

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-189
SENATE BILL 599**

AN ACT TO ESTABLISH THE PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION, TO AUTHORIZE THE EXPANSION OF EDUCATOR PREPARATION PROGRAMS AND TO CREATE A SYSTEM THAT HOLDS ALL PROGRAMS ACCOUNTABLE, TO REORGANIZE AND CLARIFY THE EDUCATOR LICENSURE PROCESS, AND TO ENSURE AVAILABILITY OF INFORMATION ON TEACHER VACANCIES OCCURRING IN NORTH CAROLINA PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

PART I. NORTH CAROLINA PROFESSIONAL EDUCATOR PREPARATION AND STANDARDS COMMISSION

SECTION 1.(a) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17C.

"Professional Educator Preparation and Standards Commission.

"§ 115C-268.1. Professional Educator Preparation and Standards Commission.

(a) Commission. – There is created the Professional Educator Preparation and Standards Commission (Commission). The purpose of the Commission is to involve stakeholders in establishing high standards for North Carolina educators. The Commission shall make rule recommendations regarding all aspects of preparation, licensure, continuing education, and standards of conduct of public school educators.

(b) Location. – The Commission shall be located administratively under the State Board of Education but shall exercise its powers and duties independently of the State Board of Education.

(c) Membership. – The Commission shall consist of the following 18 members:

(1) The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint the following:

a. One superintendent.

b. One principal.

c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.

d. One dean, or dean's designee, of an educator preparation program at a nonpublic postsecondary educational institution in North Carolina.

e. One dean, or dean's designee, of an educator preparation program at a historically black college or university in North Carolina.

f. One teacher.

g. One personnel administrator from a local school administrative unit in North Carolina with at least 30,000 students.

h. One at-large member.

(2) The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint the following:

a. One superintendent.

b. One principal.

c. One dean, or dean's designee, of an educator preparation program at a constituent institution of The University of North Carolina.

d. One dean, or dean's designee, of an educator preparation program at a nonpublic postsecondary educational institution in North Carolina.

- e. One teacher.
 - f. One personnel administrator from a local school administrative unit in North Carolina with less than 30,000 students.
 - g. One member of the State Advisory Council on Indian Education.
 - h. One at-large member.
- (3) The State Teacher of the Year.
- (4) The Superintendent of Public Instruction or his or her designee.

In making appointments, the General Assembly is encouraged to select qualified citizens who are committed to improving the teaching profession and student achievement and who represent the racial, geographic, and gender diversity of the State. Before their appointment to this Commission, with the exception of the at-large members, the members must have been actively engaged in the profession of teaching, in the education of students in educator preparation programs, or in the practice of public school administration for at least three years, at least two of which occurred in this State. Appointed members shall serve for two-year terms. Initial terms shall begin September 1, 2017. Vacancies in the membership shall be filled by the General Assembly, as provided in G.S. 120-122, using the same criteria as provided in this subsection.

(d) Organization and Functioning. – The Commission shall elect a chair, a vice-chair, and a secretary from among its membership. In the absence of the chair, the vice-chair shall preside over the Commission's meetings. All members are voting members and a majority of the Commission constitutes a quorum. The Commission shall adopt rules to govern its proceedings.

(e) Meetings. – Meetings of the Commission shall be held upon the call of the chair or the vice-chair in the absence of the chair. The Superintendent shall call the initial meeting of the Commission.

(f) Compensation and Reimbursement. – Members of the Commission shall receive compensation for their services and reimbursement for expenses incurred in the performance of their duties required by this Article at the rate prescribed in G.S. 138-5 and G.S. 138-6.

(g) Personnel. – The Commission may employ, subject to Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions and fix compensation within the limits of funds available to the Commission.

"§ 115C-268.5. Powers and duties of the Commission.

(a) Duties. – The Commission shall:

(1) Develop and recommend to the State Board of Education rules related to all aspects of educator preparation programs in accordance with Article 17D of this Chapter. These rules shall include the following:

- a. Requirements for appropriate pedagogy to be included in residency license programs.
- b. Appropriate courses to be used for calculation of individual and cohort grade point averages for admission to educator preparation programs, which may account for prior degrees attained, type of license, and areas of licensure. The Commission shall consider which grade point average, either the grade point average in the content courses relevant to the licensure area or the cumulative grade point average, would be most appropriate for clinical residency students.

(2) Develop and recommend to the State Board of Education rules related to all aspects of professional standards for North Carolina educators in accordance with Article 17E of this Chapter. These rules shall include specific hour requirements for the following:

- a. Preservice training and field experiences prior to entering the classroom for individuals issued residency licenses.
- b. Preservice training prior to entering the classroom for individuals issued emergency licenses.

(3) Provide recommendations as requested to the State Board of Education related to the educator preparation programs and professional standards of North Carolina educators.

(b) The Commission shall recommend ways to ensure that the clinical practice requirements described in G.S. 115C-269.25(d) effectively prepare high-quality professional educators who meet the demands of North Carolina schools.

(c) State Board Approval. – The Commission shall submit its recommendations under subsection (a) of this section to the State Board. The State Board shall adopt or reject the rules recommendations. The State Board shall not make any substantive changes to any rules recommendation that it adopts. If the State Board rejects the

rules recommendation, it shall state with specificity its reasons for rejection; the Commission may then amend that rules recommendation and resubmit it to the State Board. The Board shall adopt or reject the amended rules recommendation. If the State Board fails to adopt the Commission's original and amended rule recommendations, the State Board may develop and adopt its own rules.

(d) Annual Report. – The Commission shall submit a report by December 1, 2018, and annually thereafter, to the Joint Legislative Education Oversight Committee and the State Board of Education of its activities during the preceding year, together with any recommendations and findings regarding improvement of the teaching profession."

PART II. EDUCATOR PREPARATION PROGRAMS

SECTION 2.(a) G.S. 115C-296.8 is repealed.

SECTION 2.(b) G.S. 115C-296.9 is repealed.

SECTION 2.(c) G.S. 115C-296.10 is repealed.

SECTION 2.(d) G.S. 115C-296.11 is repealed.

SECTION 2.(e) G.S. 115C-296.12 is repealed.

SECTION 2.(f) G.S. 115C-296.13 is repealed.

SECTION 2.(g) G.S. 115C-309 is repealed.

SECTION 2.(h) G.S. 115C-310 is repealed.

SECTION 2.(i) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17D.

"Educator Preparation Programs.

"§ 115C-269.1. Definitions.

As used in this Article, the following definitions shall apply:

- (1) Approved EPP. – An EPP that has been approved by the State Board as meeting the requirements established by rule, as provided in G.S. 115C-269.10.
- (2) Authorized EPP. – An EPP that (i) has met the accountability performance standards described in G.S. 115C-269.35 and (ii) has been approved by the State Board or accredited by CAEP to prepare, train, and recommend students for licensure.
- (3) CAEP. – Council for the Accreditation of Educator Preparation.
- (4) Clinical educator. – An individual employed by a partner school, including a classroom teacher, who assesses, supports, and develops a clinical intern's knowledge, skills, and professional disposition during an internship.
- (5) Clinical intern or intern. – Any student enrolled in a recognized EPP who is jointly assigned by that EPP and a local board of education to teach under the direction and supervision of a clinical educator, as provided in G.S. 115C-269.25.
- (6) Clinical internship or internship. – Type of field experience in which a clinical intern works under the supervision of a clinical educator and may be delegated those duties granted to an educator by G.S. 115C-307 and any other part of the school program for which the clinical educator is responsible.
- (7) Clinical mentor or mentor. – An individual employed by an elementary or secondary school, including a classroom teacher, who assesses, supports, and develops a clinical resident's knowledge, skills, and professional disposition during the residency.
- (8) Clinical residency or residency. – Type of field experience in which a clinical resident who already holds a bachelor's degree is enrolled in a recognized EPP and also employed by a local school administrative unit as an educator and supervised by the recognized EPP in partial fulfillment of the recognized EPP's training requirements.
- (9) Clinical resident. – Any student who meets the following criteria:
 - a. Holds a bachelor's degree.
 - b. Is enrolled in a recognized EPP.
 - c. Is employed by a local school administrative unit as an educator and supervised by the recognized EPP in partial fulfillment of the recognized EPP's training requirements.
- (10) Educator preparation program or EPP. – Any entity that prepares, trains, and recommends students for teacher licensure.

- (11) Field experience. – Placement of students enrolled in a recognized EPP in settings to provide opportunities to observe, practice, and demonstrate knowledge and skills. A field experience may include preclinical classroom experiences.
- (12) Field supervisor. – An individual who is employed by a recognized EPP to observe students, monitor their performance, and provide constructive feedback to improve their effectiveness as educators during their clinical internship or residency.
- (13) Initially authorized EPP. – An EPP that has been either approved by the State Board or accredited by CAEP to prepare, train, and recommend students for licensure, but lacks data required by the performance standards described in G.S. 115C-269.35.
- (14) Partner school. – An elementary or secondary school located in North Carolina that includes (i) a public school governed by a local board of education, a charter school board of directors, a regional school board of directors, or a UNC laboratory school board of trustees; (ii) a Department of Defense Elementary and Secondary School established pursuant to 10 U.S.C. § 2164; and (iii) a nonpublic school that meets the requirements of Part 1 or 2 of Article 39 of this Chapter.
- (15) Recognized educator preparation program or recognized EPP. – An entity that is initially authorized or authorized by the State Board to recommend students for educator licensure.
- (16) Student. – An individual enrolled in a recognized educator preparation program.

§ 115C-269.5. Educator preparation programs.

(a) Role of EPPs. – An EPP shall prepare students for educator licensure and meet the standards and requirements set forth in this Article. To recommend students for licensure, an EPP shall be recognized by the State Board.

(b) State Board Authority. – The State Board shall initially authorize and recognize an EPP as required by this Article. The State Board shall have authority to regulate EPPs in accordance with this Article.

(c) Initial Authorization. – The State Board shall assign the status of initially authorized to an EPP if it has not yet generated sufficient data to meet the performance standards, but the EPP meets one of the following criteria:

- (1) The EPP is approved by the State Board.
- (2) The EPP is nationally accredited by CAEP.

(d) Authorization. – The State Board shall assign the status of authorized to an EPP if the EPP meets the following criteria:

- (1) The EPP is approved by the State Board or nationally accredited by CAEP.
- (2) The EPP satisfies the performance standards to the extent that the EPP has not been assigned revoked status described in G.S. 115C-269.45.

(e) The State Board shall assign the status of recognized EPP to an EPP that has the status of initially authorized or authorized.

§ 115C-269.10. Educator preparation program approval process.

(a) State Board Authority. – The State Board shall have authority to approve an EPP that meets the requirements established by rule as provided in subsection (b) of this section.

(b) Rules for Granting State Approval. – The State Board shall adopt rules for granting approval to EPPs in accordance with this Article. The rules shall ensure the following:

- (1) A rigorous approval process that requires that the criteria in this Article are met.
- (2) An application process, peer review, and technical assistance provided by the State Board.
- (3) An approval period of five years and process for renewal of approval.

(c) Minimum Approval Standards. – At a minimum, the rules established as provided in subsection (b) of this section shall include the following standards:

- (1) Students shall develop a deep understanding of the critical concepts and principles of their discipline and, by completion, be able to use discipline-specific practices flexibly to advance the learning of all students toward attainment of college- and career-ready standards.
- (2) Effective partnerships and high-quality clinical practice shall be central to preparation so that students develop the knowledge, skills, and professional dispositions necessary to demonstrate positive impact on all elementary and secondary students' learning and development.

(3) Quality of students shall be a continuing and purposeful part of the EPP's responsibility from recruitment, at admission, through the progression of courses and field experiences, and to decisions that completers are prepared to teach effectively and are recommended for licensure. The EPP shall demonstrate that development of student quality is the goal of educator preparation in all phases of the program through evidence of impact under subdivision (4) of this subsection.

(4) The EPP shall demonstrate the impact of its completers on elementary and secondary student learning and development, classroom instruction, and schools, and the satisfaction of its completers with the relevance and effectiveness of their preparation.

(5) The EPP shall maintain a quality assurance system comprised of valid data from multiple measures, including evidence of students' and completers' positive impact on elementary and secondary student learning and development. The EPP shall support continuous improvement that is sustained and evidence-based and that evaluates the effectiveness of its completers. The EPP shall use the results of inquiry and data collection to establish priorities, enhance program elements and capacity, and test innovations to improve completers' impact on elementary and secondary student learning and development.

(d) Application. – An EPP seeking to be approved by the State Board shall complete the application process established by the State Board.

(e) Peer Review. – An EPP seeking to be approved by the State Board shall undergo a peer review process established by the State Board that includes highly qualified and trained members to adequately review programs within the State.

(f) Technical Assistance. – For EPPs seeking approval, the State Board shall provide technical assistance in efforts to do the following:

(1) Improve education quality and EPP performance.

(2) Inform EPPs about the program approval process as part of EPP performance based on outcome data.

(3) Assist with State and federal reporting processes.

(4) Help build and maintain partnerships between elementary and secondary schools and EPPs.

"§ 115C-269.15. Minimum admissions requirements for educator preparation programs.

(a) Testing. – A recognized EPP shall not admit a student until that student has met one of the following criteria:

(1) Attained a passing score or prescribed minimum score set by the State Board for a preprofessional skills test.

(2) Achieved the appropriate required scores, as determined by the State Board, on the verbal and mathematics portions of the SAT or ACT. The minimum combined verbal and mathematics score set by the State Board for the SAT shall be 1,100 or greater. The minimum composite score set by the State Board for the ACT shall be 24 or greater.

(3) Holds a bachelor's degree.

(b) Individual Grade Point Average. – A recognized EPP shall not admit a student into an EPP unless that student has earned a grade point average of at least a 2.7.

(c) Grade Point Average Exceptions. – Notwithstanding subsection (b) of this section, the individual grade point average requirement does not apply to a clinical resident student if the hiring local school administrative unit determines that one of the following criteria is met:

(1) The student has at least 10 years of relevant experience.

(2) For a program leading to licensure in career and technical education, the student has at least five years of relevant experience.

(d) Cohort Grade Point Average. – A recognized EPP shall ensure that the minimum cohort grade point average for each entering cohort to an EPP is at least a 3.0.

"§ 115C-269.20. Content and pedagogy requirements.

(a) Content and Pedagogy Requirements. – To ensure that EPPs remain current and reflect a rigorous course of study that is aligned to State and national standards, the State Board shall require at least the following minimum requirements with demonstrated competencies in its rules:

(1) All EPPs shall include instruction in the following:

a. The identification and education of children with disabilities.

- b. Positive management of student behavior and effective communication techniques for defusing and de-escalating disruptive or dangerous behavior.
- c. Demonstration of competencies in using digital and other instructional technologies to provide high-quality, integrated digital teaching and learning to all students.
- d. The skills and responsibilities required of educators.
- e. The expectations for student performance based on State standards.
- f. The supply of and demand for educators in this State, as identified in the vacancy report required by G.S. 115C-299.5(e).
- g. The State's framework for appraisal of educators.
- (2) EPPs providing training for elementary education teachers shall include the following:
 - a. Adequate coursework in the teaching of reading, writing, and mathematics.
 - b. Assessment prior to licensure to determine if a student possesses the requisite knowledge in scientifically based reading, writing, and mathematics instruction that is aligned with the State Board's expectations.
 - c. Instruction in application of formative and summative assessments within the school and classroom setting through technology-based assessment systems available in State schools that measure and predict expected student improvement.
 - d. Instruction in integration of arts education across the curriculum.
- (3) EPPs providing training for elementary and special education general curriculum teachers shall ensure that students receive instruction in early literacy intervention strategies and practices that are aligned with State and national reading standards and shall include the following:
 - a. Instruction in the teaching of reading, including a substantive understanding of reading as a process involving oral language, phonological and phonemic awareness, phonics, fluency, vocabulary, and comprehension. Instruction shall include appropriate application of instructional supports and services and reading interventions to ensure reading proficiency for all students.
 - b. Instruction in evidence-based assessment and diagnosis of specific areas of difficulty with reading development and of reading deficiencies.
 - c. Instruction in appropriate application of instructional supports and services and reading interventions to ensure reading proficiency for all students.
- (4) EPPs providing training for middle and high school teachers shall include the following:
 - a. Adequate coursework in the relevant content area. For clinical residency programs, students may instead demonstrate mastery of the relevant content area through the passage of the relevant content area examination approved by the State Board.
 - b. Adequate coursework in the teaching of the relevant content area.
 - c. For EPPs providing training for science teachers, adequate preparation in issues related to science laboratory safety.

"§ 115C-269.25. Clinical partnerships and practice in educator preparation programs.

(a) Collaborative Partnerships With Elementary and Secondary Schools. – EPPs shall establish and maintain collaborative, formalized partnerships with elementary and secondary partner schools that are focused on student achievement, continuous school improvement, and the professional development of elementary and secondary educators, as well as those preparing educators.

(b) Memorandum of Understanding With Local School Administrative Units. – EPPs shall enter into a memorandum of understanding with the local school administrative unit or the partner school where students are placed or employed. In the memorandum, the EPP and the local school administrative unit or partner school, as applicable, shall:

- (1) Define the collaborative relationship between the EPP and the local school administrative unit or partner school and how this partnership will be focused on continuous school improvement and student achievement.
- (2) Adopt a plan for collaborative clinical educator or mentor selection, orientation, and student placement.
- (3) Determine how information will be shared and verified between the EPP and the local school administrative unit or partner school.

(c) Field Experience Requirements. – To the extent practicable, EPPs shall require, in all programs leading to initial professional licensure, the following:

- (1) Field experiences in every semester that include organized and sequenced engagement of students in settings that provide them with opportunities to observe, practice, and demonstrate knowledge and skills. The experiences shall be systematically designed and sequenced to increase the complexity and levels of engagement with which students apply, reflect upon, and expand their knowledge and skills, and to increase in each semester prior to the student's internship the number of hours spent in field experiences.
- (2) A minimum of two hours of field experience in the first semester of the program and a cumulative total of at least 12 hours of field experiences prior to the student's internship.
- (3) At least one field experience in a low-performing school.

(d) Clinical Practice Requirements. – EPPs shall require clinical practice in the form of one of the following:

- (1) Internship that lasts for a minimum of 16 weeks. Internships may be over the course of two semesters and shall, to the extent practicable, provide field experiences at both the beginning and ending of the school year. It shall be the responsibility of a clinical educator, in cooperation with the principal and the representative of the EPP, to assign to the intern responsibilities and duties that will provide adequate preparation for teaching.
- (2) Residency that meets the following criteria:
 - a. The residency lasts for a minimum of one year.
 - b. The EPP provides ongoing support to a student for the full term of the residency.
 - c. The EPP assigns a clinical mentor to the resident.
 - d. The resident completes field experiences and training required by the State Board prior to the residency.

(e) Clinical Educator and Clinical Mentor Requirements. – The EPP shall ensure clinical educators and clinical mentors who supervise students in internships and residencies meet the following requirements:

- (1) Be professionally licensed in the field of licensure sought by the student.
- (2) Have a minimum of three years of experience in a teaching role.
- (3) Have been rated, through the educator's most recent formal evaluations, at least at the "proficient" level as part of the North Carolina Teacher Evaluation System, or the equivalent on an evaluation system utilized by another state or partner school, as applicable, and have met expectations as part of a student growth assessment system used by a school in the field of licensure sought by the student. The principal shall determine which clinical educator best meets the needs of each intern and shall assign the most appropriate clinical educator to that intern, with priority consideration for those clinical educators rated as "distinguished" and "accomplished." If a principal determines that a teacher rated as "proficient" is the most appropriate clinical educator for an intern, the principal shall maintain records of the reasons for that determination.

(f) Legal Protection of Interns. – An intern under the supervision of a clinical educator or principal shall have the protection of the laws accorded to a licensed educator.

(g) Pedagogy Assessment. – EPPs shall require, in addition to a content assessment, a nationally normed and valid pedagogy assessment to determine clinical practice performance. Passing scores and mastery criteria shall be determined by the State Board.

§ 115C-269.30. Teacher assistants engaged in internships.

(a) Program for Teacher Assistants. – The State Board shall adopt a program to facilitate the process by which teacher assistants may become teachers. Teacher assistants who participate in this program:

- (1) Shall be enrolled in a recognized EPP.
- (2) Shall be employed in a North Carolina public school.

(b) Internship Assignments. – Local school administrative units are encouraged to assign teacher assistants to a different classroom during an internship than the classroom they are assigned to as a teacher assistant. To the extent possible, they may be assigned to another school within the same local school administrative unit.

(c) Salary and Benefits. – At the discretion of the local school administrative unit, teacher assistants may continue to receive their salary and benefits while interning in the same local school administrative unit where

they are employed as a teacher assistant.

(d) Consultation With Institutions of Higher Education. – The State Board shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program.

"§ 115C-269.35. Accountability for educator preparation programs.

(a) Performance Measures. – The State Board shall adopt rules necessary to establish standards of performance to govern the continuing accountability of all EPPs. At a minimum, the performance standards shall be based on the following information that is disaggregated with respect to race, sex, and ethnicity:

- (1) Performance based on the standards and criteria for annual evaluations of licensed employees.
- (2) Proficiency and growth of students taught by educators holding an initial professional license, to the extent practicable. When available, EVAAS data shall be used to measure student proficiency and growth.
- (3) Results from an educator satisfaction survey, developed by the State Board with stakeholder input, performed at the end of the educator's first year of teaching after receiving an initial professional license.
- (4) Quality of students entering the EPP, including the average grade point average and average score on preprofessional skills tests or college entrance exams that assess reading, writing, mathematics, and other competencies.

(b) Annual Performance Reports. – The State Board shall require all recognized EPPs to submit annual performance reports. The performance reports shall provide the State Board with a focused review of the EPPs and the current authorization process in order to ensure that the programs produce graduates that are well prepared to teach. At a minimum, the annual report shall contain the following indicators:

- (1) Performance data from subsection (a) of this section.
- (2) Data related to the EPP's compliance with requirements for field supervision of students during their internship and residency experiences.
- (3) The following information, disaggregated by race, sex, and ethnicity:
 - a. The number of students who apply.
 - b. The number of students admitted.
 - c. The number of students retained.
 - d. The number of students completing the program.
 - e. The number of students employed as beginning teachers under initial professional licenses by not later than the first anniversary of completing the program.
 - f. The amount of time required by students employed as beginning teachers under residency licenses to be issued initial professional licenses.
 - g. The number of students retained in the profession.
 - h. Any other information required by federal law.
- (4) The ratio of field supervisors to students completing an internship or residency.
- (5) Graduation rates.
- (6) Time-to-graduation rates.
- (7) Average scores of graduates on professional, pedagogy, and content area examinations for the purpose of licensure.
- (8) Percentage of graduates receiving initial professional licenses.
- (9) The extent to which the program prepares educators, including general education teachers and special education teachers, to effectively teach the following:
 - a. Students with disabilities.
 - b. Students of limited English proficiency.
- (10) The activities offered by the program that are designed to prepare educators to do the following:
 - a. Integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning.
 - b. Use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.

- (11) The perseverance of beginning educators in the profession, as determined on the basis of the number of beginning educators who maintain status as active contributing members in the North Carolina State Employee Retirement System at least three years after licensure in comparison to similar programs.
- (12) The results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants.
- (13) Any other information necessary to enable the State Board to assess the effectiveness of the program on the basis of educator retention and success criteria adopted by the State Board.

(c) Submission of Annual Performance Reports. – Performance reports shall be provided annually to the following:

- (1) The State Board.
- (2) The board of trustees or board of directors of the entity submitting the report.

(d) Information Requests by EPPs. – The State Board of Education shall annually provide, upon request, the data required to be included in an EPP's annual performance report related to subdivisions (1) and (2) of subsection (a) of this section and subdivision (11) of subsection (b) of this section. The State Board of Education shall provide this information to an EPP as aggregate data and disaggregated by race, sex, and ethnicity. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of these information requests any North Carolina Educator Evaluation System effectiveness status assigned to teachers based on queries from the State Board. The State Board of Education shall not report aggregated or disaggregated data to the EPP that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher.

"§ 115C-269.40. Risk factors for educator preparation programs; risk-assessment model.

(a) Risk Factor Rules. – The State Board shall adopt rules establishing risk factors for assessment of the overall risk level of each EPP. The set of risk factors shall include the following:

- (1) A history of the EPP's compliance with State law and rules, with consideration given to the following:
 - a. The seriousness of any violation of a law or rule.
 - b. Whether the violation resulted in an action being taken against the EPP.
 - c. Whether the violation was promptly remedied by the EPP.
 - d. The number of alleged violations.
 - e. Any other matter considered to be appropriate in evaluating the EPP's compliance history.
- (2) Whether the program meets the accountability performance standards under G.S. 115C-269.35.

(b) CAEP Accreditation. – The rules for risk factors developed by the State Board may include whether an EPP is accredited by CAEP.

(c) Use of Risk Factors. – The State Board shall use the rules for risk factors when conducting monitoring, inspections, and compliance audits of EPPs, including evaluations associated with renewals of approval under G.S. 115C-269.10.

"§ 115C-269.45. Sanctions.

(a) Accountability Statuses. – The State Board shall at least annually review the accountability status of each EPP. The State Board shall adopt rules necessary for the sanction of EPPs that do not meet accountability standards or comply with State law or rules. The rules shall provide for the assignment of warned, probation, or revoked statuses according to the following criteria:

- (1) Warned. – An EPP shall be assigned warned status if the program meets any of the following criteria:
 - a. Fails to meet the performance standards set by the State Board for the overall performance of all its students on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.
 - b. Fails to meet the performance standards in any two sex, race, or ethnicity demographic groups on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.

Board shall make the report cards available to the public through the State Board's Internet Web site on an annual basis beginning December 15, 2019, and shall submit the report to the Joint Legislative Education Oversight Committee annually by that date. The State Board of Education shall also provide the information from each EPP's annual performance report to the Board of Governors of The University of North Carolina to be incorporated into the Teacher Quality Dashboard to provide greater accessibility and comparability of data on the performance of EPPs in the State.

"§ 115C-269.55. Reports of alleged violations regarding educator preparation programs.

(a) Authority. – The State Board shall adopt rules necessary to establish a process for a student to report a violation of this Article to the State Board.

(b) EPP Notice to Students. – The State Board by rule shall require an EPP to notify students of the complaint process adopted under subsection (a) of this section. The notice shall include the appropriate contact information, including name, mailing address, telephone number, and Internet Web site address for the purpose of directing complaints to the State Board. The EPP shall provide for that notification as follows:

(1) On the Internet Web site of the EPP, if the program maintains a Web site.

(2) On a sign prominently displayed in program facilities.

(3) In the student handbook.

(c) Notice of Complaint Process. – The State Board shall post the complaint process adopted under subsection (a) of this section on the State Board's Internet Web site.

(d) Limits on State Board Authority. – The State Board has no authority to mediate, arbitrate, or resolve contractual or commercial issues between an EPP and a student."

SECTION 2.(j) G.S. 115C-284(e) reads as rewritten:

"(e) It shall be unlawful for any board of education to employ or keep in service any principal or supervisor who neither holds nor is qualified to hold a certificate license in compliance with the provision of the law or in accordance with the regulations of the State Board of Education. However, a local board of education may select a retired principal or retired assistant principal to serve as an interim principal for the remainder of any school year, regardless of licensure status."

SECTION 2.(k) Article 19 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-284.1. School administrator preparation programs.

Rules for approval of school administrator preparation programs shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program."

PART III. EDUCATOR LICENSURE

SECTION 3.(a) G.S. 115C-296 is repealed.

SECTION 3.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-300.1. New teacher induction programs.

(a) Induction Program. – The State Board of Education shall develop a new teacher induction program to provide ongoing support for teachers entering the profession.

(b) New Teacher Guidelines. – For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines that address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that teachers holding initial professional licenses not be assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties of these teachers be minimized.

(c) Mentor Teacher Training. – 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 as follows:

(1) Mentor teachers shall be either of the following:

a. Teachers rated, through formal evaluations, at least at the "proficient" level as part of the North Carolina Teacher Evaluation System and who have met expectations for student growth.

b. Retired teachers.

(2) The principal shall determine which mentor teacher best meets the needs of each new teacher and shall assign the most appropriate mentor teacher to that new teacher, with priority

- consideration for those mentor teachers rated as "distinguished" and "accomplished."
- (3) If a principal determines that a teacher rated as "proficient" or a retired teacher is the most appropriate mentor for a new teacher, the principal shall maintain records of the reasons for that determination.
- (4) A teacher may be a mentor at a different school building from which the mentor is assigned if the following criteria are met:
- a. The principals of each school and the mentor teacher approve of the assignment.
 - b. The mentor teacher is rated, through formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation System and has met expectations for student growth.
 - c. The new teacher's principal maintains a record of the reasons for selecting the mentor from a different school building."

SECTION 3.(c) Subchapter V of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 17E.

"Licensure.

"§ 115C-270.1. Definitions.

As used in this Article, the following definitions shall apply:

- (1) Administrator. – An administrator or supervisor who serves in general and program administrator roles, as classified by the State Board. Administrators shall include superintendents, assistant or associate superintendents, principals, assistant principals, or curriculum-instructional specialists.
- (2) Professional educator. – An administrator, teacher, or student services personnel.
- (3) Recognized educator preparation program or recognized EPP. – As defined in G.S. 115C-269.1(15).
- (4) Student services personnel. – An individual providing specialized assistance to students, teachers, administrators, or the education program in general, as classified by the State Board. Student services personnel shall include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.
- (5) Teacher. – An individual whose major responsibility is to either teach or directly supervise teaching, as classified by the State Board.

"§ 115C-270.5. State Board of Education establishes licensure requirements.

(a) Authority. – The State Board of Education shall have entire control of licensing all applicants for professional educator positions in all public schools of North Carolina, subject to the requirements of this Article. The State Board shall adopt rules for the issuance, renewal, and extension of all licenses and shall determine and fix the salary for each grade and type of license which it authorizes.

(b) Consultation – The State Board shall receive recommendations from the Professional Educator Preparation and Standards Commission and seek input from The University of North Carolina Board of Governors, the State Board of Community Colleges, educator preparation programs, and such other public and private agencies as are necessary in adopting rules required by this Article.

"§ 115C-270.10. Licensure fees.

(a) Fee Schedule. – The State Board of Education shall establish by rule a schedule of fees for professional educator licensure and administrative changes. The fees established under this section shall not exceed the actual cost of providing the service. The schedule may include fees for any of the following services:

- (1) Application for demographic or administrative changes to a license.
- (2) Application for a duplicate license or for copies of documents in the licensure files.
- (3) Application for a renewal, extension, addition, upgrade, reinstatement, and variation to a license.
- (4) Initial application for a new graduate from any recognized educator preparation program.
- (5) Initial application for an out-of-state applicant.
- (6) All other applications.

An applicant must pay any nonrefundable or nontransferable service fees at the time an application is submitted.

(b) Fee Increase Reporting. – The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15 in any year that the amount of fees in the fee schedule established under this section has been modified during the previous 12 months. The report shall include the number of personnel paid from licensure receipts, any change in personnel paid from receipts, other related costs covered by the receipts, and the estimated unexpended receipts as of June 30 of the year reported.

"§ 115C-270.15. Examination requirements for initial professional licenses.

(a) Examination Score Requirements. – The State Board of Education shall require an applicant for an initial professional license to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score on a standard examination appropriate and adequate for that purpose. Elementary education (K-6) and special education general curriculum teachers shall also achieve a prescribed minimum score on subtests or standard examinations specific to teaching reading and mathematics.

(b) Establishment of Minimum Scores. – The State Board shall adopt rules that establish the minimum scores for any required standard examinations and other measures necessary to assess the qualifications of professional educators as required under this section. For purposes of this section, the State Board shall not be subject to Article 2A of Chapter 150B of the General Statutes. At least 30 days prior to changing any rule adopted under this section, the State Board shall provide written notice to all recognized educator preparation programs and to all local boards of education. The written notice shall include the proposed revised rule. The State Board of Education shall make any required standard initial professional licensure exam rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has received high-quality academic and professional preparation to teach effectively.

(c) Time Line for Completion of Examinations. – The State Board of Education shall permit an applicant to fulfill any such testing requirement before or during the applicant's second year of teaching, provided the applicant took the examination at least once during the first year of teaching.

"§ 115C-270.20. Licensure requirements.

(a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the following classes of teacher licenses, including required levels of preparation for each classification:

- (1) Continuing professional license or CPL. – A five-year renewable license issued to a teacher who has at least three years of licensed teaching experience and meets other requirements established by the State Board. A CPL shall remain in effect for five years after retirement.
- (2) Emergency license or EL. – A one-year nonrenewable license issued to an individual who holds a bachelor's degree with coursework relevant to the requested licensure area, but has not successfully completed a recognized educator preparation program and does not qualify for a residency license. An emergency license shall only be requested by the local board of education, and applicants for emergency licenses shall meet all other requirements established by the State Board, including preservice training, prior to teaching.
- (3) Initial professional license or IPL. – A three-year nonrenewable license issued to an individual who has successfully completed a recognized educator preparation program and meets other requirements established by the State Board.
- (4) Lifetime license. – A license issued to a teacher after 50 or more years of teaching as a licensed teacher that requires no renewal.
- (5) Residency License or RL. – A one-year license, renewable twice, that meets both of the following requirements:
 - a. Is requested by the local board of education and accompanied by a certification of supervision from the recognized educator preparation program in which the individual is enrolled.
 - b. The individual for whom the license is requested meets all of the following requirements:
 1. Holds a bachelor's degree.
 2. Has either completed coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the State Board.
 3. Is enrolled in a recognized educator preparation program.
 4. Meets all other requirements established by the State Board, including completing preservice requirements prior to teaching.

(6) Retirement licensure. – A five-year renewable license issued to a teacher who retired with 30 or more years of teaching experience in North Carolina and who has been employed by a local school administrative unit after retirement as any of the following:

a. A substitute teacher.

b. A part-time provider of any of the following services: classroom instruction, tutoring, mentoring teachers, writing curricula, developing and leading staff development programs for teachers, or working in after-school programs.

(b) Administrator and Student Services Personnel. – The State Board shall establish classification and levels of preparation necessary for issuance of licenses for administrators and student services personnel.

(c) Notwithstanding the requirement in subsection (a) of this section that an individual must hold a bachelor's degree with coursework relevant to the requested licensure area for individuals seeking licensure in a career or technical education area, the State Board may establish alternate criteria related to that area to establish competency in lieu of a bachelor's degree.

"§ 115C-270.25. Out-of-state license applicants.

Initial applications from an individual with an out-of-state teacher's license shall require the applicant to provide evidence of that teacher's effectiveness, when available, as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that evaluation system. Applications that include the evidence of that educator's effectiveness shall be prioritized for review over initial applications from applicants with out-of-state licenses that do not include that information. An individual who does not include evidence of that teacher's effectiveness with the initial application shall only be eligible for an IPL.

"§ 115C-270.30. Licensure renewal.

(a) Licensure Renewal. – The State Board shall adopt rules establishing the requirements for renewal of all professional educator licenses. These requirements shall reflect rigorous standards for continuing licensure and shall be aligned with high-quality professional development programs that reflect State priorities for improving student achievement.

(b) Teacher Licensure Renewal. – Rules for continuing licensure for teachers shall include the following:

(1) For all teachers, at least eight continuing education credits with at least three credits required in a teacher's academic subject area.

(2) For elementary school teachers, at least three continuing education credits related to literacy. Literacy renewal credits shall include evidence-based assessment, diagnosis, and intervention strategies for students not demonstrating reading proficiency. Oral language, phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall be addressed in literacy-related activities leading to license renewal for elementary school teachers.

(3) For retirement licensure, at least 640 hours of documented employment in a local school administrative unit each renewal cycle and eight hours of annual professional development approved by a local school administrative unit.

(4) For all teachers employed by a local board of education, evidence of a rating of at least proficient on the most recent annual evaluation to maintain the current license status. A teacher who is unable to satisfy this requirement but has been placed on a mandatory improvement plan may be eligible to receive an IPL if that teacher satisfies all other licensure requirements.

(5) A member of the General Assembly is exempt from the continuing education credit requirements for teachers during any five-year licensure renewal cycle in which the member serves a term or some portion thereof in the General Assembly as long as the member notifies the Department of Public Instruction of the exemption during that five-year licensure renewal cycle.

(c) License Renewal Rules Review. – The rules for licensure renewal shall be reviewed at least once every five years by the State Board to do the following:

(1) Reevaluate and enhance the requirements for renewal of professional educator licenses.

(2) Consider modifications in the license renewal achievement to make it a mechanism for professional educators to renew continually their knowledge and professional skills.

(3) Integrate digital teaching and learning into the requirements for licensure renewal.

"§ 115C-270.35. License suspension and revocation.

(a) The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of licenses, subject to the requirements of this section.

(b) Automatic Revocation With No Hearing. – The State Board shall automatically revoke the license of a professional educator without the right to a hearing upon receiving verification of the identity of the professional educator together with a certified copy of a criminal record showing that the professional educator has entered a plea of guilty or nolo contendere to or has been finally convicted of any of the following crimes:

- (1) Murder in the first or second degree, G.S. 14-17.
- (2) Conspiracy or solicitation to commit murder, G.S. 14-18.1.
- (3) Rape or sexual offense, as defined in Article 7B of Chapter 14 of the General Statutes.
- (4) Felonious assault with deadly weapon with intent to kill or inflicting serious injury, G.S. 14-32.
- (5) Kidnapping, G.S. 14-39.
- (6) Abduction of children, G.S. 14-41.
- (7) Crime against nature, G.S. 14-177.
- (8) Incest, G.S. 14-178 or G.S. 14-179.
- (9) Employing or permitting minor to assist in offense against public morality and decency, G.S. 14-190.6.
- (10) Dissemination to minors under the age of 16 years, G.S. 14-190.7.
- (11) Dissemination to minors under the age of 13 years, G.S. 14-190.8.
- (12) Displaying material harmful to minors, G.S. 14-190.14.
- (13) Disseminating harmful material to minors, G.S. 14-190.15.
- (14) First degree sexual exploitation of a minor, G.S. 14-190.16.
- (15) Second degree sexual exploitation of a minor, G.S. 14-190.17.
- (16) Third degree sexual exploitation of a minor, G.S. 14-190.17A.
- (17) Taking indecent liberties with children, G.S. 14-202.1.
- (18) Solicitation of child by computer to commit an unlawful sex act, G.S. 14-202.3.
- (19) Taking indecent liberties with a student, G.S. 14-202.4.
- (20) Prostitution, G.S. 14-204.
- (21) Patronizing a prostitute who is a minor or a mentally disabled person, G.S. 14-205.2(c) or (d).
- (22) Promoting prostitution of a minor or a mentally disabled person, G.S. 14-205.3(b).
- (23) Child abuse under G.S. 14-318.4.

The State Board shall mail notice of its intent to act pursuant to this subsection by certified mail, return receipt requested, directed to the professional educator's last known address. The notice shall inform the professional educator that it will revoke the person's license unless the professional educator notifies the State Board in writing within 10 days after receipt of the notice that the defendant identified in the criminal record is not the same person as the professional educator. If the professional educator provides this written notice to the State Board, the State Board shall not revoke the license unless it can establish as a fact that the defendant and the professional educator are the same person.

(c) Mandatory Revocation. – The State Board shall revoke the license of a professional educator if the State Board receives notification from a local board of education or the Secretary of Health and Human Services that a professional educator has received a rating on any standard that was identified as an area of concern on the mandatory improvement plan that was below proficient or otherwise represented unsatisfactory or below standard performance under G.S. 115C-333(d) and G.S. 115C-333.1(f).

(d) Discretionary Revocation. – The State Board may revoke or refuse to renew a professional educator's license when the Board identifies the school in which the professional educator is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5, and the assistance team assigned to that school makes the recommendation to revoke or refuse to renew the professional educator's license for one or more reasons established by the State Board in its rules for license suspension or revocation.

(e) Subpoena Power. – The State Board may issue subpoenas for the purpose of obtaining documents or the testimony of witnesses in connection with proceedings to suspend or revoke licenses. In addition, the Board shall have the authority to contract with individuals who are qualified to conduct investigations in order to obtain all information needed to assist the Board in the proper disposition of allegations of misconduct by licensed persons."

SECTION 3.(d) Any professional educator license issued by the State Board of Education prior to the effective date of this act shall continue in effect until the expiration of that license. The State Board of Education may continue to issue lateral entry licenses for the 2017-2018 and 2018-2019 school years in accordance with State Board Policy LICN-001 as it was in effect on the effective date of this act.

SECTION 3.(f) If Senate Bill 257, 2017 Regular Session, becomes law, Section 7.26B(b) of that act reads as rewritten:

"SECTION 7.26B.(b) Reading Improvement Commission. – The Superintendent of Public Instruction shall establish a Reading Improvement Commission (Commission) within the Department of Public Instruction to study and make recommendations on (i) best practices for public schools in the State to improve reading comprehension, understanding, and application for students in grades four through 12 to ensure that students complete high school with literacy skills necessary for career and college readiness. The Commission shall develop recommendations on appropriate readiness; (ii) methods to monitor student progress and provide appropriate and timely remediation to students to ensure success on nationally norm-referenced college admissions tests; (iii) the effectiveness of professional development in the area of literacy in developing the capacity of teachers in grades four through 12 for improving student performance in reading; and (iv) whether requiring professional development in the area of literacy for licensure renewal would be effective in improving student performance in reading and, if so, how such professional development should be structured and provided in order to maximize student outcomes. The Superintendent of Public Instruction may appoint superintendents, principals, reading instructors, representatives from research institutions, and other individuals as determined by the Superintendent to the Commission. Of the funds appropriated to the Department of Public Instruction for the 2017-2018 fiscal year, the Superintendent of Public Instruction may use up to two hundred thousand dollars (\$200,000) in nonrecurring funds for the 2017-2018 fiscal year for the work of the Reading Improvement Commission. The Superintendent may also use these funds to contract with an independent research organization to assist in the study. The Superintendent of Public Instruction shall report to the Joint Legislative Education Oversight Committee, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the State Board of Education on the study, including any findings and recommendations, no later than January 15, 2019. The State Board of Education may use the findings and recommendations to inform the State Board's policies and may submit additional comments on the report to the Joint Legislative Education Oversight Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives no later than February 15, 2019."

SECTION 3.(g) The Superintendent of Public Instruction shall develop a program to publicly recognize individuals who have engaged in at least 40 years of licensed teaching in North Carolina. Beginning with the 2017-2018 school year and annually thereafter, the program shall include public recognition of any qualifying teachers.

PART IV. BACKGROUND CHECKS AND EMPLOYEE DISMISSAL PROCEDURES

SECTION 4.(a) G.S. 115C-218.90(b)(1) reads as rewritten:

"(1) If the local board of education of the local school administrative unit in which a charter school is located has adopted a policy requiring criminal history checks under G.S. 115C-332, then the board of directors of each charter school located in that local school administrative unit shall adopt a policy mirroring the local board of education policy that requires an applicant for employment to be checked for a criminal history, as defined in G.S. 115C-332. Each charter school board of directors shall apply its policy uniformly in requiring applicants for employment to be checked for a criminal history before the applicant is given an unconditional job offer. A charter school board of directors may employ an applicant conditionally while the board is checking the person's criminal history and making a decision based on the results of the check. If the local board of education adopts a policy providing for periodic checks of criminal history of employees, then the board of directors of each charter school located in that local school administrative unit shall adopt a policy mirroring that local board of education policy. A board of directors shall indicate, upon inquiry by any other local board of education, charter school, or regional school in the State as to the reason for an employee's resignation or dismissal, if an employee's criminal history was relevant to the employee's resignation or dismissal."

SECTION 4.(b) G.S. 115C-238.73 is amended by adding a new subsection to read:

"(i) The board of directors may adopt a policy providing for uniform periodic checks of criminal history of employees. Boards of directors shall not require employees to pay for the criminal history check authorized under this subsection. A board of directors shall indicate, upon inquiry by any other local board of education, charter school, or regional school in the State as to the reason for an employee's resignation or dismissal. If a teacher's criminal history is relevant to a teacher's resignation, the board of directors shall report to the State Board of Education the reason for an employee's resignation."

SECTION 4.(c) G.S. 115C-325(f)(1) reads as rewritten:

- "(f) (1) Suspension without Pay. – If a superintendent believes that cause exists for dismissing a career employee for any reason specified in G.S. 115C-325(e)(1) and that immediate suspension of the career employee is necessary, the superintendent may suspend the career employee without pay. Before suspending a career employee without pay, the superintendent shall meet with the career employee and give him written notice of the charges against him, an explanation of the bases for the charges, and an opportunity to respond. However, if the teacher is incarcerated or is in the custody of a local, State, private, or federal correctional facility, the superintendent shall not be required to meet with the teacher before suspending that teacher without pay but may instead provide written notice of the charges against the teacher, provide a written explanation of the basis for the charges, and provide an opportunity for the teacher to respond in writing. Within five days after a suspension under this paragraph, the superintendent shall initiate a dismissal, demotion, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the career employee shall be reinstated immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the career employee's personnel file."

SECTION 4.(d) G.S. 115C-325(o)(2) reads as rewritten:

- "(2) A teacher, career or probationary, who is not recommended for dismissal should not resign without the consent of the superintendent unless he or she has given at least 30 days' notice. If a teacher who is not recommended for dismissal does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's license for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file. If a teacher's criminal history is relevant to the teacher's resignation, regardless of whether the teacher has given at least 30 days' notice, the board shall report to the State Board of Education the reason for an employee's resignation."

SECTION 4.(e) G.S. 115C-325.5(a) reads as rewritten:

- "(a) Immediate Suspension Without Pay. – If a superintendent believes that cause exists for dismissing a teacher for any reason specified in G.S. 115C-325.4 and that immediate suspension of the teacher is necessary, the superintendent may suspend the teacher without pay. Before suspending a teacher without pay, the superintendent shall meet with the teacher and give him or her written notice of the charges against the teacher, an explanation of the basis for the charges, and an opportunity to respond. However, if the teacher is incarcerated or is in the custody of a local, State, private, or federal correctional facility, the superintendent shall not be required to meet with the teacher before suspending that teacher without pay but may instead provide written notice of the charges against the teacher, provide a written explanation of the basis for the charges, and provide an opportunity for the teacher to respond in writing. Within five days after a suspension under this subsection, the superintendent shall initiate a dismissal, demotion, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the teacher shall be reinstated immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the teacher's personnel file."

SECTION 4.(f) G.S. 115C-325.9(b) reads as rewritten:

- "(b) Thirty Days' Notice Resignation Requirement. – A teacher who is not recommended for dismissal should not resign during the term of the contract without the consent of the superintendent unless he or she has given at least 30 days' notice. If a teacher who is not recommended for dismissal does resign during the term of the contract without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's license for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file. If a teacher's criminal history is relevant to the teacher's resignation, regardless of

whether the teacher has given at least 30 days' notice, the board shall report to the State Board of Education the reason for an employee's resignation."

SECTION 4.(g) G.S. 115C-332 is amended by adding a new subsection to read:

"(i) The local board of education may adopt a policy providing for periodic checks of criminal history of employees. Local boards of education shall not require employees to pay for the criminal history check authorized under this subsection. A local board of education shall indicate, upon inquiry by any other local board of education, charter school, or regional school in the State as to the reason for an employee's resignation or dismissal, if an employee's criminal history was relevant to the employee's resignation or dismissal."

PART V. ENSURE AVAILABILITY OF INFORMATION ON TEACHER VACANCIES

SECTION 5.(a) G.S. 115C-12(22) reads as rewritten:

"(22) Duty to Monitor the State of the Teaching Profession in North Carolina. –

- a. The State Board of Education shall monitor and compile an annual report on the state of the teaching profession in North Carolina that includes data on the decisions of teachers to leave the teaching profession. ~~The State Board shall adopt standard procedures for each local board of education to use in requesting the information from teachers who are not continuing to work as teachers in the local school administrative unit and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board, profession and data on teaching positions that local boards of education are unable to fill, as provided in G.S. 115C-299.5.~~
- b. ~~The annual teacher transition report shall include data on the following:~~
 - 1. ~~The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.~~
 - 2. ~~The number of teachers who left their employment to teach in other states.~~
 - 3. ~~The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.~~
 - 4. ~~The number of teachers who left a classroom position for another type of educational position.~~
 - 5. ~~The number of teachers who left employment in hard-to-staff schools. A hard-to-staff school shall be any school identified as low-performing, as provided in G.S. 115C-105.37.~~
 - 6. ~~The number of teachers who left employment in hard-to-staff subject areas. A hard-to-staff subject area is either of the following:~~
 - I. ~~As defined by the United States Department of Education.~~
 - II. ~~A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.~~
- e. ~~The annual teacher transition report by the State Board of Education shall disaggregate the data included in sub-subdivision b. of this subdivision by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level.~~

~~Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education for the purposes of this report any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment.~~

~~The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher."~~

SECTION 5.(b) Article 20 of Subchapter V of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-299.5. Duty to monitor the state of the teaching profession.

(a) Definitions. – As used in this section, the following definitions apply:

(1) Hard-to-staff school. – Any school identified as low-performing, as provided in G.S. 115C-105.37.

(2) Hard-to-staff subject area. – A subject area that is either of the following:

a. As defined by the United States Department of Education.

b. A subject area that has resulted in a long-term vacancy of 16 months or more at a particular school in a local school administrative unit.

(b) State of the Teaching Profession Report. – The State Board of Education shall monitor and compile an annual report by December 15 annually on the state of the teaching profession in North Carolina that includes data on the decisions of teachers to leave the teaching profession and vacancies in teaching positions as provided in subsections (c) and (e) of this section. The State Board shall adopt standard procedures for each local board of education to use in requesting information required by this report and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board.

(c) Teachers Leaving the Profession. – The report shall include the following data on the decisions of teachers to leave the teaching profession in the prior school year:

(1) The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.

(2) The number of teachers who left their employment to teach in other states.

(3) The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.

(4) The number of teachers who left a classroom position for another type of educational position.

(5) The number of teachers who left employment in hard-to-staff schools.

(6) The number of teachers who left employment in hard-to-staff subject areas.

(d) The annual teacher transition report by the State Board of Education shall disaggregate the data included in subsection (c) of this section by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of this Chapter, local school administrative units shall provide to the State Board of Education, for the purposes of this report, any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment. The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher.

(e) Teacher Vacancies. – The report shall include data on teaching positions that local boards of education are unable to fill with a teacher licensed in that subject area by the fortieth school instructional day of the local school administrative unit's calendar. The report shall aggregate all data to provide both statewide information and information specific to each local school administrative units, including the following:

(1) The number of teacher vacancies by subject area.

(2) The number of teacher vacancies by school with identification of hard-to-staff schools."

SECTION 5.(c) The State Board of Education shall complete the first annual report on the state of the teaching profession, including information on vacancies in the teaching profession, no later than December 15, 2017.

PART VI. CONFORMING CHANGES

SECTION 6.(a) G.S. 93B-15.1(i) reads as rewritten:

"(i) For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under ~~G.S. 115C-296~~ Article 17E of Subchapter V of Chapter 115C of the General Statutes."

SECTION 6.(b) G.S. 115C-296.7(g) reads as rewritten:

"(g) NC Teaching Corps members shall be granted ~~lateral entry teaching residency~~ licenses pursuant to ~~G.S. 115C-296.12(a)~~ Article 17E of this Chapter."

SECTION 6.(c) G.S. 115C-325.1(6)a. reads as rewritten:

"a. ~~Who holds at least one of the following licenses issued by the State Board of Education:~~

1. ~~A~~ a current standard professional educator's license.

2. ~~A~~ A current lateral entry teaching license.

3. ~~A regular, not expired, vocational license."~~

SECTION 6.(d) G.S. 115C-325.4(a)(11) reads as rewritten:

"(11) Any cause which constitutes grounds for the revocation of the ~~teacher's teaching license or the school administrator's administrator~~professional educator's license."

SECTION 6.(e) G.S. 115C-333(d) reads as rewritten:

"(d) State Board Notification. – If a local board dismisses an employee of a low-performing school who is a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses an employee who is a teacher on contract for cause or elects to not renew an employee's contract as a result of a superintendent's recommendation under subsection (b) or (c) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those individuals. If a local board hires one of these individuals, within 60 days the superintendent or the superintendent's designee shall observe the employee, develop a mandatory improvement plan to assist the employee, and submit the plan to the State Board. The State Board shall review the mandatory improvement plan and may provide comments and suggestions to the superintendent. If on the next evaluation the employee receives a rating on any standard that was identified as an area of concern on the mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board and the State Board shall initiate a proceeding to revoke the employee's license under ~~G.S. 115C-296(d)~~G.S. 115C-270.35. If on this next evaluation the employee receives at least a proficient rating on all of the performance standards that were identified as areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the employee is in good standing and the State Board shall not continue to provide the individual's name to local boards under this subsection unless the employee is a teacher with career status and is subsequently dismissed under G.S. 115C-325 except for a reduction in force, or the employee is a teacher on contract subsequently dismissed under G.S. 115C-325.4."

SECTION 6.(f) G.S. 115C-333.1(f) reads as rewritten:

"(f) State Board Notification. – If a local board dismisses a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses a teacher on contract for cause or elects to not renew a teacher's contract as a result of a superintendent's recommendation under subsection (d) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those teachers. If a local board hires one of these teachers, within 60 days the superintendent or the superintendent's designee shall observe the teacher, develop a mandatory improvement plan to assist the teacher, and submit the plan to the State Board. The State Board shall review the mandatory improvement plan and may provide comments and suggestions to the superintendent. If on the next evaluation the teacher receives a rating on any standard that was an area of concern on the mandatory improvement plan that is again below proficient or a rating that otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under ~~G.S. 115C-296(d)~~G.S. 115C-270.35. If on the next evaluation the teacher receives at least a proficient rating on all of the overall performance standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the teacher is in good standing, and the State Board shall not continue to provide the teacher's name to local boards under this subsection unless the teacher has career status and is subsequently dismissed under G.S. 115C-325 except for a reduction in force or is a teacher on contract who is subsequently dismissed under G.S. 115C-325.4. If, however, on this next evaluation the teacher receives a developing rating on any standards that were areas of concern on the mandatory improvement plan, the teacher shall have one more year to bring the rating to proficient if the local board elects to renew the teacher's contract. If by the end of this second year the teacher is not proficient in all standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under ~~G.S. 115C-296(d)~~G.S. 115C-270.35."

SECTION 6.(g) G.S. 115D-5(p) reads as rewritten:

"(p) The North Carolina Community College System may offer courses, in accordance with ~~the lateral entry program of study established under G.S. 115C-296.12,~~ Article 17D of Subchapter V of Chapter 115C of the General Statutes, to individuals who choose to enter the teaching profession ~~by lateral entry through residency licensure.~~"

SECTION 6.(h) G.S. 116-239.5(a) reads as rewritten:

"(a) The Board of Governors, in consultation with the constituent institutions of The University of North Carolina with educator preparation programs, shall designate eight constituent institutions to establish laboratory

schools to serve public school students in accordance with the provisions of this Article. The Board of Governors shall select eight constituent institutions with quality educator preparation programs as demonstrated by the annual performance measures reported by the constituent institutions in accordance with ~~G.S. 115C-296.13~~. G.S. 115C-269.35."

SECTION 6.(i) G.S. 116-239.13(5) reads as rewritten:

"(5) Information on the student outcomes for students who are enrolled in each educator preparation program who obtained clinical experience in school leadership and teaching in the lab schools, including the performance elements reported under ~~G.S. 115C-296.13(b)~~. G.S. 115C-269.35."

SECTION 6.(j) If House Bill 155, 2017 Regular Session, becomes law, G.S. 115C-325(f)(1), as amended by Section 4(c) of this act, reads as rewritten:

"(f) (1) Suspension without Pay. – If a superintendent believes that cause exists for dismissing a career employee for any reason specified in G.S. 115C-325(e)(1) and that immediate suspension of the career employee is necessary, the superintendent may suspend the career employee without pay. Before suspending a career employee without pay, the superintendent shall meet with the career employee and give him written notice of the charges against him, an explanation of the bases for the charges, and an opportunity to respond. However, if the ~~teacher-career employee~~ is incarcerated or is in the custody of a local, State, private, or federal correctional facility, the superintendent shall not be required to meet with the ~~teacher-career employee~~ before suspending that ~~teacher-employee~~ without pay but may instead provide written notice of the charges against the ~~teacher-employee~~, provide a written explanation of the basis for the charges, and provide an opportunity for the ~~teacher-employee~~ to respond in writing. Within five days after a suspension under this paragraph, the superintendent shall initiate a dismissal, demotion, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the career employee shall be reinstated immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the career employee's personnel file."

SECTION 6.(k) If House Bill 155, 2017 Regular Session, becomes law, G.S. 115C-325(o)(2), as amended by Section 4(d) of this act, reads as rewritten:

"(2) A ~~teacher-career or probationary-career employee~~ who is not recommended for dismissal should not resign without the consent of the superintendent unless he or she has given at least 30 days' notice. If a ~~teacher-career employee~~ who is not recommended for dismissal does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the ~~teacher's-career employee's~~ license for the remainder of that school year. A copy of the request shall be placed in the ~~teacher's-career employee's~~ personnel file. If a ~~teacher's-career employee's~~ criminal history is relevant to the ~~teacher's-employee's~~ resignation, regardless of whether the ~~teacher-employee~~ has given at least 30 days' notice, the board shall report to the State Board of Education the reason for an employee's resignation."

SECTION 6.(l) If House Bill 155, 2017 Regular Session, becomes law, Section 2(f) of that act is repealed.

SECTION 6.(m) If Senate Bill 257, 2017 Regular Session, becomes law, then Section 8.29(a) of S.L. 2016-94, as amended by Section 7.20(a) of Senate Bill 257, 2017 Regular Session, reads as rewritten:

"**SECTION 8.29.(a)** Purpose. – The purpose of this section is to establish a pilot program for, beginning with the 2016-2017 fiscal year, the local boards of education of the Anson County, Franklin County, Moore County, Richmond County, and Scotland County school administrative units and, beginning with the 2017-2018 fiscal year, the local boards of education of the Alamance-Burlington Schools, Beaufort County Schools, Bertie County Schools, Duplin County Schools, Edenton-Chowan Schools, Edgecombe County Schools, Guilford County Schools, Halifax County Schools, Nash-Rocky Mount Schools, Northampton County Schools, Randolph County Schools, Tyrrell County Schools, Vance County Schools, and Washington County Schools to provide tuition assistance awards to part-time or full-time teacher assistants working in those local school administrative units to pursue a college degree that will result in teacher licensure. Tuition assistance awards under the program may be provided for part-time or full-time coursework. A local board of education may grant a teacher assistant academic leave to pursue coursework that may only be taken during working hours. A teacher assistant receiving

an award under the program shall fulfill the student teaching requirements of an educator preparation program by working in the teacher assistant's employing local school administrative unit. A teacher assistant shall continue to receive salary and benefits while student teaching in the local school administrative unit in accordance with ~~G.S. 115C-310(b)~~.G.S. 115C-269.30(c)."

SECTION 6.(n) If Senate Bill 257, 2017 Regular Session, becomes law, G.S. 115C-269.30, as enacted by Section 2(i) of this act, reads as rewritten:

"§ 115C-269.30. Teacher assistants engaged in internships.

(a) Program for Teacher Assistants. – The State Board shall adopt a program to facilitate the process by which teacher assistants may become teachers. Teacher assistants who participate in this ~~program~~program shall meet the following requirements:

- (1) ~~Shall be~~Be enrolled in a recognized EPP.
- (2) ~~Shall be~~Be employed in a North Carolina public school.

(b) Internship Assignments. – Local school administrative units are encouraged to assign teacher assistants to a different classroom during an internship than the classroom they are assigned to as a teacher assistant. To the extent possible, they may be assigned to another school within the same local school administrative unit.

(c) Salary and Benefits. – ~~At the discretion of the local school administrative unit, teacher~~Teacher assistants ~~may shall~~ continue to receive their salary and benefits while interning in the same local school administrative unit where they are employed as a teacher assistant.

(d) Consultation With Institutions of Higher Education. – The State Board shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program."

SECTION 6.(o) If Senate Bill 257, 2017 Regular Session, becomes law, G.S. 115C-300.1(c), as enacted by Section 3(b) of this act, reads as rewritten:

"(c) Mentor Teacher Training. – 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 as follows:

- (1) Mentor teachers shall be either of the following:
 - a. Teachers rated, through formal evaluations, at least at the "proficient" level as part of the North Carolina Teacher Evaluation ~~System and have met expectations for student growth.~~System.
 - b. Retired teachers.
- (2) The principal shall determine which mentor teacher best meets the needs of each new teacher and shall assign the most appropriate mentor teacher to that new teacher, with priority consideration for those mentor teachers rated as "distinguished" and "accomplished."
- (3) If a principal determines that a teacher rated as "proficient" or a retired teacher is the most appropriate mentor for a new teacher, the principal shall maintain records of the reasons for that determination.
- (4) A teacher may be a mentor at a different school building from which the mentor is assigned if the following criteria are met:
 - a. The principals of each school and the mentor teacher approve of the assignment.
 - b. The mentor teacher is rated, through formal evaluations, at least at the "accomplished" level as part of the North Carolina Teacher Evaluation ~~System and has met expectations for student growth.~~System.
 - c. The new teacher's principal maintains a record of the reasons for selecting the mentor from a different school building."

SECTION 6.(p) If Senate Bill 257, 2017 Regular Session, becomes law, G.S. 115C-269.25(e), as enacted by Section 2(i) of this act, reads as rewritten:

"(e) Clinical Educator Requirements. – The EPP shall ensure clinical educators who supervise students in internships meet the following requirements:

- (1) Be professionally licensed in the field of licensure sought by the student.
- (2) Have a minimum of three years of experience in a teaching role.
- (3) Have been rated, through the educator's most recent formal evaluations, at least at the "proficient" level as part of the North Carolina Teacher Evaluation System, or the equivalent

on an evaluation system utilized by another state or partner school, as applicable, ~~and have met expectations as part of a student growth assessment system used by a school~~ in the field of licensure sought by the student. The principal shall determine which clinical educator best meets the needs of each intern and shall assign the most appropriate clinical educator to that intern, with priority consideration for those clinical educators rated as "distinguished" and "accomplished." If a principal determines that a teacher rated as "proficient" is the most appropriate clinical educator for an intern, the principal shall maintain records of the reasons for that determination."

SECTION 6.(q) If Senate Bill 257, 2017 Regular Session, becomes law, G.S. 115C-270.10, as enacted by Section 3(c) of this act, is amended by inserting a new subsection to read:

"(a1) Notwithstanding subsection (a) of this section, the State Board of Education shall reimburse the initial application fee for any new graduate from any recognized EPP the first time an applicant submits an application for teacher licensure, if the applicant has successfully earned an initial professional license in North Carolina. The State Board shall issue the reimbursement to the application fee within 30 days of the date the applicant successfully earns an initial professional license in North Carolina."

PART VII. EFFECTIVE DATE

SECTION 7.(a) This act is effective when it becomes law and applies beginning with the 2017-2018 school year.

SECTION 7.(b) Any rules required by this act shall be adopted by February 1, 2018.

SECTION 7.(c) The State Board shall accept applications from EPPs for initial approval no later than March 1, 2018, for EPPs applying to accept students in the 2018-2019 school year.

SECTION 7.(d) An EPP approved by the State Board prior to July 1, 2017, shall be considered initially authorized until the earlier of June 30, 2020, or the date of its five-year renewal.

SECTION 7.(e) All EPPs operating in the State on June 30, 2018, or thereafter shall submit annual performance reports beginning with the 2018-2019 school year. The State Board shall monitor the data quality of the annual performance reports, including checking for statistical anomalies, data availability, and any other issues the State Board deems relevant. The State Board shall report on its monitoring and recommend any legislative changes to the Joint Legislative Education Oversight Committee by December 15, 2020.

SECTION 7.(f) The State Board shall not assign an accountability status to any EPP during the 2018-2019, 2019-2020, or 2020-2021 school years but may require technical assistance to an EPP at the EPP's expense based on reported performance measures. The State Board shall only assign the accountability statuses of "warned" and "probation" during the 2021-2022 and 2022-2023 school years. The State Board may assign the accountability status of "revoked" beginning with the 2023-2024 school year.

In the General Assembly read three times and ratified this the 30th day of June, 2017.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 8:30 a.m. this 27th day of July, 2017

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-91
SENATE BILL 448**

AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO EMPLOY HIGHER EDUCATION FACULTY MEMBERS TO SERVE AS ADJUNCT INSTRUCTORS FOR CORE ACADEMIC SUBJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-298.5. Adjunct K-12 instructors in core academic subjects.

(a) Adjunct Hiring Criteria. – The State Board of Education shall develop minimum criteria of relevant education or employment experience for an individual who is currently employed at an institution of higher education as a faculty member to qualify that individual to contract as an adjunct instructor in specific core academic subjects in grades kindergarten through 12 and shall make such criteria available to local boards of education.

(b) Contracting With Adjunct Instructors. – Notwithstanding any provisions in this Article to the contrary and Part 3 of Article 22 of this Chapter, a local board of education may contract with an individual to serve as an adjunct instructor who meets the adjunct hiring criteria established by the State Board of Education for specific core academic subjects. The local board of education may contract with an adjunct instructor on an annual or semester basis, subject to the following requirements:

- (1) An adjunct instructor may be employed for less than 20 hours per week or for less than six full consecutive months of employment. Adjunct instructors may be classified as temporary full-time or part-time employees. Based on the status as a temporary public school employee, an adjunct instructor shall not be eligible to earn paid leave, participate in the Teachers' and State Employees' Retirement System, or receive or purchase health benefits through the State Health Plan for Teachers and State Employees.
- (2) An adjunct instructor shall be subject to a criminal history check to ensure that the person has not been convicted of any crime listed in G.S. 115C-332.
- (3) An adjunct instructor shall not be required to hold or apply for licensure as a teacher.
- (4) If an adjunct instructor is not licensed as a teacher, the adjunct instructor shall complete preservice training, which may be offered through an educator preparation program or by a local school administrative unit, in all of the following areas prior to beginning instruction:
 - a. The identification and education of children with disabilities.
 - b. Positive management of student behavior.
 - c. Effective communication for defusing and de-escalating disruptive or dangerous behavior.
 - d. Safe and appropriate use of seclusion and restraint."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:21 p.m. this 30th day of June, 2017

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-157
HOUSE BILL 155**

AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.

The General Assembly of North Carolina enacts:

PART I. MODIFY SCHOOL/CLASS SIZE REPORT DATE

SECTION 1.(a) G.S. 115C-47(10), as amended by Section 2(a) of S.L. 2017-9, reads as rewritten:

"(10) To Assure Appropriate Class Size. – It shall be the responsibility of local boards of education to assure that the class size requirements set forth in G.S. 115C-301 for kindergarten through third grade are met. Any teacher who believes that the requirements of G.S. 115C-301 have not been met shall make a report to the principal and superintendent, and the superintendent shall immediately determine whether the requirements have in fact not been met. If the superintendent determines the requirements have not been met, he or she shall make a report to the next local board of education meeting. The local board of education shall take action to meet the requirements of the statute. If the local board cannot organizationally correct the exception, it shall immediately apply to the State Board of Education for additional personnel or a waiver of the class size requirements, as provided in G.S. 115C-301(g).

Upon notification from the State Board of Education that the reported exception does not qualify for an allotment adjustment or a waiver under provisions of G.S. 115C-301, the local board, within 30 days, shall take action necessary to correct the exception, as required in G.S. 115C-301(g).

At the end of ~~September~~October and end of February of each school year, the local board of education, through the superintendent, shall file a report with the Superintendent of Public Instruction, in a format prescribed by the Superintendent of Public Instruction, describing the organization for each school in the local school administrative unit, as required by G.S. 115C-301(f).

In addition to assuring that the requirements of G.S. 115C-301 are met, each local board of education shall also have the duty to provide an adequate number of classrooms to meet the requirements of that statute."

SECTION 1.(b) G.S. 115C-301(f), as amended by Section 2(b) of S.L. 2017-9, reads as rewritten:

"(f) Biannual Reports. – At the end of ~~September~~October and end of February of each school year, each local board of education, through the superintendent, shall file a report, based on information provided by the principal, for each school within the local school administrative unit with the Superintendent of Public Instruction. The report shall be filed in a format prescribed by the Superintendent of Public Instruction and shall include the organization for each school in the local school administrative unit, including the following information:

...."

SECTION 1.(c) This section is effective when it becomes law and applies beginning with the 2017-2018 school year.

PART II. MAKES CONFORMING CHANGES TO CAREER STATUS STATUTES TO ALIGN WITH NORTH CAROLINA SUPREME COURT DECISION

SECTION 2.(a) Section 9.6(a) of S.L. 2013-360 is repealed.

SECTION 2.(b) G.S. 115C-325 reads as rewritten:

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

(a) Definition of Terms. – As ~~Notwithstanding G.S. 115C-325.1, as used in this section~~ section, the following definitions apply, unless the context requires otherwise:

- (1) Repealed by Session Laws 1997-221, s. 13(a).
- (1a) "Career employee" as used in this section ~~means:~~ means
 - a. ~~An an~~ employee who ~~has obtained~~ was awarded career status with that local board as a teacher as ~~provided in G.S. 115C-325(e);~~ prior to August 1, 2013.
 - b. ~~An employee who has obtained career status with that local board in an administrative position as provided in G.S. 115C-325(d)(2);~~
 - e. ~~A probationary teacher during the term of the contract as provided in G.S. 115C-325(m); and~~
 - d. ~~A school administrator during the term of a school administrator contract as provided in G.S. 115C-287.1(e).~~
- (1b) ~~"Career school administrator" means a school administrator who has obtained career status in an administrative position as provided in G.S. 115C-325(d)(2).~~
- (1e) ~~"Career teacher" means a teacher who has obtained career status as provided in G.S. 115C-325(e).~~
- (1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and applicable to persons recommended for dismissal or demotion on or after that date.
- (2) Repealed by Session Laws 1997, c. 221, s. 13(a).
- (3) ~~"Day" means calendar day. In computing any period of time, Rule 6 of the North Carolina Rules of Civil Procedure shall apply.~~
- (4) "Demote" means to reduce the salary of a person who is classified or paid by the State Board of Education as a classroom teacher ~~or as a school administrator~~ teacher. The word "demote" does not include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement; or (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach or a choral director.
- (4a) "Disciplinary suspension" means a final decision to suspend a ~~teacher or school administrator~~ career employee without pay for no more than 60 days under G.S. 115C-325(f)(2).
- (4b) ~~"Exchange teacher" means a nonimmigrant alien teacher participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q).~~
- (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).
- (5) ~~"Probationary teacher" means a licensed person, other than a superintendent, associate superintendent, or assistant superintendent, who has not obtained career teacher status and whose major responsibility is to teach or to supervise teaching.~~
- (5a) [Expired.]
- (5b) ~~"School administrator" means a principal, assistant principal, supervisor, or director whose major function includes the direct or indirect supervision of teaching or any other part of the instructional program as provided in G.S. 115C-287.1(a)(3).~~
- (6) "Teacher" means a person who holds at least a current, not provisional or expired, Class A license or a regular, not provisional or expired, vocational license issued by the State Board of Education; whose major responsibility is to teach or directly supervises teaching or who is classified by the State Board of Education or is paid either as a classroom teacher or instructional support personnel; and who is employed to fill a full-time, permanent position.
- (7) Redesignated.
- (8) ~~"Year" for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full-time permanent position in a school year. Workdays performed pending the outcome of a criminal history check as provided in G.S. 115C-332 are included in computing time as a probationary teacher.~~

(a1) This section shall apply only to career employees. No person who is employed as a teacher who did not acquire career status as a teacher by August 1, 2013, shall have career status.

(b) Personnel Files. – The superintendent shall maintain in his or her office a personnel file for each ~~teacher~~career employee that contains any complaint, commendation, or suggestion for correction or improvement about the ~~teacher's~~career employee's professional conduct, except that the superintendent may elect not to place in a ~~teacher's~~career employee's file (i) a letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion shall be signed by the person who makes it and shall be placed in the ~~teacher's~~career employee's file only after five days' notice to the ~~teacher~~employee. Any denial or explanation relating to such complaint, commendation, or suggestion that the ~~teacher~~career employee desires to make shall be placed in the file. Any ~~teacher~~career employee may petition the local board of education to remove any information from his or her personnel file that he or she deems invalid, irrelevant, or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

The personnel file shall be open for the ~~teacher's~~career employee's inspection at all reasonable times but shall be open to other persons only in accordance with such rules and regulations as the board adopts. Any preemployment data or other information obtained about a ~~teacher~~career employee before his or her employment by the board may be kept in a file separate from his or her personnel file and need not be made available to ~~him~~him or her. No data placed in the preemployment file may be introduced as evidence at a hearing on the dismissal or demotion of a ~~teacher~~career employee, except the data may be used to substantiate G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as grounds for dismissal or demotion.

(c) (1) through (3) Repealed.

(4) Leave of Absence. – A career ~~teacher~~employee who has been granted a leave of absence by a board shall maintain his or her career status if he or she returns to his or her teaching position at the end of the authorized leave.

(5), (6) Repealed.

(d) ~~Career Teachers and Career School Administrators~~Employees.

(1) A career ~~teacher or career school administrator~~employee shall not be subjected to the requirement of annual appointment nor shall he or she be dismissed, demoted, or employed on a part-time basis without his or her consent except as provided in subsection ~~(e)~~(e) of this section.

(2) a. ~~The provisions of this subdivision do not apply to a person who is ineligible for career status as provided by G.S. 115C-325(e)(3).~~

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

c. Subject to G.S. 115C-287.1, when a teacher has performed the duties of supervisor or principal for three consecutive years, the board, near the end of the third year, shall vote upon his or her employment for the next school year. The board shall give him or her written notice of that decision by June 1 of his or her third year of employment as a supervisor or principal. If a majority of the board votes to reemploy the teacher as a principal or supervisor, and it has notified him or her of that decision, it may not rescind that action but must proceed under the provisions of this section. If a majority of the board votes not to reemploy the teacher as a principal or supervisor, he or she shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal. A supervisor or principal who has not held that position for three years and whose contract will not be renewed for the next school year shall be notified by June 1 and shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal.

A year, for purposes of computing time as a probationary principal or supervisor, shall not be less than 145 workdays performed as a full-time, permanent principal or supervisor in a contract year.

~~A principal or supervisor who has obtained career status in that position in any North Carolina public school system may be required by the board of education in another school system to serve an additional three-year probationary period in that position before being eligible for career status. However, he may, at the option of the board of education, be granted career status immediately or after serving a probationary period of one or two additional years. A principal or supervisor with~~

~~career status who resigns and within five years is reemployed by the same school system need not serve another probationary period in that position of more than two years and may, at the option of the board, be reemployed immediately as a career principal or supervisor or be given career status after only one year. In any event, if he is reemployed for a third consecutive year, he shall automatically become a career principal or supervisor.~~

(e) Grounds for Dismissal or Demotion of a Career Employee.

- (1) Grounds. – No career employee shall be dismissed or demoted or employed on a part-time basis except for one or more of the following:
 - a. Inadequate performance.
 - b. Immorality.
 - c. Insubordination.
 - d. Neglect of duty.
 - e. Physical or mental incapacity.
 - f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.
 - g. Conviction of a felony or a crime involving moral turpitude.
 - h. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
 - i. Failure to fulfill the duties and responsibilities imposed upon teachers ~~or school administrators~~ by the General Statutes of this State.
 - j. Failure to comply with such reasonable requirements as the board may prescribe.
 - k. Any cause which constitutes grounds for the revocation of the career ~~teacher's~~ employee's teaching license ~~or the career school administrator's administrator license-license.~~
 - l. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided that there is compliance with subdivision ~~(2);(2)~~ (2) of this subsection.
 - m. Failure to maintain his or her license in a current status.
 - n. Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes.
 - o. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.
- (2) Reduction in Force. –
 - a. A local board of education shall adopt a policy for implementing a reduction in force pursuant to sub-subdivision (e)(1)l. of this section that includes the following criteria:
 1. In determining which positions shall be subject to a reduction, a local board of education shall consider the following:
 - I. Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and position inefficiencies; (iii) opportunities for combined work functions; and (iv) decreased student or other demands for curriculum, programs, operations, or other services.
 - II. Organizational considerations, such as anticipated organizational needs of the local school administrative unit and program or school enrollment.
 2. In identifying which ~~teachers~~ career employees in similar positions shall be subject to a dismissal, demotion, or reduction to employment on a part-time basis under the policy, a local school administrative unit shall consider work performance and ~~teacher~~ evaluations.
 - b. Before recommending to a board the dismissal or demotion of the career employee pursuant to G.S. 115C-325(e)(1)l., the superintendent shall give written notice to the career employee by certified mail or personal delivery of his or her intention to make

such recommendation and shall set forth as part of his or her recommendation the grounds upon which he or she believes such dismissal or demotion is justified. The notice shall include a statement to the effect that if the career employee within 15 days after receipt of the notice requests a review, he or she shall be entitled to have the proposed recommendations of the superintendent reviewed by the board. Within the 15-day period after receipt of the notice, the career employee may file with the superintendent a written request for a hearing before the board within 10 days. If the career employee requests a hearing before the board, the hearing procedures provided in G.S. 115C-325(j3) shall be followed. If no request is made within the 15-day period, the superintendent may file his or her recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if there is one, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal. Provisions of this section which permit a hearing by a hearing officer shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)/.

When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)/, above, his or her name shall be placed on a list of available career employees to be maintained by the board.

- (3) **Inadequate Performance.** – In determining whether the professional performance of a career employee is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the published policy of the employing local school administrative unit and to any published standards of performance which shall have been adopted by the board. Failure to notify a career employee of an inadequacy or deficiency in performance shall be conclusive evidence of satisfactory performance. Inadequate performance for a ~~teacher~~ career employee shall mean (i) the failure to perform at a proficient level on any standard of the evaluation instrument or (ii) otherwise performing in a manner that is below standard. ~~However, for a probationary teacher, a performance rating below proficient may or may not be deemed adequate at that stage of development by a superintendent or designee.~~ For a career ~~teacher~~ employee, a performance rating below proficient shall constitute inadequate performance unless the principal noted on the instrument that the ~~teacher~~ career employee is making adequate progress toward proficiency given the circumstances.
- (4) **Three-Year Limitation on Basis of Dismissal or Demotion.** – Dismissal or demotion under subdivision (1) above, except paragraphs g. and o. thereof, shall not be based on conduct or actions which occurred more than three years before the written notice of the superintendent's intention to recommend dismissal or demotion is mailed to the career employee. The three-year limitation shall not apply to dismissals or demotions pursuant to subdivision (1)b. above when the charge of immorality is based upon a career employee's sexual misconduct toward or sexual harassment of students or staff.
- (f) (1) **Suspension without Pay.** – If a superintendent believes that cause exists for dismissing a career employee for any reason specified in G.S. 115C-325(e)(1) and that immediate suspension of the career employee is necessary, the superintendent may suspend the career employee without pay. Before suspending a career employee without pay, the superintendent shall meet with the career employee and give him or her written notice of the charges against ~~him, him or her~~, an explanation of the bases for the charges, and an opportunity to respond. Within five days after a suspension under this paragraph, the superintendent shall initiate a dismissal, demotion, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the career employee shall be reinstated immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the career employee's personnel file.
- (2) **Disciplinary Suspension Without Pay.** – A career employee recommended for disciplinary suspension without pay ~~pursuant to G.S. 115C-325(a)(4a)~~ may request a hearing before the board. If no request is made within 15 days, the superintendent may file his or her

recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such suspension.

a. Board hearing for disciplinary suspensions for more than 10 days or for certain types of intentional misconduct. – The procedures for a board hearing under G.S. 115C-325(j3) shall apply if any of the following circumstances exist:

1. The recommended disciplinary suspension without pay is for more than 10 days; or

2. The disciplinary suspension is for intentional misconduct, such as inappropriate sexual or physical conduct, immorality, insubordination, habitual or excessive alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes, any cause that constitutes grounds for the revocation of the ~~teacher's or school administrator's~~ career employee's license, or providing false information.

b. Board hearing for disciplinary suspensions of no more ~~than~~ 10 days. – The procedures for a board hearing under G.S. 115C-325(j2) shall apply to all disciplinary suspensions of no more than 10 days that are not for intentional misconduct as specified in ~~G.S. 115C-325(f)(2)a.2.sub-sub-subdivision a.2.~~ sub-sub-subdivision a.2. of this subdivision.

(f1) Suspension with Pay. – If a superintendent believes that cause may exist for dismissing or demoting a career employee for any reasons specified in G.S. 115C-325(e)(1), but that additional investigation of the facts is necessary and circumstances are such that the career employee should be removed immediately from his or her duties, the superintendent may suspend the career employee with pay for a reasonable period of time, not to exceed 90 days. The superintendent shall notify the board of education within two days of his or her action and shall notify the career employee within two days of the action and the reasons for it. If the superintendent has not initiated dismissal or demotion proceedings against the career employee within the 90-day period, the career employee shall be reinstated to his or her duties immediately and all records of the suspension with pay shall be removed from the career employee's personnel file at his or her request. However, if the superintendent and the employee agree to extend the 90-day period, the superintendent may initiate dismissal or demotion proceedings against the career employee at any time during the period of the extension.

~~(f2) Procedure for Demotion of Career School Administrator. – If a superintendent intends to recommend the demotion of a career school administrator, the superintendent shall give written notice to the career school administrator by certified mail or personal delivery and shall include in the notice the grounds upon which the superintendent believes the demotion is justified. The notice shall include a statement that if the career school administrator requests a hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the grounds for the proposed demotion reviewed by the local board of education. If the career school administrator does not request a board hearing within 15 days, the superintendent may file the recommendation of demotion with the board. If, after considering the superintendent's recommendation and the evidence presented at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board may by resolution order the demotion. The procedures for a board hearing under G.S. 115C-325(j3) shall apply to all demotions of career school administrators.~~

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

(h) Procedure for Dismissal or Demotion of Career Employee.

(1) a. A career employee may not be dismissed, demoted, or reduced to part-time employment except upon the superintendent's recommendation.

b. ~~G.S. 115C-325(f2) shall apply to the demotion of a career school administrator.~~

(2) Before recommending to a board the dismissal or demotion of the career employee, the superintendent shall give written notice to the career employee by certified mail or personal delivery of his or her intention to make such recommendation and shall set forth as part of his or her recommendation the grounds upon which he or she believes such dismissal or demotion is justified. The superintendent also shall meet with the career employee and provide written notice of the charges against the career employee, an explanation of the basis for the charges, and an opportunity to respond if the career employee has not done so under

G.S. 115C-325(f)(1). The notice shall include a statement to the effect that if the career employee within 14 days after the date of receipt of the notice requests a review, he or she may request to have the grounds for the proposed recommendations of the superintendent reviewed by an impartial hearing officer appointed by the Superintendent of Public Instruction as provided for in G.S. 115C-325(h)(7). A copy of G.S. 115C-325 shall also be sent to the career employee. If the career employee does not request a hearing before a hearing officer within the 14 days provided, the superintendent may submit his or her recommendation to the board.

- (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 hearing officer or (ii) a hearing within 10 days before the board on the superintendent's recommendation. If the career employee requests an immediate hearing before the board, he or she forfeits his or her right to a hearing by a hearing officer. If no request is made within that period, the superintendent may file his or her 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 career employee without pay. If a request for review is made, the superintendent shall not file the recommendation for dismissal with the board until a report of the hearing officer is filed with the superintendent. Failure of the hearing officer to submit the report as required by G.S. 115C-325(i1)(1) shall entitle the career employee to a hearing before the board under the same procedures as provided in G.S.115C-325(j).
- (4) Repealed by Session Laws 1997, c. 221, s. 13(a).
- (5) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and applicable to persons recommended for dismissal or demotion on or after that date.
- (6) If a career employee requests a review by a hearing officer, the superintendent shall notify the Superintendent of Public Instruction within five days of his or her receipt of the request.
- (7) Within five days of being notified of the request for a hearing before a hearing officer, the Superintendent of Public Instruction shall submit to both parties a list of hearing officers trained and approved by the State Board of Education. Within five days of receiving the list, the parties may jointly select a hearing officer from that list, or, if the parties cannot agree to a hearing officer, each party may strike up to one-third of the names on the list and submit its strikeout list to the Superintendent of Public Instruction. The Superintendent of Public Instruction shall then appoint a hearing officer from those individuals remaining on the list. Further, the parties may jointly agree on another hearing officer not on the State Board of Education's list, provided that individual is available to proceed in a timely manner and is willing to accept the terms of appointment required by the State Board of Education. No person eliminated by the career employee or superintendent shall be designated as the hearing officer for that case.
- (8) The superintendent and career employee shall serve a copy to the other party of all documents submitted to the Superintendent of Public Instruction and to the designated hearing officer and include a signed certificate of service similar to that required in court pleadings.

...

(j3) ~~Board Hearing for Certain Disciplinary Suspensions, Demotions of Career School Administrators, Suspensions and for Reductions in Force.~~ – The following procedures shall apply for a board hearing under ~~G.S. 115C-325(e)(2), G.S. 115C-325(f2), G.S. 115C-325(e)(2) and G.S. 115C-325(f)(2)a:~~

- (1) The hearing shall be private.
- (2) The hearing shall be conducted in accordance with reasonable rules adopted by the State Board of Education to govern such hearings.
- (3) At the hearing, the career employee and the superintendent 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 exist for a disciplinary suspension without pay under ~~G.S. 115C-325(f)(2)a., a demotion of a career school administrator under G.S.~~

~~115C-325(f2),~~ G.S. 115C-325(f)(2)a. or whether the grounds for a dismissal or demotion due to a reduction in force is justified.

- (4) Rules of evidence shall not apply to a hearing under this subsection and the board may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- (5) At least 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.
- (6) At least six days before the hearing, the career employee shall provide the superintendent a list of witnesses the career employee intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the career employee intends to present.
- (7) No new evidence may be presented at the hearing except upon a finding by the board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule provided in this subsection.
- (8) The board may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for suspension without pay.
- (9) The board shall decide all procedural issues, including limiting cumulative evidence, necessary for a fair and efficient hearing.
- (10) The superintendent shall provide for making a transcript of the hearing. If the career employee contemplates an appeal of the board's decision to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings.

(k), (l) Repealed by Session Laws 1997, c. 221, s. 13(a).

(m) Probationary Teacher.

- ~~(1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career employee may be dismissed as set forth in subsections (e), (f), (f1), and (h) to (j3) above.~~
- ~~(2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient. Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.~~
- ~~(3) The superintendent shall provide written notice to a probationary teacher no later than May 15 of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to (i) request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal; and (ii) request a hearing for those teachers eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely request within the 10 days shall result in a waiver of the right to this information and any right to a hearing. If a teacher files a timely request, the superintendent shall provide the requested information and arrange for a hearing, if allowed, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board making a decision or holding a hearing as provided in this section. The board shall adopt a policy to provide for the orderly exchange of information prior to the board's decision on the superintendent's recommendation for nonrenewal.~~
- (4) If the probationary teacher is eligible for career status pursuant to G.S. 115C-325(e)(1) and (e)(2) and the superintendent recommends not to give the probationary teacher career status, the probationary teacher has the right to a hearing before the board unless the reason is a justifiable board- or superintendent-approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.
- (5) For probationary contracts that are not in the final year before the probationary teacher is eligible for career status, the probationary teacher shall have the right to petition the local

~~board of education for a hearing, and the local board may grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board of education shall notify the probationary teacher making the petition of its decision whether to grant a hearing.~~

(6) ~~Any hearing held according to this subsection shall be pursuant to the provisions of G.S. 115C-45(e).~~

(7) ~~The board shall notify a probationary teacher whose contract will not be renewed for the next school year of its decision by June 15; provided, however, if a teacher submits a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or such later date upon the written consent of the superintendent and teacher.~~

(n) Appeal. – Any career employee who has been dismissed or demoted under G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without pay under G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed under G.S. 115C-325(m)(2) G.S. 115C-325(f)(2) shall have the right to appeal from the decision of the board to the superior court for the superior court district or set of districts as defined in G.S. 7A-41.1 in which the career employee is ~~employed~~ employed on one or more of the following grounds that the decision:

(1) Is in violation of constitutional provisions.

(2) Is in excess of the statutory authority or jurisdiction of the board.

(3) Was made upon unlawful procedure.

(4) Is affected by other error of law.

(5) Is unsupported by substantial evidence in view of the entire record as submitted.

(6) Is arbitrary or capricious.

This appeal shall be filed within a period of 30 days after notification of the decision of the board. The cost of preparing the transcript shall be determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee who has been demoted or ~~dismissed, or a school administrator whose contract is not renewed, dismissed~~ who has not requested a hearing before the board of education pursuant to this section shall not be entitled to judicial review of the board's action.

(o) Resignation. –

(1) If a career employee has been recommended for dismissal under G.S. 115C-325(e)(1) and the employee chooses to resign without the written agreement of the superintendent, then:

a. The superintendent shall report the matter to the State Board of Education.

b. The career employee shall be deemed to have consented to (i) the placement in the employee's personnel file of the written notice of the superintendent's intention to recommend dismissal and (ii) the release of the fact that the superintendent has reported this employee to the State Board of Education to prospective employers, upon request. The provisions of G.S. 115C-321 shall not apply to the release of this particular information.

c. The career employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education in a determination whether or not to seek action against the employee's license. This license surrender shall not exceed 45 days from the date of resignation. Provided further that the cessation of the license surrender shall not prevent the State Board of Education from taking any further action it deems appropriate. The State Board of Education shall initiate investigation within five working days of the written notice from the superintendent and shall make a final decision as to whether to revoke or suspend the career employee's license within 45 days from the date of resignation.

(2) A ~~teacher, career or probationary,~~ career employee who is not recommended for dismissal should not resign without the consent of the superintendent unless he or she has given at least 30 days' notice. If a ~~teacher~~ career employee who is not recommended for dismissal does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the ~~teacher's~~ career employee's license for the remainder of that school year. A copy of the request shall be placed in the ~~teacher's~~ career employee's personnel file.

(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all ~~persons~~ career employees employed in teaching and related educational classes in

the schools and institutions of the Departments of Health and Human Services and Public Instruction and the Divisions of Juvenile Justice and Adult Correction of the Department of Public Safety regardless of the age of the students.

(p1) Procedure for Dismissal of ~~School Administrators and Teachers~~ Career Employees Employed in Low-Performing Residential Schools. –

- (1) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of ~~teachers, principals, assistant principals, directors, supervisors, and other licensed personnel~~ career employees assigned to a residential school that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Part 3A of Article 3 of Chapter 143B of the General Statutes. The Secretary shall dismiss a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee when the Secretary receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the ~~teacher or school administrator~~ career employee.

The Secretary may dismiss a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee when:

- a. The Secretary determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under Part 3A of Article 3 of Chapter 143B of the General Statutes; and
- b. That assistance team makes the recommendation to dismiss the ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

Within 30 days of any dismissal under this subdivision, a ~~teacher, principal, assistant principal, director, supervisor, or other licensed personnel~~ career employee may request a hearing before a panel of three members designated by the Secretary. The Secretary shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

- (2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of licensed ~~staff members~~ career employees who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed ~~staff member~~ career employee.

Within 30 days of any dismissal under this subdivision, a licensed ~~staff member~~ career employee may request a hearing before a panel of three members designated by the Secretary of Health and Human Services. The Secretary shall adopt procedures to ensure that due process rights are afforded to licensed ~~staff members~~ career employees recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

- (3) ~~The Secretary of Health and Human Services or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this subsection.~~ Nothing in this subsection shall prevent the Secretary from refusing to renew the contract of any person employed in a school identified as low-performing under Part 3A of Article 3 of Chapter 143B of the General Statutes.

(4) ~~Neither party to a school administrator contract is entitled to damages under this subsection.~~

- (5) The Secretary of Health and Human Services shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection.

(q) Procedure for Dismissal of ~~School Administrators and Teachers~~ Career Employees Employed in Low-Performing Schools. –

- (1) Notwithstanding any other provision of this section or any other law, this subdivision governs the State Board's dismissal of principals assigned to low-performing schools to which the Board has assigned an assistance team:
- a. ~~The State Board through its designee may, at any time, recommend the dismissal of any principal who is assigned to a low-performing school to which an assistance team has been assigned. The State Board through its designee shall recommend the dismissal of any principal when the Board receives from the assistance team assigned to that principal's school two consecutive evaluations that include written findings and recommendations regarding the principal's inadequate performance.~~
 - b. ~~If the State Board through its designee recommends the dismissal of a principal under this subdivision, the principal shall be suspended with pay pending a hearing before a panel of three members of the State Board. The purpose of this hearing, which shall be held within 60 days after the principal is suspended, is to determine whether the principal shall be dismissed.~~
 - e. ~~The panel shall order the dismissal of the principal if it determines from available information, including the findings of the assistance team, that the low performance of the school is due to the principal's inadequate performance.~~
 - d. ~~The panel may order the dismissal of the principal if (i) it determines that the school has not made satisfactory improvement after the State Board assigned an assistance team to that school; and (ii) the assistance team makes the recommendation to dismiss the principal for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.~~
 - e. ~~If the State Board or its designee recommends the dismissal of a principal before the assistance team assigned to the principal's school has evaluated that principal, the panel may order the dismissal of the principal if the panel determines from other available information that the low performance of the school is due to the principal's inadequate performance.~~
 - f. ~~In all hearings under this subdivision, the burden of proof is on the principal to establish that the factors leading to the school's low performance were not due to the principal's inadequate performance. In all hearings under sub-subdivision d. of this subdivision, the burden of proof is on the State Board to establish that the school failed to make satisfactory improvement after an assistance team was assigned to the school and to establish one or more of the grounds established for dismissal or demotion of a career employee under G.S. 115C-325(e)(1).~~
 - g. ~~In all hearings under this subdivision, two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team are substantial evidence of the inadequate performance of the principal.~~
 - h. ~~The State Board shall adopt procedures to ensure that due process rights are afforded to principals under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.~~
- (2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of ~~teachers, assistant principals, directors, and supervisors~~career employees assigned to schools that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall dismiss a ~~teacher, assistant principal, director, or supervisor~~career employee when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the ~~teacher or school administrator~~career employee.
- The State Board may dismiss a ~~teacher, assistant principal, director, or supervisor~~career employee when:

- a. The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.38; and
 - b. That assistance team makes the recommendation to dismiss the ~~teacher, assistant principal, director, or supervisor~~ career employee for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career ~~teacher~~ employee.
A ~~teacher, assistant principal, director, or supervisor~~ career employee may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.
- (2a) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of licensed ~~staff members~~ career employees who have engaged in a remediation plan under G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed ~~staff member~~ career employee.
A licensed ~~staff member~~ career employee may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to licensed ~~staff members~~ career employees recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.
- (3) ~~The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school identified as low performing under G.S. 115C-105.37.~~
- (4) ~~Neither party to a school administrator contract is entitled to damages under this subsection.~~
- (5) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection."

SECTION 2.(c) **G.S. 115C-218.90(a)(3)** reads as rewritten:

- "(3) If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at a charter school, the local school administrative unit shall grant the leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision. AA teacher who has received a leave of absence to teach at a charter school may return to a public school in the local school administrative unit at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If a teacher who has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at a charter school, the teacher may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2)."

SECTION 2.(d) **G.S. 115C-238.68(3)** reads as rewritten:

- "(3) Leave of absence from local school administrative unit. – If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at the

regional school, the local school administrative unit shall grant the leave for one year. For the initial year of the regional school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of the regional school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision. AA teacher who has received a leave of absence to teach at a regional school may return to a public school in the local school administrative unit at the end of the leave of absence or upon the end of employment at the regional school if an appropriate position is available. If a teacher who has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at the regional school, the teacher may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the regional school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers in accordance with G.S. 115C-325(e)(2)."

SECTION 2.(e) G.S. 115C-287.1 reads as rewritten:

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

...
(f1) If, prior to appointment as a school administrator, the school administrator held career status as a teacher in the local school administrative unit in which he or she is employed as a school administrator, the school administrator shall retain career status as a teacher if the school administrator is not offered a new, renewed, or extended contract by the local board of education, unless the school administrator voluntarily relinquished career status or is dismissed or demoted pursuant to G.S. 115C-325.

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

SECTION 2.(f) G.S. 115C-296(b)(1)a.1. reads as rewritten:

"1. Continuing licensure of a teacher as defined in ~~G.S. 115C-325(6)~~ G.S. 115C-325(6), or a teacher as defined in G.S. 115C-325.1(6), who has (i) 30 or more years of teaching experience in North Carolina upon the date of retirement of the teacher and (ii) served as a substitute teacher at least once every three years since retirement."

SECTION 2.(g) G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter. In addition, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 2003-2004 school year for any school year thereafter. In addition, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 2014-2015 school year for any school year thereafter.

Each local board of education shall establish a set date on which monthly salary payments to State-allotted teachers shall be made. This set pay date may differ from the end of the month of service. The daily rate of pay for teachers shall equal midway between one twenty-first and one twenty-second of the monthly rate of pay.

Except for teachers employed in a year-round school or paid in accordance with a year-round calendar, or both, the initial pay date for teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment.

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or G.S. 115C-325.4 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. The request shall be filed in the local school administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the local school administrative unit. Teachers employed for a period of less than 10 months shall not receive their salaries in 12 installments.

Notwithstanding this subsection, the term "daily rate of pay" for the purpose of G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

SECTION 2.(h) G.S. 115C-325.1 reads as rewritten:

"§ 115C-325.1. Definitions.

~~As~~Except as otherwise provided in G.S. 115C-325, as used in this Part, the following definitions apply:

...."

SECTION 2.(i) G.S. 115C-404(b) reads as rewritten:

"(b) Documents received under this section shall be used only to protect the safety of or to improve the education opportunities for the student or others. Information gained in accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a student. Upon receipt of each document, the principal shall share the document with those individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student, and (ii) a specific need to know in order to protect the safety of the student or others. Those individuals shall indicate in writing that they have read the document and that they agree to maintain its confidentiality. Failure to maintain the confidentiality of these documents as required by this section is grounds for the dismissal of an employee who is not employed on contract, grounds for dismissal of an employee on contract in accordance with G.S. 115C-325.4(a)(9), and grounds for dismissal of an employee who is a career ~~teacher~~employee in accordance with G.S. 115C-325(e)(1)i."

SECTION 2.(j) G.S. 116-239.10(4) reads as rewritten:

"(4) Leave of absence from local school administrative unit. – If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at the lab school, the local school administrative unit shall grant the leave for one year. For the initial year of the lab school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of the lab school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that local board under this subdivision. ~~AA teacher who has received a leave of absence to teach at a lab school may return to a public school in the local school administrative unit at the end of the leave of absence or upon the end of employment at the lab school if an appropriate position is available. If a teacher who~~ has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at the lab school, the teacher may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the lab school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers in accordance with G.S. 115C-325(e)(2)."

SECTION 2.(k) G.S. 143B-146.8(b) reads as rewritten:

"(b) Action Plans. – If a licensed employee in a participating school that has been identified as low-performing receives an unsatisfactory or below standard rating on any function of the evaluation that is related to the employee's instructional duties, the individual or team that conducted the evaluation shall recommend to the principal that: (i) the employee receive an action plan designed to improve the employee's performance; or (ii) the principal recommend that the employee who is a career ~~teacher~~ employee be dismissed or demoted as provided in G.S. 115C-325 or the employee who is a teacher on contract not be recommended for renewal; or (iii) if the employee who is a teacher on contract engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment that a proceeding for immediate dismissal or demotion under G.S. 115C-325.4 be instituted. The principal shall determine whether to develop an action plan, to not recommend renewal of the employee's contract, or to recommend a dismissal proceeding. The person who evaluated the employee or the employee's supervisor shall develop the action plan unless an assistance team or assessment team conducted the evaluation. If an assistance team or assessment team conducted the evaluation, that team shall develop the action plan in collaboration with the employee's supervisor. Action plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The State Board shall develop guidelines that include strategies to assist in evaluating licensed personnel and developing effective action plans within the time allotted under this section. The State Board may adopt policies for the development and implementation of action plans or professional development plans for personnel who do not require action plans under this section."

SECTION 2.(l) Section 9.6(i) of S.L. 2013-360 is repealed.

SECTION 2.(m) Section 9.6(j) of S.L. 2013-360 reads as rewritten:

"**SECTION 9.6.(j)** Subsection (b) of this section becomes effective July 1, 2014. G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers on ~~one- or one-, two-, or four-~~ year contracts beginning July 1, 2014. ~~G.S. 115C-325.1 through G.S. 115C-325.13, as enacted by this section, shall apply to all teachers employed by local boards of education or the State on or after July 1, 2018."~~

SECTION 2.(n) Sections 9.7(o) through 9.7(t) of S.L. 2013-360 and Sections 9.7(v) through 9.7(x) of S.L. 2013-360 are repealed.

SECTION 2.(o) Section 9.7(y) of S.L. 2013-360 reads as rewritten:

"**SECTION 9.7.(y)** Subsection (u) of this section becomes effective August 1, 2013. Subsections (a) through (n) of this section become effective July 1, 2014. ~~Subsections (o) through (t) and (v) through (x) become effective June 30, 2018."~~

SECTION 2.(p) Section 8.38(c) of S.L. 2015-241 is repealed.

SECTION 2.(q) This section is effective when it becomes law.

PART III. AUTHORIZE ASSISTANT PRINCIPALS AT CERTAIN SCHOOLS TO CONDUCT EVALUATIONS FOR BEGINNING TEACHERS

SECTION 3.(a) **G.S. 115C-333(a)** reads as rewritten:

"(a) Annual Evaluations; Low-Performing Schools. – Local school administrative units shall evaluate at least once each year all licensed employees assigned to a school that has been identified as low-performing. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of a mandatory improvement plan if one is recommended under subsection (b) of this section. If the employee is a teacher with career status as defined under G.S. 115C-325(a)(6), or a teacher as defined under G.S. 115C-325.1(6), either the principal, the assistant principal who supervises the teacher, or an assistance team assigned under G.S. 115C-105.38 shall conduct the evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct the evaluation.

All teachers in low-performing schools who have been employed for less than three consecutive years shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. For high schools with at least 1,500 students, the annual evaluation may be conducted by an assistant principal, provided that at least one evaluation in such a teacher's first three years of employment is conducted by a principal. All teachers in low-performing schools who have been licensed as a teacher for less than two years shall be observed at least three times annually by the principal or the principal's designee, at least once annually by a teacher, and at least once annually by a principal, and at least two of those observations shall be conducted in the first semester of the school year, and if practicable, at least one of those observations shall be conducted within the first grading

period of the school year. This section shall not be construed to limit the duties and authority of an assistance team assigned to a low-performing school under G.S. 115C-105.38.

A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board."

SECTION 3.(b) G.S. 115C-333.1(a) reads as rewritten:

"(a) Annual Evaluations. – All teachers who are assigned to schools that are not designated as low-performing and who have not been employed for at least three consecutive years shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. For high schools with at least 1,500 students, the annual evaluation may be conducted by an assistant principal, provided that at least one evaluation in such a teacher's first three years of employment is conducted by a principal. All teachers who are assigned to schools that are not designated as low-performing and who have been licensed as a teacher for less than two years shall be observed at least three times annually by the principal or the principal's designee, at least once annually by a teacher, and at least once annually by a principal, and at least two of those observations shall be conducted in the first semester of the school year, and if practicable, at least one of those observations shall be conducted within the first grading period of the school year. All teachers with career status or on a four-year contract who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow teachers with career status or on a four-year contract to be evaluated more or less frequently, provided that such rules are not inconsistent with State or federal requirements. Local boards also may adopt rules requiring the annual evaluation of nonlicensed employees. A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board."

SECTION 3.(c) This section is effective when it becomes law and applies beginning with the 2017-2018 school year.

PART IV. SUPERINTENDENT STUDY STUDENT HEALTH ISSUES

SECTION 4.(a) The Superintendent of Public Instruction shall convene a work group to study effective and positive intervention measures or policy changes to address risky behaviors and encourage student health and mental health. The work group shall consist of personnel from within the Department of Public Instruction with expertise in student health issues, including mental health, as well as personnel from the Department of Health and Human Services, Division of Public Health. The Superintendent may also appoint representatives from various public and private stakeholder groups as well as representatives from local school administrative units and charter schools. The Superintendent shall report on the work group's findings and recommendations to the State Board of Education and the Joint Legislative Education Oversight Committee by April 1, 2018.

SECTION 4.(b) This section is effective when it becomes law.

PART V. STATE BOARD OF EDUCATION INTERAGENCY ADVISORY COMMITTEE AND SCHOOL-BASED MENTAL HEALTH INITIATIVE DELAY IMPLEMENTATION

SECTION 5.(a) The State Board of Education shall not adopt or implement any policies or recommendations from the Interagency Advisory Committee established by the State Board of Education in Policy ADVS-009 until October 1, 2018.

SECTION 5.(b) The State Board of Education shall change the timelines for the development and implementation of plans and training required by Policy SHLT-003 regarding school-based student mental health initiatives as follows for local school administrative units: (i) development of the plans to assess mental health and substance use needs shall occur during the 2018-2019 school year; (ii) the implementation plan and three-year review cycle shall commence in the 2019-2020 school year; and (iii) school mental health training will be provided by the Department of Public Instruction to the local school administrative units during the 2019-2020 school year. The State Board of Education shall change the timelines for the development and implementation of plans and training required by Policy SHLT-003 regarding school-based student mental health initiatives as follows for charter schools: (i) development of the plans to assess mental health and substance use needs shall occur during the 2019-2020 school year; (ii) the implementation plan and three-year

review cycle shall commence in the 2020-2021 school year; and (iii) school mental health training will be provided by the Department of Public Instruction to charter schools during the 2020-2021 school year.

SECTION 5.(c) The State Board of Education shall provide notice to local school administrative units participating in the "Whole School, Whole Community, Whole Child" pilot program regarding Parts IV and V of this act and shall allow the units to withdraw from the pilot program at their discretion.

SECTION 5.(d) This section is effective when it becomes law.

PART VI. STUDY/EXPAND COMPUTER SCIENCE TO ALL STUDENTS

SECTION 6.(a) The Superintendent of Public Instruction and the Department of Public Instruction, in collaboration with the Friday Institute for Educational Innovation at North Carolina State University (Friday Institute) and the North Carolina School of Science and Mathematics (NC School of Science and Math), shall develop recommendations to further the teaching and student learning of computational thinking and computer science in North Carolina K-12 schools. In developing recommendations, the Superintendent and the Department, in collaboration with the Friday Institute and the NC School of Science and Math, shall do at least the following:

- (1) Develop curriculum guidelines that are aligned with K-12 Computer Science Framework (October 2016) developed by the CSforAll Consortium.
- (2) Develop recommendations to increase the number of teachers prepared to teach computational thinking and computer science, addressing both preservice educator preparation for teachers and professional development for in-service teachers.
- (3) Develop policy recommendations.
- (4) Align recommendations with the ongoing implementation of the Digital Learning Plan in North Carolina by the Department and the Friday Institute.

SECTION 6.(b) By January 15, 2018, the Superintendent of Public Instruction shall report to the Joint Legislative Education Oversight Committee on the recommendations, including any proposed legislation, developed in accordance with this act.

SECTION 6.(c) This section is effective when it becomes law.

PART VII. EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:38 a.m. this 21st day of July, 2017

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-57
SENATE BILL 257**

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT AND INTRODUCTION

TITLE OF ACT

SECTION 1.1. This act shall be known as the "Current Operations Appropriations Act of 2017."

INTRODUCTION

SECTION 1.2. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

PART II. CURRENT OPERATIONS AND EXPANSION GENERAL FUND

CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for the fiscal biennium ending June 30, 2019, according to the following schedule:

Current Operations – General Fund	FY 2017-2018	FY 2018-2019
EDUCATION		
Community Colleges System Office	\$ 1,121,815,001	\$ 1,141,757,845
Department of Public Instruction	9,046,403,622	9,425,109,426
Appalachian State University	134,672,993	134,672,993
East Carolina University		
Academic Affairs	214,598,809	214,598,809
Health Affairs	74,373,798	75,014,745
Elizabeth City State University	31,964,712	31,154,712
Fayetteville State University	52,116,162	52,116,162
NC A&T State University	92,703,482	92,703,482
NC Central University	83,243,559	83,243,559
NC State University		
Academic Affairs	410,148,050	407,648,050
Agricultural Extension	39,095,231	39,195,231
Agricultural Research	52,636,905	52,636,905
UNC-Asheville	38,750,625	38,750,625

of Representatives shall each appoint a cochair of the Task Force from among its membership. These appointments shall be made no later than September 1, 2017.

It is expected that the makeup of the Task Force reflect geographic and urban/rural diversity. At least one member of the House of Representatives and at least one member of the Senate shall be from the minority party of their respective chambers.

SECTION 7.23D.(c) In consultation with the State Board of Education and the Department of Public Instruction, the Task Force shall study various weighted student formula funding models and develop a new funding model for the elementary and secondary public schools of North Carolina based on a weighted student formula. As a part of this process, the Task Force shall do all of the following:

- (1) Review the State's current public school allotment system and undertake an in-depth study of various types of weighted student formula funding models. In its study, the Task Force is encouraged to consider models used by other states.
- (2) Determine the base amount of funds that must be distributed on a per student basis to cover the cost of educating a student in the State.
- (3) Identify the student characteristics eligible for weighted funding and the associated weights for each of these characteristics.
- (4) Resolve the extent to which the base amount of funds to be distributed would be adjusted based on the characteristics of each local school administrative unit.
- (5) Decide which funding elements, if any, would remain outside the base of funds to be distributed under a weighted student formula.
- (6) Study other funding models for elementary and secondary public schools, including public charter schools, in addition to the weighted student funding formula.
- (7) Study funding models to provide children with disabilities with a free appropriate public education. This shall include a consideration of economies of scale, the advisability and practicality of capping additional funding for children with disabilities, and additional costs associated with services required for particular disabilities.
- (8) Study any other issue the Task Force considers relevant.

SECTION 7.23D.(d) The Task Force shall meet upon the call of its cochairs. A quorum of the Task Force is a majority of its members. No action may be taken except by a majority vote at a meeting at which a quorum is present. The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services. Members of the Task Force shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1. The expenses of the Task Force shall be considered expenses incurred for the joint operation of the General Assembly.

SECTION 7.23D.(e) The Legislative Services Officer shall assign professional and clerical staff to assist the Task Force in its work. The Director of Legislative Assistants of the House of Representatives and the Director of Legislative Assistants of the Senate shall assign clerical support to the Task Force.

SECTION 7.23D.(f) Meetings of the Task Force shall begin no later than October 1, 2017. The Task Force shall submit a final report on the results of its study and development, including proposed legislation, to the Joint Legislative Education Oversight Committee on or before October 1, 2018, by filing a copy of the report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, the Joint Legislative Education Oversight Committee, and the Legislative Library. The Task Force shall terminate on October 1, 2018, or upon the filing of its final report, whichever comes first.

ELIMINATE ANALYSIS OF STUDENT WORK PROCESS FOR TEACHER EVALUATIONS

SECTION 7.23E.(a) The State Board of Education shall eliminate the use of the analysis of student work process and shall prohibit use of an analysis of student work process to assess teacher performance and professional growth as part of the North Carolina Teacher Evaluation System.

SECTION 7.23E.(b) The consolidated State plan to be submitted by the State Board of Education and the Department of Public Instruction to the U.S. Department of Education as required by the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301, et seq., as amended by the Every Student Succeeds Act, P.L. 114-95, shall reflect the requirements of subsection (a) of this section.

MOST TEXT APPLIES ONLY TO THE 2017-2019 FISCAL BIENNIUM

SECTION 39.4. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2017-2019 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2017-2019 fiscal biennium.

EFFECT OF HEADINGS

SECTION 39.5. The headings to the Parts, subparts, and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a Part or subpart.

SEVERABILITY CLAUSE

SECTION 39.6. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

SECTION 39.7. Except as otherwise provided, this act becomes effective July 1, 2017.
In the General Assembly read three times and ratified this the 22nd day of June, 2017.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 10:38 a.m. this 28th day of June, 2017.

s/ James White
House Principal Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2017-156
HOUSE BILL 487

AN ACT TO PROVIDE DEFINITIONS TO CLARIFY THE NATIONAL GUARD REEMPLOYMENT RIGHTS AND TO EXTEND THE REEMPLOYMENT APPLICATION PERIOD FOR NATIONAL GUARD MEMBERS WHO HAVE INCURRED AN INJURY DURING THE PERFORMANCE OF STATE ACTIVE DUTY AND TO ADD ADDITIONAL PROTECTIONS FOR ACTIVE AND RESERVE NATIONAL GUARD MEMBERS UPON EARLY TERMINATION OF A RENTAL AGREEMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 16 of Chapter 127A of the General Statutes reads as rewritten:

"Article 16.

"National Guard Reemployment Rights.

"§ 127A-201. Entitlement.

Any member of the North Carolina National Guard or the National Guard of another state who, at the direction of a state's Governor, enters State-state duty, is entitled, upon honorable release from State-state duty, to all the reemployment rights provided for in this Article.

"§ 127A-201.1. Definitions.

The following definitions apply in this Article:

- (1) Benefit of employment. – A term, condition, or privilege of employment, including any wages, salary, advantage, profit, privilege, gain, status, account, or interest that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice. The definition also includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.
- (2) Qualified. – Having the ability to perform the essential tasks of an employment position.
- (3) Seniority. – Longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.
- (4) State duty. – Any of the following:
 - a. In the case of a member of the North Carolina National Guard, State active duty under an order of the Governor pursuant to this Chapter.
 - b. In the case of a member of the National Guard of another state, service under an order of the governor of that state, which is similar to State active duty.

"§ 127A-202. Rights.

(a) Upon release from state duty, Release From State Duty. – Upon an employee's release from state duty, the employee's previous employer shall reemploy the employee in the employee's previous position within five days of the employee's release from state duty. If the employee's state duty lasted 30 days or less, the employee shall make written application to the employee's previous employer for reemployment no later than the first regularly scheduled work period which begins eight hours after the employee has safely traveled from the place of state service to the employee's residence. If the employee's state duty lasted more than 30 days, the employee shall make written application to the employee's previous employer for reemployment within ~~five~~ 14 days of the employee's release from ~~duty or from hospitalization continuing after release.~~ state duty. If the employee is still qualified for the employee's previous employment, the employee shall be restored to ~~his~~ the employee's previous position or to a position of like seniority, ~~status~~ status, and salary, unless the employer's circumstances now make the restoration unreasonable. If the employee is no longer qualified for the employee's previous employment, the employee shall be placed in another position, for which the employee is qualified, and

which will give the employee appropriate seniority, ~~status~~status, and salary, unless the employer's circumstances now make the placement unreasonable.

(b) Period of Recovery. – Notwithstanding the time limitations of subsection (a) of this section, if an employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of state duty, the employee shall make written application for reemployment within the period of recovery. The period of recovery is the period necessary for the employee to recover from the illness or injury, not to exceed two years unless the Commissioner of Labor extends the period. The Commissioner may extend the two-year period of recovery only if (i) the employee files with the Commissioner a written request for extension at least 15 days prior to the expiration of the two-year period of recovery and (ii) the Commissioner finds that reemployment during the two-year period would place an undue burden on the employee. The Commissioner, if extending the two-year period of recovery, shall notify the employee's previous employer of the amount of the extension. A party who is dissatisfied with a decision of the Commissioner may commence a contested case under Article 3 of Chapter 150B of the General Statutes.

...

"§ 127A-203. Penalties for denial.

If any employer, public or private, fails or refuses to comply with G.S. 127A-202, the superior court for the district of the employer's place of business may, upon the filing of a motion, petition, or other appropriate pleading by the employee, require the employer to comply with G.S. 127A-202 and to compensate the employee for any loss of wages or benefits of employment suffered by reason of the employer's unlawful failure or refusal."

SECTION 2. G.S. 42-45 reads as rewritten:

"§ 42-45. Early termination of rental agreement by military personnel, surviving family members, or lawful representative.

(a) Any member of the Armed Forces of the United ~~States~~States, the Active Guard and Reserve under section 101 of Title 10 of the United States Code, or a military technician under section 10216 of Title 10 of the United States Code who (i) is required to move pursuant to permanent change of station orders to depart 50 miles or more from the location of the dwelling unit, or (ii) is prematurely or involuntarily discharged or released from active duty with the Armed Forces of the United States, may terminate the member's rental agreement for a dwelling unit by providing the landlord with a written notice of termination to be effective on a date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the member's commanding officer.

(a1) Any member of the Armed Forces of the United ~~States~~States, the Active Guard and Reserve under section 101 of Title 10 of the United States Code, or a military technician under section 10216 of Title 10 of the United States Code who is deployed with a military unit for a period of not less than 90 days may terminate the member's rental agreement for a dwelling unit by providing the landlord with a written notice of termination. The notice to the landlord must be accompanied by either a copy of the official military orders or a written verification signed by the member's commanding officer. Termination of a lease pursuant to this subsection is effective 30 days after the first date on which the next rental payment is due or 45 days after the landlord's receipt of the notice, whichever is shorter, and payable after the date on which the notice of termination is delivered.

(a2) Upon termination of a rental agreement under this section, the tenant is liable for the rent due under the rental agreement prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the rental agreement. The tenant is not liable for any other rent or damages due to the early termination of the tenancy except the liquidated damages provided in subsection (b) of this section. If a member terminates the rental agreement pursuant to this section 14 or more days prior to occupancy, no damages or penalties of any kind shall be due.

(a3) If a member of the Armed Forces of the United ~~States~~States, the Active Guard and Reserve under section 101 of Title 10 of the United States Code, or a military technician under section 10216 of Title 10 of the United States Code dies while on active duty, then an immediate family member, or a lawful representative of the member's estate, may terminate the member's rental agreement for a dwelling unit by providing the landlord with a written notice of termination to be effective on the date described in subsection (a1) of this section. A copy of the death certificate, official military personnel casualty report, or letter from the commanding officer verifying the member's death must accompany the notice for this subsection to be effective. Termination of the

member's lease obligations under this subsection shall also terminate the lease obligations of any cotenants who are immediate family members. If the member was a cotenant with a person who is not an immediate family member, then the termination shall relate only to the obligation of the member under the rental agreement. The prorated charges in subsection (a2) of this section and the liquidated damages provisions of subsection (b) of this section shall apply to any claims against the member's estate.

(b) In consideration of early termination of the rental agreement, the tenant is liable to the landlord for liquidated damages provided the tenant has completed less than nine months of the tenancy and the landlord has suffered actual damages due to loss of the tenancy. The liquidated damages shall be in an amount no greater than one month's rent if the tenant has completed less than six months of the tenancy as of the effective date of termination, or one-half of one month's rent if the tenant has completed at least six but less than nine months of the tenancy as of the effective date of termination.

(c) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances. Nothing in this section shall affect the rights established by G.S. 42-3."

SECTION 3. This act is effective when it becomes law. Section 1 of this act applies to state duty, as defined in this act, commencing on or after that date. Section 2 of this act applies to lease agreements entered into on or after that date.

In the General Assembly read three times and ratified this the 30th day of June, 2017.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 10:12 a.m. this 21st day of July, 2017

§ 115C-325.3. (See Editor's note for applicability) Teacher contracts.

(a) Length of Contract. – A contract between the local board of education and a teacher who has been employed by the local board of education for less than three years shall be for a term of one school year. A contract or renewal of contract between the local board of education and a teacher who has been employed by the local board of education for three years or more shall be for a term of one, two, or four school years.

(b) Superintendent Recommendation to Local Board. – Local boards of education shall employ teachers upon the recommendation of the superintendent. If a superintendent intends to recommend to the local board of education that a teacher be offered a new or renewed contract, the superintendent shall submit the recommendation to the local board for action and shall include in the recommendation the length of the term of contract. A superintendent shall only recommend a teacher for a contract of a term longer than one school year if the teacher has shown effectiveness as demonstrated by proficiency on the evaluation instrument. The local board may approve the superintendent's recommendation, may decide not to offer the teacher a new or renewed contract, or may decide to offer the teacher a renewed contract for a different term than recommended by the superintendent.

(c) Dismissal During Term of Contract. – A teacher shall not be dismissed or demoted during the term of the contract except for the grounds and by the procedure set forth in G.S. 115C-325.4.

(d) Recommendation on Nonrenewal. – If a superintendent decides not to recommend that the local board of education offer a renewed contract to a teacher, the superintendent shall give the teacher written notice of the decision no later than June 1.

(e) Right to Petition for Hearing. – A teacher shall have the right to petition the local board of education for a hearing no later than 10 days after receiving written notice. The local board may, in its discretion, grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board of education shall notify the teacher making the petition of its decision whether to grant a hearing. If the request for a hearing is granted, the local board shall conduct a hearing pursuant to the provisions of G.S. 115C-45(c) and make a final decision on whether to offer the teacher a renewed contract. The board shall notify a teacher whose contract will not be renewed for the next school year of its decision by June 15; provided, however, if a teacher submits a request for a hearing, the board shall provide the nonrenewal notification within 10 days of the hearing or such later date upon the written consent of the superintendent and teacher. A decision not to offer a teacher a renewed contract shall not be arbitrary, capricious, discriminatory, for personal or political reasons, or on any basis prohibited by State or federal law.

(f) Failure to Offer Contract or Notify on Nonrenewal of Contract. – If a teacher fails to receive a contract offer but does not receive written notification from the superintendent of a recommendation of nonrenewal, and the teacher continues to teach in the local school administrative unit without entering into a contract with the local board, upon discovery of the absence of contract, the board by majority vote shall do one of the following:

- (1) Offer the teacher a one-year contract expiring no later than June 30 of the current school year.
- (2) Dismiss the teacher and provide the teacher with the equivalent of one additional month's pay. A teacher dismissed as provided in this section shall be considered an at-will employee and shall not be entitled to a hearing or appeal of the dismissal.

(g) Local boards of education and teachers employed by the local board may mutually modify the terms of the contract to permit part-time employment. An individual that mutually

modifies a full-time contract to permit part-time employment or enters into a part-time contract is not a teacher as defined in G.S. 115C-325.1(6). (2013-360, s. 9.6(b).)