

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 858

Short Title: Clarify Principals' Tenure.

(Public)

Sponsors: Senators Martin of Guilford, Conder, Warren, and Hartsell.

Referred to: Education/Higher Education

April 26, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW REGARDING CONTRACTS FOR SCHOOL ADMINISTRATORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-287.1 reads as rewritten:

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

(a) ~~Tenure of a school administrator who is not ineligible for career status as provided by G.S. 115C-325(e)(3) shall be determined in accordance with the provisions of G.S. 115C-325. Any principal or supervisor who achieved career status in his or her current position on or before June 30, 1997, as provided in G.S. 115C-325, shall retain career status in that position unless and until the principal or supervisor (i) voluntarily relinquishes career status through promotion, resignation, or otherwise, or (ii) is dismissed or demoted pursuant to the provisions of G.S. 115C-325.~~

Any school administrator who did not achieve career status in his or her position on or before June 30, 1997, shall be employed pursuant to the provisions of this section.

For purposes of this section, school administrator means a principal, assistant principal, supervisor, or ~~director; director, or any other administrator whose major function includes the direct or indirect supervision of teaching or of any other part of the instructional program:~~ Provided, however, nothing in this section shall be construed to

1 confer career status on any assistant principal or director, or to make an assistant
2 principal eligible for career status as an assistant principal or a director eligible for career
3 status as a director.

4 (b) Local boards of education shall employ school administrators who are
5 ineligible for career status as provided by G.S. 115C-325(c)(3), upon the
6 recommendation of the superintendent. ~~The first contract~~ All contracts between the school
7 administrator and the local board of education shall be for ~~two~~ one to four years;
8 ~~subsequent contracts shall be for terms of four years. Contracts shall be renewed only at the end~~
9 ~~of the contract period~~ years, ending on June 30 of the final 12 months of the contract. The
10 local board of education may, with the written consent of the school administrator, extend
11 or offer to extend the school administrator's contract at any time after the first 12 months
12 of the contract: Provided, however, that the administrator's contract shall not exceed four
13 years. Rolling annual contract renewals are not allowed. Nothing in this section shall be
14 construed to prohibit the filling of an administrative position on an interim or temporary
15 basis.

16 (c) The term of employment shall be stated in a written contract that shall be
17 entered into between the local board of education and the school administrator. The
18 school administrator shall not be dismissed or demoted during the term of the contract
19 except for the grounds and by the procedure by which a career teacher may be dismissed
20 or demoted as set forth in ~~G.S. 115C 325~~ G.S. 115C-325, except that provisions that
21 permit appointment of and investigation and review by a panel of the Peer Review
22 Committee shall not apply.

23 (d) ~~If the superintendent elects not to recommend the reemployment of a school~~
24 ~~administrator at the end of the contract's term, the superintendent shall notify the school~~
25 ~~administrator in writing at least 30 days prior to the end of the contract's term that the~~
26 ~~school administrator will not be offered reemployment beyond the contract's term. In the~~
27 ~~notice the superintendent shall state the reason the school administrator will not be~~
28 ~~offered reemployment beyond the contract term. No action by the board of education~~
29 ~~shall be necessary unless the school administrator requests a hearing before the board in~~
30 ~~accordance with G.S. 115C 45 and G.S. 115C 305. In the event a hearing is requested,~~
31 ~~the local board of education shall make the final decision concerning whether the school~~
32 ~~administrator's contract will be renewed. The cause for nonrenewal may not be for~~
33 ~~arbitrary, capricious, discriminatory, personal, or political reasons. Any school~~
34 ~~administrator who is nonrenewed pursuant to this section shall have the right to an appeal~~
35 ~~in accordance with G.S. 115C 305 and G.S. 115C 325(n).~~

36 ~~At least 90 days prior to the end of the contract term, if a superintendent intends to~~
37 ~~notify a school administrator that the school administrator will not be offered~~
38 ~~reemployment beyond the contract term, the superintendent shall give the school~~
39 ~~administrator and the local board of education written notice that termination is likely and~~
40 ~~the reason that termination is likely. The school administrator shall have the right to~~
41 ~~request and to participate in a conference with the superintendent at least 60 days prior to~~
42 ~~the end of the contract term to discuss the reasons for the possible termination. After the~~

1 conference the superintendent may either recommend reemployment of the administrator
2 or notify the school administrator that reemployment will not be offered.

3 If a superintendent intends to recommend to the local board of education that the
4 school administrator be offered a new or extended contract, the superintendent shall
5 submit the recommendation to the local board for action. The local board may approve
6 the superintendent's recommendation or decide not to offer the school administrator a
7 new school administrator's contract.

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

20 If the local board decides not to offer the school administrator a new school
21 administrator's contract the local board shall notify the school administrator of its
22 decision by May 15 of the final year of the contract. A decision not to offer the school
23 administrator a new contract may be for any cause that is not arbitrary, capricious,
24 discriminatory, personal, or political. The local board's decision not to offer the school
25 administrator a new school administrator's contract is subject to judicial review in
26 accordance with Article 4 of Chapter 150B of the General Statutes.

27 ~~(e) If the superintendent elects to recommend the reemployment of a school~~
28 ~~administrator for a successive contract or to recommend a new and extended term of a~~
29 ~~school administrator's contract, the superintendent may do so at any time after a~~
30 ~~conference pursuant to subsection (d) of this section or more than 90 days prior to the end~~
31 ~~of the current contract's term. The board of education may approve or disapprove the~~
32 ~~superintendent's recommendation for any cause that is not arbitrary, capricious,~~
33 ~~discriminatory, personal, or political. If the board decides not to offer the school~~
34 ~~administrator employment beyond the end of the contract's term, the school administrator~~
35 ~~shall be notified in writing of that fact at least 30 days prior to the end of the contract's~~
36 ~~term.~~

37 (f) If the superintendent or the local board of education fails to notify a school
38 administrator at least 30 days prior to the end of the contract's term by May 15 of the final
39 year of the contract that the school administrator will not be offered employment beyond
40 the end of the contract term, a new school administrator's contract, the school administrator
41 shall be entitled to 30 days of additional employment or severance pay beyond the date
42 the school administrator receives written notice that ~~the~~ a new contract will not be

1 renewed. ~~offered.~~ The cause for nonrenewal shall not be for arbitrary, capricious,
2 discriminatory, personal, or political reasons.

3 (g) ~~If the school administrator acquired career status as a teacher prior to~~
4 ~~appointment as a school administrator, a school administrator whose contract as a school~~
5 ~~administrator is not renewed or extended by the superintendent or the board of education~~
6 ~~shall be entitled to reassignment and employment in a teaching position. If, prior to~~
7 ~~appointment as a school administrator, the school administrator held career status as a~~
8 ~~teacher in the local school administrative unit in which he or she is employed as a school~~
9 ~~administrator, a school administrator shall retain career status as a teacher if the school~~
10 ~~administrator is not offered an extended or new contract by the local board of education,~~
11 ~~unless the school administrator voluntarily relinquished that right or is dismissed or~~
12 ~~demoted pursuant to G.S. 115C-325.~~

13 (h) No school administrator shall have a right, prior to July 1, 1995, to a contract
14 or notice of decision not to be offered an extended or new contract under the provisions
15 of G.S. 115C-287.1."

16 Sec. 2. G.S. 115C-325(c)(3) reads as rewritten:

17 "(3) Ineligible for Career Status. – ~~No superintendent, associate superintendent,~~
18 ~~assistant superintendent or other school employee who is not employee of a~~
19 ~~local board of education except a teacher as defined by G.S. 115C-~~
20 ~~325(a)(6) is eligible to obtain career status or continue in a career status~~
21 ~~if he no longer performs the responsibilities of a teacher as defined in~~
22 ~~G.S. 115C-325(a)(6). No person who is promoted to or employed working~~
23 ~~in a principal, director, principal or supervisor position after July 1, 1995,~~
24 ~~is eligible to obtain who did not acquire career status as a school~~
25 ~~administrator by June 30, 1997, shall have career status as an~~
26 ~~administrator. Further, no director or assistant principal is eligible to~~
27 ~~obtain career status as a school administrator unless he or she has~~
28 ~~already been conferred that status by the local board of education. If the~~
29 ~~person acquired career status as a teacher in a local school administrative unit~~
30 ~~before being promoted to or employed in a principal, director, or supervisor~~
31 ~~position, the person shall retain career status as a teacher and the person has a~~
32 ~~right to reassignment to a teaching position in the event the person is not~~
33 ~~continued in employment as a principal, supervisor, or director."~~

34 Sec. 3. This act is effective upon ratification.