

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 1199  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10540-MK-166 (05/07)

Short Title: Restore Career Status.

(Public)

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

Referred to:

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4 **SECTION 1.** Section 9.6 of S.L. 2013-360 is repealed.

5 **SECTION 2.** Section 9.7 of S.L. 2013-360 is repealed.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10 (1) Repealed by Session Laws 1997-221, s. 13(a).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25 (1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and  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28 (2) Repealed by Session Laws 1997, c. 221, s. 13(a).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  
36 modification in the amount of any applicable local supplement; or (iii) any



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