

2016 Education Bill Summary

March 24, 2016

- 1. Part 1 – limits Superintendent’s severance pay to one year salary and bonus.**
- 2. Part 2 – teacher pay not a public record to help facilitate differentiated pay.**
- 3. Part 3 – teach without a license with a Masters or Doctorate degree in content area.**
- 4. Part 4 – expedites licensing for spouses of active duty military personnel.**
- 5. Part 5 – eliminates “break in service” penalty for Assistant Principals and Principals pay.**

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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BILL DRAFT 2015-MK-176A [v.2] (03/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: Public School Employees. (Public)

Sponsors: Representative Stam.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE AMOUNT OF SEVERANCE WAGES PAID TO A
3 SUPERINTENDENT WHEN A LOCAL BOARD OF EDUCATION TERMINATES A
4 SUPERINTENDENT'S CONTRACT; TO LIMIT THE INDIVIDUAL SALARY
5 INFORMATION MADE AVAILABLE FOR INSPECTION AND EXAMINATION BY THE
6 PUBLIC TO CERTAIN PUBLIC SCHOOL EMPLOYEES; TO PROVIDE AN EXCEPTION
7 TO TEACHER LICENSURE FOR INDIVIDUALS WHO HOLD A MASTERS OR
8 DOCTORATE DEGREE; TO EXPEDITE THE ISSUANCE OF TEACHING LICENSES TO
9 MILITARY SPOUSES; AND TO BROADEN THE ELIGIBILITY FOR TEACHERS WHO
10 BECOME ASSISTANT PRINCIPALS AND ASSISTANT PRINCIPALS WHO BECOME
11 PRINCIPALS TO RECEIVE AT LEAST THE SAME SALARY AS THEY WOULD HAVE
12 RECEIVED IN THEIR PRIOR POSITION IN THE LOCAL SCHOOL ADMINISTRATIVE
13 UNIT.

14 The General Assembly of North Carolina enacts:

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16 PART I. SUPERINTENDENT CONTRACTS

17 SECTION 1.1. G.S. 115C-271(d) reads as rewritten:

18 "(d) A local board may terminate the superintendent's contract before the contract term of
19 employment has expired so long as all the following conditions are met:

- 20 (1) No State funds are used for this purpose.
21 (2) Local funds appropriated for teachers, textbooks, or classroom materials,
22 supplies, and equipment are not transferred or used for this purpose.
23 (3) The local board makes public the funds that are to be transferred or used for this
24 purpose.
25 (4) The local board notifies the State Board of the funds that are to be transferred or
26 used for this purpose.
27 (5) No funds acquired through donation or fund-raising are used for this purpose,
28 except for funds raised specifically for this purpose or for funds donated by
29 private for-profit corporations.
30 (6) The amount of severance wages paid to the superintendent does not exceed the
31 aggregate annual salary that the superintendent would have received for one
32 year of employment. For the purposes of this subdivision, the aggregate annual
33 salary shall be determined based on the salary amount received immediately



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1 prior to termination of the contract and includes salary and bonuses paid by the
2 local board of education.

3 Immediately upon receipt of the notification from a local board under this subsection, the State
4 Board shall review the accounts of that local school administrative unit. If the State Board finds
5 that the local board failed to meet all the conditions set out in this subsection, the State Board shall
6 issue a warning to the local board as provided in G.S. 115C-451 and, in addition to any other
7 actions the State Board may take under G.S. 115C-451, shall order the local board to take action to
8 comply with this subsection."

9 **SECTION 1.2.** This section applies to contracts entered into, renewed, or extended on
10 or after the date this act becomes law.

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12 **PART II. SALARY INFORMATION FOR SCHOOL EMPLOYEES**

13 **SECTION 2.1.** G.S. 115C-319 reads as rewritten:

14 **"§ 115C-319. Personnel files not subject to inspection.**

15 Personnel files of employees of local boards of education, former employees of local boards of
16 education, or applicants for employment with local boards of education shall not be subject to
17 inspection and examination as authorized by G.S. 132-6. For purposes of this Article, a personnel
18 file consists of any information gathered by the local board of education which employs an
19 individual, previously employed an individual, or considered an individual's application for
20 employment, and which information relates to the individual's application, selection or
21 nonselection, promotion, demotion, transfer, leave, salary, accrual of retirement benefits,
22 suspension, performance evaluation, disciplinary action, or termination of employment wherever
23 located or in whatever form.

24 Nothing in this section shall be construed to prevent local boards of education from disclosing
25 the certification/licensure status and other information about employees as required by Section
26 1111(h)(6) of P.L. 107-110.

27 For the purposes of this Article, a local board of education includes (i) a local board as defined
28 in G.S. 115C-5(5) and (ii) a board of directors of a charter school as provided in
29 G.S. 115C-218.15, and in accordance with G.S. 115C-218.25."

30 **SECTION 2.2.** G.S. 115C-320 reads as rewritten:

31 **"§ 115C-320. Certain records open to inspection.**

32 (a) Each local board of education shall maintain a record of each of its employees,
33 showing the following information with respect to each ~~employee:employee~~ as follows:

- 34 (1) Name.
- 35 (2) Age.
- 36 (3) Date of original employment or appointment.
- 37 (4) The terms of any contract by which the employee is employed whether written
38 or oral, past and current, to the extent that the board has the written contract or a
39 record of the oral contract in its possession.
- 40 (5) Current position.
- 41 (6) Title.
- 42 (7) Current salary. If an employee is a central office administrator, school-based
43 administrator, or a charter school principal or school-based administrator
44 directly employed by the board of directors of the charter school, the current
45 salary and the date and amount of each increase or decrease in salary with that
46 local board of education. The local board of education shall not include salary
47 information in the record required by this subsection for any other employees.
- 48 (8) ~~Date and amount of each increase or decrease in salary with that local board of~~
49 ~~education.~~
- 50 (9) Date and type of each promotion, demotion, transfer, suspension, separation, or
51 other change in position classification with that local board of education.

- 1 (10) Date and general description of the reasons for each promotion with that local
2 board of education.
- 3 (11) Date and type of each dismissal, suspension, or demotion for disciplinary
4 reasons taken by the local board of education. If the disciplinary action was a
5 dismissal, a copy of the written notice of the final decision of the local board
6 education setting forth the specific acts or omissions that are the basis of the
7 dismissal.
- 8 (12) The office or station to which the employee is currently assigned.

9 (a1) Each local board of education shall maintain a record for inspection and examination
10 under this section of the salary schedules, graded pay ranges, and benefits applicable to all of its
11 employees, including the State salary schedules, any State-funded salary supplements, and local
12 salary schedules and supplements.

13 (b) For the purposes of this section, the term "salary" includes pay, benefits, incentives,
14 bonuses, and deferred and all other forms of compensation paid by the employing entity.

15 (c) Subject only to rules and regulations for the safekeeping of records adopted by the
16 local board of education, every person having custody of the records shall permit them to be
17 inspected and examined and copies made by any person during regular business hours. The name
18 of a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the
19 General Statutes shall not be open to inspection and shall be redacted from any record released
20 pursuant to this section. Any person who is denied access to any record for the purpose of
21 inspecting, examining or copying the record shall have a right to compel compliance with the
22 provisions of this section by application to a court of competent jurisdiction for a writ of
23 mandamus or other appropriate relief.

24 (d) Nothing in this Article shall be construed to prohibit the State Board of Education and
25 the Department of Public Instruction from collecting, processing, and reporting fiscal and
26 personnel information as part of the Uniform Education Reporting System under
27 G.S. 115C-12(18)."

28 **SECTION 2.3.** G.S. 135-6 is amended by adding a new subsection to read:

29 "(p1) **Personnel Files of Public School Personnel.** – Any information held by Retirement
30 System pertaining to the accrual of retirement benefits of public school employees shall be
31 considered a personnel file as defined in G.S. 115C-319. The Retirement System shall not disclose
32 this information to any person unless otherwise permitted by law."

33

34 **PART III. EXCEPTION TO TEACHER LICENSURE FOR INDIVIDUALS WITH**
35 **MASTERS/DOCTORATE DEGREES**

36 **SECTION 3.1.** G.S. 115C-295 reads as rewritten:

37 "**§ 115C-295. ~~Minimum age and certificate prerequisites: age, employment requirements,~~**
38 **and exceptions to licensure.**

39 (a) ~~All teachers employed in the public schools of the State or in schools receiving public~~
40 ~~funds, by local boards of education and State agencies shall be required either to hold or be~~
41 ~~qualified to hold a certificate license, except for those individuals who hold a masters or doctorate~~
42 ~~degree as provided in subsection (c) of this section, in compliance with the provision of the law or~~
43 ~~in accordance with the regulations of the State Board of Education: Provided, that nothing herein~~
44 ~~shall prevent the employment of temporary personnel under such rules as the State Board of~~
45 ~~Education may prescribe: Provided further, that no person shall be employed to teach who is under~~
46 ~~18 years of age.~~

47 (b) ~~Except as otherwise provided in subsection (c) of this section, it shall be unlawful for~~
48 ~~any board of education to employ or keep in service any teacher who neither holds nor is qualified~~
49 ~~to hold a certificate license in compliance with the provision of the law or in accordance with the~~
50 ~~regulations of the State Board of Education.~~

1 (c) An individual who holds a masters or doctorate degree may be employed to teach a
2 course of instruction in grades seven through 12 in the subject area in which the individual holds
3 the masters or doctorate degree without being required to hold a teaching license in accordance
4 with G.S. 115C-296. The individual shall be subject to all other requirements applicable to
5 teachers, including in-service training, and shall be eligible for employment benefits provided to
6 teachers. The State Board of Education shall adopt rules to establish procedures for the
7 employment of these individuals in schools, including determining service credit for the purposes
8 of compensation and the qualifications required for teaching in the appropriate grade and the
9 subject area in which an individual may hold a masters or doctorate degree."

10 **SECTION 3.2.** G.S. 115C-296(a) reads as rewritten:

11 (a) The State Board of Education shall have entire control of licensing all applicants for
12 teaching positions requiring licensure in all the public schools of North Carolina; and it shall
13 prescribe the rules and regulations for the renewal and extension of all licenses and shall
14 determine and fix the salary for each grade and type of license which it authorizes.

15 The State Board of Education shall require an applicant for an initial bachelors degree license
16 or graduate degree license to demonstrate the applicant's academic and professional preparation by
17 achieving a prescribed minimum score on a standard examination appropriate and adequate for
18 that purpose. Elementary education (K-6) and special education general curriculum teachers shall
19 also achieve a prescribed minimum score on subtests or standard examinations specific to teaching
20 reading and mathematics. The State Board of Education shall permit an applicant to fulfill any
21 such testing requirement before or during the applicant's second year of teaching provided the
22 applicant took the examination at least once during the first year of teaching. The State Board of
23 Education shall make any required standard initial licensure exam rigorous and raise the
24 prescribed minimum score as necessary to ensure that each applicant has received high-quality
25 academic and professional preparation to teach effectively."

26 **SECTION 3.3.** G.S. 115C-296.12(a) reads as rewritten:

27 **"§ 115C-296.12. Lateral entry teacher education preparation programs.**

28 (a) It is the policy of the State of North Carolina to encourage lateral entry into the
29 profession of teaching by skilled individuals from the private sector. Skilled individuals who
30 choose to enter the profession of teaching laterally may be granted an initial teaching license for
31 no more than three years and shall be required to obtain licensure required for those who have
32 taught more than three years before contracting for a fourth year of service with any local school
33 administrative unit in this State. The requirements of this section shall not apply to individuals
34 employed in accordance with G.S. 115C-295(c). The criteria and procedures for lateral entry shall
35 include preservice training in all of the following areas:

- 36 (1) The identification and education of children with disabilities.
- 37 (2) Positive management of student behavior.
- 38 (3) Effective communication for defusing and deescalating disruptive or dangerous
39 behavior.
- 40 (4) Safe and appropriate use of seclusion and restraint."

41 **SECTION 3.4.** G.S. 115C-303 reads as rewritten:

42 **"§ 115C-303. Withholding of salary.**

43 (a) ~~No~~Except as otherwise provided in G.S. 115C-295, no teacher shall be placed on the
44 payroll of a local school administrative unit unless he or she holds a ~~certificate~~license as required
45 by law, and unless a copy of the teacher's contract has been filed with the superintendent. No
46 teacher may be paid more than he or she is due under the local school salary schedule in force in
47 the local school administrative ~~unit~~unit and any differential pay, incentives, or bonuses provided
48 to the teacher. Substitute and interim teachers shall be paid under rules of the State Board of
49 Education.

1 (b) The board of education may withhold the salary of any teacher who delays or refuses to
2 render such reports as are required by law, but when the reports are delivered in accordance with
3 law, the salary shall be paid forthwith."

4 **SECTION 3.5.** G.S. 115C-325.1(6) reads as rewritten:

5 "(6) "Teacher" means a person meeting each of the following requirements:

- 6 a. Who either is employed under G.S. 115C-295(c) or holds at least one of
7 the following licenses issued by the State Board of Education:
8 1. A current standard professional educator's license.
9 2. A current lateral entry teaching license.
10 3. A regular, not expired, vocational license.
11 b. Whose major responsibility is to teach or directly supervise teaching or
12 who is classified by the State Board of Education or is paid either as a
13 classroom teacher or instructional support personnel.
14 c. Who is employed to fill a full-time, permanent position."
15

16 **PART IV. EXPEDITING MILITARY SPOUSE LICENSURE PROCESS**

17 **SECTION 4.1.** G.S. 115C-296 is amended by adding a new subsection to read:

18 "(a4) The State Board of Education shall adopt rules to expedite the processing of licensure
19 applications submitted by military spouses who meet the requirements of G.S. 93B-15.1, including
20 prioritizing those applications over other applications submitted for licensure."

21 **SECTION 4.2.** Section 8.40 of S.L. 2015-241 reads as rewritten:

22 "**SECTION 8.40.** By October 15, 2016, the Department of Public Instruction shall
23 report to the Joint Legislative Education Oversight Committee regarding the operation of the
24 educator licensure processing system, including implementation of the electronic processing of
25 applications. The report shall include at least the following information:

- 26 (1) The estimated processing time from receipt of application to issuance of a
27 license in each category of licensure, including initial licensure, lateral entry
28 licensure, renewal of a license through the automated electronic system,
29 renewal of a license manually, out-of-state licensure reciprocity, and advanced
30 degrees. In addition, data shall be provided on the estimated processing time for
31 applications submitted by military spouses who meet the requirements of
32 G.S. 93B-15.1 within each category of licensure. The report shall include
33 comparative data related to the processing of licenses in each licensure category
34 prior to August 1, 2015.
35 (2) The schedule of licensure fees and services, including any changes in the prior
36 year made to the fee amounts or services for which fees are charged.
37 (3) Any backlog of the processing of applications existing at the time of the report,
38 including the categories of licensure experiencing such backlog.
39 (4) Data for the following from the prior year:
40 a. Number of applications received and transactions completed.
41 b. Number of newly licensed educators.
42 c. Number of licensure renewals.
43 d. Demographic information regarding currently licensed educators.
44 e. Number of licenses issued by area of licensure and type of license-
45 license, including licenses issued to military spouses who meet the
46 requirements of G.S. 93B-15.1.
47 f. Number of initial licenses for the following:
48 1. Graduates of educator preparation programs.
49 2. Lateral entry.
50 3. International educators.
51 4. Out-of-state educators seeking reciprocity.

5. Military spouses."

SECTION 4.3. The State Board of Education shall develop procedures for Regional Alternative Licensing Centers (RALCs) and approved institutions of higher education (IHEs) to efficiently evaluate and advise military spouses applying for a lateral entry teaching license, including expediting the evaluation process and addressing obstacles to licensure for military spouses. To assist a military spouse applicant in meeting the requirements for a North Carolina teaching license, the State Board shall require that any RALC or IHE evaluating a military spouse who was granted a three year initial teaching license under G.S. 115C-296.12, but was not employed continuously for the three year licensure period due to a deployment or reassignment of the applicant's spouse, contact any other RALCs or IHEs that previously evaluated the military spouse to obtain relevant documentation or information for licensure.

PART V. ASSISTANT PRINCIPAL AND PRINCIPAL SALARIES

SECTION 5.(a) G.S. 115C-285(a) reads as rewritten:

"(a) Principals and supervisors shall be paid promptly when their salaries are due provided the legal requirements for their employment and service have been met. All principals and supervisors employed by any local school administrative unit who are to be paid from local funds shall be paid promptly as provided by law and as state-allotted principals and supervisors are paid.

Principals and supervisors paid from State funds shall be paid as follows:

- ...
- (8) A teacher who becomes an assistant principal ~~without a break in service~~ shall be paid, on a monthly basis, at least as much as he or she would earn as a teacher employed by that local school administrative unit.
- (9) An assistant principal who becomes a principal ~~without a break in service~~ shall be paid, on a monthly basis, at least as much as he or she would earn as an assistant principal employed by that local school administrative unit."

SECTION 5.(b) This section becomes effective July 1, 2016.

PART VI. EFFECTIVE DATE

SECTION 6. Except as otherwise provided in this act, this act is effective when the act becomes law.