m)(4). The board shall give the teacher written notice of that
34 decision by June 15 or such later date as provided in G.S. 115C-325(m)(7).
35 If a majority of the board votes against granting career status, the teacher
36 shall not teach beyond the current term. If after one year of employment, the
37 board fails to vote on the issue of granting career status, the teacher shall be
38 entitled to one additional month's pay for every 30 days or portion thereof
39 beyond June 16 or such later date as provided in G.S. 115C-325(m)(7) if a
40 majority of the board belatedly voted against granting career status. A
41 teacher who achieves career status under sub-subdivision (c)(1)a. and
42 maintains a teacher status rating of "highly effective" in subsequent
43 evaluation years shall not be required to serve another probationary period in
44 any North Carolina public school system.

45 (3) Ineligible for Career Status. – No employee of a local board of education
46 except a teacher as defined by G.S. 115C-325(a)(6) is eligible to ~~obtain~~
47 achieve career status or continue in a career status as a teacher if ~~he~~ the
48 teacher no longer performs the responsibilities of a teacher as defined in
49 G.S. 115C-325(a)(6). No person who is employed as a school administrator
50 who did not acquire career status as a school administrator by June 30, 1997,
51 shall have career status as an administrator. Further, no director or assistant

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

3 ...

4 (m) Probationary Teacher.

- 5 (1) The board of any local school administrative unit may not discharge a
6 probationary teacher during the school year except for the reasons for and by
7 the procedures by which a career employee may be dismissed as set forth in
8 subsections (e), (f), (f1), and (h) to (j3) above.
- 9 (2) The board, upon recommendation of the superintendent, may refuse to renew
10 the contract of any probationary teacher or to reemploy any teacher who is
11 not under contract for any cause it deems sufficient: Provided, however, that
12 the cause may not be for any of the following reasons:
- 13 a. An arbitrary, capricious, or discriminatory reason.
14 b. For personal or political reasons.
15 c. The teacher, in good faith, reported to a supervisor, school
16 administrator, member of the local board of education, an appropriate
17 law enforcement authority, or other appropriate authority a violation
18 of law or local board policy by the local board of education or by an
19 employee of the board.
- 20 (3) The superintendent shall provide written notice to a probationary teacher no
21 later than May 15 of the superintendent's intent to recommend nonrenewal
22 and the teacher's right, within 10 days of receipt of the superintendent's
23 recommendation, to (i) request and receive written notice of the reasons for
24 the superintendent's recommendation for nonrenewal and the information
25 that the superintendent may share with the board to support the
26 recommendation for nonrenewal; and (ii) request a hearing for those teachers
27 eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely
28 request within the 10 days shall result in a waiver of the right to this
29 information and any right to a hearing. If a teacher files a timely request, the
30 superintendent shall provide the requested information and arrange for a
31 hearing, if allowed, and the teacher shall be permitted to submit
32 supplemental information to the superintendent and board prior to the board
33 making a decision or holding a hearing as provided in this section. The board
34 shall adopt a policy to provide for the orderly exchange of information prior
35 to the board's decision on the superintendent's recommendation for
36 nonrenewal.
- 37 (4) If the probationary teacher is eligible for career status pursuant to
38 G.S. 115C-325(e)(1) and (e)(2) sub-subdivision (c)(1)c., sub-subdivision
39 (c)(1a)b., or subdivision (c)(2) of this section, and the superintendent
40 recommends not to give the probationary teacher career status, the
41 probationary teacher has the right to a hearing before the board unless the
42 reason is a justifiable board- or superintendent-approved decrease in the
43 number of positions due to district reorganization, decreased enrollment, or
44 decreased funding.
- 45 (5) For probationary contracts that are not in the final year before the
46 probationary teacher is eligible for career status, the probationary teacher
47 shall have the right to petition the local board of education for a hearing, and
48 the local board may grant a hearing regarding the superintendent's
49 recommendation for nonrenewal. The local board of education shall notify
50 the probationary teacher making the petition of its decision whether to grant
51 a hearing.

- 1 (6) Any hearing held according to this subsection shall be pursuant to the
 2 provisions of G.S. 115C-45(c).
 3 (7) The board shall notify a probationary teacher whose contract will not be
 4 renewed for the next school year of its decision by June 15; provided,
 5 however, if a teacher submits a request for information or a hearing, the
 6 board shall provide the nonrenewal notification by July 1 or such later date
 7 upon the written consent of the superintendent and teacher.

8"

9 **SECTION 5.** G.S. 115C-45(c) reads as rewritten:

10 "(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the
 11 local board of education from any final administrative decision in the following matters:

- 12 (1) The discipline of a student under G.S. 115C-390.7, 115C-390.10, or
 13 115C-390.11;
 14 (2) An alleged violation of a specified federal law, State law, State Board of
 15 Education policy, State rule, or local board policy, including policies
 16 regarding grade retention of students;
 17 (3) The terms or conditions of employment or employment status of a school
 18 employee; and
 19 (4) Any other decision that by statute specifically provides for a right of appeal
 20 to the local board of education and for which there is no other statutory
 21 appeal procedure.

22 As used in this subsection, the term "final administrative decision" means a decision of a
 23 school employee from which no further appeal to a school administrator is available.

24 Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this
 25 subsection shall have the right to appeal to the superintendent and thereafter shall have the right
 26 to petition the local board of education for a hearing, and the local board may grant a hearing
 27 regarding any final decision of school personnel within the local school administrative unit. A
 28 licensed employee of a local board of education shall have the right to petition the local board
 29 of education to grant a hearing regarding the results of the licensed employee's annual
 30 evaluation or implementation of a mandatory improvement plan under G.S. 115C-333 or
 31 G.S. 115C-333.1. The local board of education shall notify the person making the petition of its
 32 decision whether to grant a hearing.

33 In all appeals to the board it is the duty of the board of education to see that a proper notice
 34 is given to all parties concerned and that a record of the hearing is properly entered in the
 35 records of the board conducting the hearing.

36 The board of education may designate hearing panels composed of not less than two
 37 members of the board to hear and act upon such appeals in the name and on behalf of the board
 38 of education.

39 An appeal of right brought before a local board of education under subdivision (1), (2), (3),
 40 or (4) of this subsection may be further appealed to the superior court of the State on the
 41 grounds that the local board's decision is in violation of constitutional provisions, is in excess of
 42 the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected
 43 by other error of law, is unsupported by substantial evidence in view of the entire record as
 44 submitted, or is arbitrary or capricious. However, the right of a ~~noncertified~~nonlicensed
 45 employee to appeal decisions of a local board under subdivision (3) of this subsection shall
 46 only apply to decisions concerning the dismissal, demotion, or suspension without pay of the
 47 noncertified employee. A ~~noncertified~~nonlicensed employee may request and shall be entitled
 48 to receive written notice as to the reasons for the employee's dismissal, demotion, or suspension
 49 without pay. The notice shall be provided to the employee prior to any local board of education
 50 hearing on the issue. This subsection shall not alter the employment status of a
 51 ~~noncertified~~nonlicensed employee."

1 **SECTION 6.** G.S. 115C-287.1 reads as rewritten:

2 "**§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**
3 **and directors.**

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

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

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

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

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

19 (3) For purposes of this section, school administrator means a:

- 20 a. Principal;
21 b. Assistant principal;
22 c. Supervisor; or
23 d. Director,

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

26 (4) Nothing in this section shall be construed to confer career status on any
27 assistant principal or director, or to make an assistant principal eligible for
28 career status as an assistant principal or a director eligible for career status as
29 a director.

30 (b) Local boards of education shall employ school administrators who are ineligible for
31 career status as provided in G.S. 115C-325(c)(3), upon the recommendation of the
32 superintendent. The initial contract between a school administrator and a local board of
33 education shall be for two to four years, ending on June 30 of the final 12 months of the
34 contract. In the case of a subsequent contract between a principal or assistant principal and a
35 local board of education, the contract shall be for a term of four years. In the case of an initial
36 contract between a school administrator and a local board of education, the first year of the
37 contract may be for a period of less than 12 months provided the contract becomes effective on
38 or before September 1. A local board of education may, with the written consent of the school
39 administrator, extend, renew, or offer a new school administrator's contract at any time after the
40 first 12 months of the contract so long as the term of the new, renewed, or extended contract
41 does not exceed four years. Rolling annual contract renewals are not allowed. Nothing in this
42 section shall be construed to prohibit the filling of an administrative position on an interim or
43 temporary basis.

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

49 (d) If a superintendent intends to recommend to the local board of education that the
50 school administrator be offered a new, renewed, or extended contract, the superintendent shall
51 submit the recommendation to the local board for action. The local board may approve the

1 superintendent's recommendation or decide not to offer the school administrator a new,
2 renewed, or extended school administrator's contract.

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

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

23 (e) Repealed by Session Laws 1995, c. 369, s. 1.

24 (f) If the superintendent or the local board of education fails to notify a school
25 administrator by June 1 of the final year of the contract that the school administrator will not be
26 offered a new school administrator's contract, the school administrator shall be entitled to 30
27 days of additional employment or severance pay beyond the date the school administrator
28 receives written notice that a new contract will not be offered.

29 (g) If, prior to appointment as a school administrator, the school administrator held
30 career status as a teacher in the local school administrative unit in which he or she is employed
31 as a school administrator, a school administrator shall retain career status as a teacher if the
32 school administrator is not offered a new, renewed, or extended contract by the local board of
33 education, unless the school administrator voluntarily relinquished that right or is dismissed or
34 demoted pursuant to G.S. 115C-325.

35 (h) An individual who holds a provisional assistant principal's ~~certificate~~license and
36 who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school
37 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a
38 local board may enter into one-year contracts with a school administrator who holds a
39 provisional assistant principal's ~~certificate~~license. If the school administrator held career status
40 as a teacher in the local school administrative unit prior to being employed as an assistant
41 principal and the State Board for any reason does not extend the school administrator's
42 provisional assistant principal's ~~certificate~~license, the school administrator shall retain career
43 status as a teacher unless the school administrator voluntarily relinquished that right or is
44 dismissed or demoted under G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c)
45 shall be construed to require a local board to extend or renew the contract of a school
46 administrator who holds a provisional assistant principal's ~~certificate~~license."

47 **SECTION 7.** G.S. 115C-105.38A(d) reads as rewritten:

48 "(d) Retesting; Dismissal. – Upon completion of the remediation plan required under
49 subsection (c) of this section, the ~~certified~~licensed staff member shall take the general
50 knowledge test a second time. If the ~~certified~~licensed staff member fails to acquire a passing

1 score on the second test, the State Board shall begin a dismissal proceeding under
2 G.S. 115C-325(q)(2a)."

3 **SECTION 8.** G.S. 115C-276(l) reads as rewritten:

4 "(l) To Maintain Personnel Files and to Participate in Firing and Demoting of Staff. –
5 The superintendent shall maintain in his or her office a personnel file for each teacher that
6 contains complaints, commendations, or suggestions for correction or improvement about the
7 teacher and shall participate in the firing and demoting of staff, as provided in G.S. 115C-325."

8 **SECTION 9.** G.S. 115C-304 is reenacted.

9 **SECTION 10.** G.S. 143B-146.7(b) reads as rewritten:

10 "(b) At any time after the State Board identifies a school as low-performing under this
11 Part, the ~~Secretary~~ State Board shall proceed under G.S. 115C-325(p1) for the dismissal of
12 ~~certificated~~ licensed instructional personnel assigned to that school."

13 **SECTION 11.** G.S. 143B-146.8 reads as rewritten:

14 "**§ 143B-146.8. Evaluation of ~~certificated~~ licensed personnel and principals; action plans;**
15 **State Board notification.**

16 (a) Annual Evaluations; Low-Performing Schools. – The principal shall evaluate at
17 least once each year all ~~certificated~~ licensed personnel assigned to a participating school that
18 has been identified as low-performing but has not received an assistance team. The evaluation
19 shall occur early enough during the school year to provide adequate time for the development
20 and implementation of an action plan if one is recommended under subsection (b) of this
21 section. If the employee is a teacher as defined under G.S. 115C-325(a)(6), either the principal
22 or an assessment team assigned under G.S. 143B-146.9 shall conduct the evaluation. If the
23 employee is a school administrator as defined under G.S. 115C-287.1(a)(3), the Superintendent
24 shall conduct the evaluation.

25 Notwithstanding this subsection or any other law, the principal shall observe at least three
26 times annually, a teacher shall observe at least once annually, and the principal shall evaluate at
27 least once annually, all teachers who have not ~~attained~~ achieved career status. All other
28 employees defined as teachers under G.S. 115C-325(a)(6) who are assigned to participating
29 schools that are not designated as low-performing shall be evaluated annually unless the
30 ~~Secretary~~ State Board adopts rules that allow specified categories of teachers with career status
31 to be evaluated more or less frequently. The ~~Secretary~~ State Board also may adopt rules
32 requiring the annual evaluation of ~~noncertificated~~ nonlicensed personnel. This section shall not
33 be construed to limit the duties and authority of an assistance team assigned to a
34 low-performing school.

35 ~~The Secretary shall use the State Board's performance standards and criteria unless the~~
36 ~~Secretary develops an alternative evaluation that is properly validated and that includes~~
37 ~~standards and criteria similar to those adopted by the State Board. All other provisions of this~~
38 ~~section shall apply if an evaluation is used other than one adopted by the State Board.~~

39 (b) Action Plans. – If a ~~certificated~~ licensed employee in a participating school that has
40 been identified as low-performing receives an unsatisfactory or below standard rating on any
41 function of the evaluation that is related to the employee's instructional duties, the individual or
42 team that conducted the evaluation shall recommend to the principal that: (i) the employee
43 receive an action plan designed to improve the employee's performance; or (ii) the principal
44 recommend ~~to the Secretary~~ that the employee be dismissed or demoted as provided in
45 G.S. 115C-325. The principal shall determine whether to develop an action plan or to
46 recommend a dismissal proceeding. The person who evaluated the employee or the employee's
47 supervisor shall develop the action plan unless an assistance team or assessment team
48 conducted the evaluation. If an assistance team or assessment team conducted the evaluation,
49 that team shall develop the action plan in collaboration with the employee's supervisor. Action
50 plans shall be designed to be completed within 90 instructional days or before the beginning of
51 the next school year. The ~~State Board, in consultation with the Secretary,~~ Board shall develop

1 guidelines that include strategies to assist in evaluating ~~certified~~-licensed personnel and
2 developing effective action plans within the time allotted under this section. The ~~Secretary~~
3 State Board may adopt policies for the development and implementation of action plans or
4 professional development plans for personnel who do not require action plans under this
5 section.

6 (c) Reevaluation. – Upon completion of an action plan under subsection (b) of this
7 section, the principal or the assessment team shall evaluate the employee a second time. If on
8 the second evaluation the employee receives one unsatisfactory or more than one below
9 standard rating on any function that is related to the employee's instructional duties, the
10 principal shall recommend that the employee be dismissed or demoted under G.S. 115C-325.
11 The results of the second evaluation shall constitute substantial evidence of the employee's
12 inadequate performance.

13 (d) State Board Notification. – ~~If the Secretary dismisses an employee~~ is dismissed for
14 any reason except a reduction in force under G.S. 115C-325(e)(1)l., ~~the Secretary shall notify~~
15 the State Board shall be notified of the action, and the State Board annually shall provide to all
16 local boards of education the names of those individuals. If a local board hires one of these
17 individuals, that local board shall proceed under G.S. 115C-333(d).

18"

19 **SECTION 12.** Individuals who have not obtained career status prior to the
20 2013-2014 school year shall be eligible for career status in accordance with G.S. 115C-325, as
21 reenacted and amended by this act.

22 **SECTION 13.** Notwithstanding any provisions of law to the contrary, any local
23 board of education that has offered a four-year contract of employment to a teacher as of the
24 effective date of this act shall provide for the performance of that contract, including that the
25 teacher shall receive a five-hundred-dollar (\$500.00) annual pay raise for each year of the
26 four-year contract, unless the teacher has not accepted the offer by June 30, 2014, or the parties
27 to the contract mutually agree that the contract is void. Regardless of whether a teacher is
28 employed on a four-year contract beginning with the 2014-2015 school year, any teacher who
29 had obtained career status as of the 2013-2014 school year shall retain career status in
30 accordance with G.S. 115C-325, as reenacted and amended by this act.

31 **SECTION 14.** G.S. 115C-325, as reenacted and amended by this act, shall apply to
32 any teacher employed on a contract beginning July 1, 2014. If any provisions of G.S. 115C-325
33 are in conflict with the terms of a teacher's employment contract, the provisions of the
34 individual's employment contract shall control for the term of that contract, except for any
35 terms related to the renewal of the contract. At the end of the term of the teacher's contract, the
36 teacher shall be employed solely in accordance with G.S. 115C-325. Renewal decisions of
37 teachers employed on a contract beginning July 1, 2014, shall also be governed solely by
38 G.S. 115C-325.

39 **SECTION 15.** This act is effective when it becomes law.