

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SENATE BILL 898
RATIFIED BILL

AN ACT TO INCREASE THE NUMBER OF DAYS WITHIN WHICH A BOARD OF EDUCATION MUST HOLD A TEACHER DISMISSAL HEARING, TO CLARIFY THAT THE SUPERINTENDENT'S DESIGNEE MAY BE PRESENT AT THE CASE MANAGER HEARING, TO ALLOW TIME FOR THE SUPERINTENDENT TO OBTAIN A COPY OF THE CASE MANAGER TRANSCRIPT, TO DECREASE THE NUMBER OF DAYS WITHIN WHICH THE SUPERINTENDENT MUST PROVIDE A LIST OF WITNESSES FOR A BOARD HEARING ON A REDUCTION IN FORCE, TO CHANGE THE DATE WHEN LOCAL BOARDS MUST NOTIFY TEACHERS WHETHER THEIR PROBATIONARY CONTRACTS HAVE BEEN RENEWED, TO REPEAL THE PROFESSIONAL PRACTICES BOARD, AND TO LIMIT THE NONINSTRUCTIONAL DUTIES ASSIGNED TO TEACHERS.

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."

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

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

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

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

request that a transcript of the case manager hearing be made. Within two days of receiving a copy of the transcript, the superintendent shall submit to the board the written recommendation and shall provide a copy of the recommendation to the career employee. The superintendent's recommendation shall state the grounds for the recommendation and shall be accompanied by a copy of the case manager's report-report and a copy of the transcript of the case manager hearing."

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

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

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

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

A probationary teacher whose contract will not be renewed for the next school year shall be notified of this fact by June ~~4~~15."

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

Section 7. G.S. 115C-47 is amended by adding a new subdivision to read:

"(18a) To Adopt Rules and Policies Limiting the Noninstructional Duties of Teachers. – Local boards of education shall adopt rules and policies limiting the noninstructional duties assigned to teachers. A local board may temporarily suspend the rules and policies for individual schools upon a finding that there is a compelling reason the rules or policies should not be implemented. These rules and policies shall ensure that:

a. Teachers with initial certification are not assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties assigned to these teachers are minimized, so these teachers have an opportunity to develop into skilled professionals;

b. Teachers with 27 or more years of experience are not assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties assigned to these teachers are minimized, so these teachers have an opportunity to informally share their experience and expertise with their colleagues;

c. The noninstructional duties of all teachers are limited to the extent possible given federal, State, and local laws, rules, and policies, and that the noninstructional duties required of teachers are distributed equitably among employees."

Section 8. G.S. 115C-296(e) reads as rewritten:

"(e) The State Board of Education shall develop a mentor program to provide ongoing support for teachers entering the profession. In developing the mentor program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program. For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines which address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that initially certified teachers not be assigned extracurricular activities unless

they request the assignments in writing and that other noninstructional duties of these teachers be minimized. The State Board shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program."

Section 9. This act is effective when it becomes law. Sections 1, 2, 3, and 4 apply to proceedings initiated on or after that date.

In the General Assembly read three times and ratified this the 17th day of May, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 19