

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 272
SENATE BILL 20

AN ACT TO AMEND THE SCHOOL IMPROVEMENT AND ACCOUNTABILITY
ACT OF 1989.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-238.1 reads as rewritten:

"§ 115C-238.1. Performance-based Accountability Program; development and implementation by State Board.

The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall develop and implement a Performance-based Accountability Program. The primary goal of the Program shall be to improve student performance. The State Board of ~~Education~~ Education, after consultation with the Task Force on Site-Based Management, shall adopt:

- (1) Procedures and guidelines through ~~which, beginning with the 1990-91 fiscal year, which~~ which local school administrative units may participate in the Program; and
- (2) Guidelines for developing local school improvement plans with three-year ~~student performance goals and annual milestones to measure progress in meeting those goals;~~ school and student performance goals and strategies to achieve the standards adopted by the State Board. The guidelines shall require each participating local school administrative unit to submit plans for each school in the unit for achieving those goals. The guidelines shall also require each local school administrative unit to report on an annual basis on progress made in achieving those goals at each school in the unit.

The school performance goals may, in the discretion of the State Board, but are not required to include factors such as community involvement, parent involvement, professional development of teachers, and the school climate with regard to the safety of students and employees and the use of positive discipline.

- (3) ~~A set of student performance indicators for measuring and assessing student performance in the participating local school administrative units. These indicators shall include attendance rates, dropout rates, test scores, parent involvement, and post-secondary outcomes; and~~

- (4) ~~Guidelines for school performance indicators for measuring and assessing school performance in the participating local school administrative units. These indicators shall concern how to gauge community involvement, parent involvement, professional development of teachers, and the school climate with regard to the safety of students and employees and the use of positive discipline. These indicators shall not rely predominantly on test scores."~~

Sec. 2. G.S. 115C-238.2(b) reads as rewritten:

"(b) Local school administrative units that participate in the Performance-based Accountability Program:

- (1) Are exempt from State requirements to submit reports and plans, other than local school improvement plans, to the State Board of Education and the Department of Public Instruction. They are not exempt from federal requirements to submit reports and plans to the Department.
- (2) Are subject to the performance standards but not the opportunity standards or the staffing ratios of the State Accreditation Program. ~~The performance standards in the State Accreditation Program, modified to reflect the results of end-of course and end-of grade tests, may serve as the basis for developing the student performance indicators adopted by the State Board of Education pursuant to G.S. 115C-238.1.~~
- (3) ~~May receive funds for differentiated pay for certain State paid employees, in accordance with G.S. 115C-238.4, if they elect to participate in a differentiated pay plan.~~
- (4) May be allowed increased flexibility in the expenditure of State funds, in accordance with G.S. 115C-238.5.
- (5) May be granted waivers of certain State laws, regulations, and policies that inhibit their ability to reach local accountability goals, in accordance with G.S. 115C-238.6(a).
- (6) Shall continue to use the Teacher Performance Appraisal Instrument (TPAI) for evaluating beginning teachers during the first three years of their employment; they may, however, develop other evaluation approaches for teachers who have attained career status.

The Department of Public Instruction shall provide technical assistance, including the provision of model evaluation processes and instruments, to local school administrative units that elect to develop dual personnel evaluation processes. A dual personnel evaluation process includes (i) an evaluation designed to provide information to guide teachers in their professional growth and development, and (ii) an evaluation to provide information to make personnel decisions pertaining to hiring, termination, promotion, and reassignment."

Sec. 3. G.S. 115C-238.3 reads as rewritten:

"§ 115C-238.3. Development of local plans; elements of local plans.

(a) Development of systemwide plan by the local board of education. – The board of education of a local school administrative unit that elects to participate in the Program shall develop and submit a local school improvement plan for the entire local school administrative unit to the State Superintendent of Public Instruction before April 15 of the fiscal year preceding the fiscal year in which participation is sought.

A systemwide improvement plan shall remain in effect for no more than three years.

(b) Establishment of school and student performance goals and a systemwide staff development plan by the local board of education for the systemwide plan. – The local board of education shall establish school and student performance goals and a systemwide staff development plan for the local school administrative unit for inclusion in the systemwide plan. ~~The local board of education shall actively involve an advisory panel composed of a substantial number of teachers, school administrators, other school staff, and parents of children enrolled in the local school administrative unit, in developing the student performance goals for the local school improvement plan. Parents serving on advisory panels shall not be employees of the school unit and shall reflect the racial and socioeconomic composition of the students enrolled in the local school administrative unit. The advisory panel shall ensure substantial parent participation. It is the intent of the General Assembly that teachers have a major role in developing the student performance goals for the local school improvement plan; therefore, at least half of the members participating in this advisory panel shall be teachers. Every teacher in the local school administrative unit shall have an opportunity to elect by secret ballot the teachers who are involved in the advisory panel.~~

(1) School and student performance goals. – The performance goals for the local school administrative unit shall address specific, measurable goals for all ~~student and school performance indicators~~ standards adopted by the State Board. Factors that determine gains in achievement vary from school to school; therefore, socioeconomic factors and previous progress toward school and student performance ~~indicators~~ goals shall be used as the basis of the local school improvement plan.

(2) Systemwide staff development plan. – The systemwide staff development plan shall be consistent with the systemwide goals and shall include a component to accommodate the staff development needs at the building level as expressed in each building's improvement plan. In designing this component of the systemwide staff development plan, direct allocation of a needed portion of the staff development funds to the building level shall be given first priority. Each school building shall have the flexibility to combine its staff development allocation with other schools in the local school administrative unit when the staff development needs of those schools are substantially similar as expressed in their approved building-level plans.

(3) Advisory panel. – The local board of education shall actively involve an advisory panel composed of a substantial number of teachers,

school administrators, other school staff, and parents of children enrolled in the local school administrative unit, in developing and achieving the student and school performance goals for the local school improvement plan. Parents serving on an advisory panel shall not be employees of the school unit and shall reflect the racial and socioeconomic composition of the students enrolled in the local school administrative unit. The advisory panel shall ensure substantial parent participation. It is the intent of the General Assembly that teachers have a major role in developing the school and student performance goals for the local school improvement plan; therefore, at least half of the members participating in this advisory panel shall be teachers. Every teacher in the local school administrative unit shall have an opportunity to elect by secret ballot the teachers who are involved in the advisory panel.

(b1) Development by each school of strategies for attaining local school and student performance goals. – The principal of each school, representatives of the building-level staff, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a building-level plan to address school and student performance goals appropriate to that school from those established by the local board of education. Parents serving on building-level committees school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student outcomes; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school and student performance goals at the building level. To this end, building-level advisory board school improvement team meetings shall be held at a convenient time to assure substantial parent participation. The strategies for attaining local school and student performance goals shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the building-level plan. These strategies may also include requests for waivers of State laws, regulations, or policies for that school. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.

Support among affected staff members is essential to successful implementation of a building-level plan to address school and student performance goals appropriate to a school; therefore, the principal of the school shall present the proposed building-level plan to all of the staff—principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level plan to the local board of education for inclusion in the systemwide

plan only if the proposed building-level plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the building-level plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the ~~principal of the school for which the plan was rejected, representatives of the building level staff, and parents of children enrolled in the school~~ school improvement team may then prepare another plan, present it to the ~~building level staff principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building~~ for a vote, and submit it to the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan.

(b2) Waivers concerning central office staff. – A local board of education may request waivers of State laws, regulations, or policies which are included in the building plans described in subsection (b1) of this section, and it may also request waivers which affect the organization, duties, and assignment of central office staff only. Provided, none of the duties to be performed pursuant to G.S. 115C-436 may be waived. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.

~~(c) Development by each school of a differentiated pay plan for that school; development by the local board of education of a differentiated pay plan for central office personnel.~~

- ~~(1) The local school administrative unit shall consider a plan for differentiated pay. The local plan shall include a plan for differentiated pay, in accordance with G.S. 115C-238.4, unless the local school administrative unit elects not to participate in any differentiated pay plan.~~
- ~~(2) The principal of each school, representatives of the building level staff, and parents of children enrolled in the school shall develop a building level differentiated pay plan for the school when they develop their building level plan to address student performance goals appropriate to the school. By October 1 of each year, the principal shall disclose to all affected personnel the total allocation of funds for differentiated pay. At the end of the fiscal year, the principal shall make available to all affected personnel a report of all disbursement from the building level differentiated pay plan.~~

~~Support among affected staff members is essential to successful implementation of a building-level differentiated pay plan; therefore, the principal of the school shall present the proposed building-level plan to all of the staff assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level differentiated pay plan to the local board of education only if the proposed building-level differentiated pay plan has the approval of a majority of the staff who voted on the plan.~~

~~The local board of education shall accept or reject the building-level differentiated pay plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide differentiated pay plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the principal of the school for which the plan was rejected, representatives of the building-level staff, and parents of children enrolled in the school may then prepare another plan, present it to all of the staff eligible to receive differentiated pay, in accordance with G.S. 115C-238.4(a), for a vote, and submit it to the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school building for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan.~~

- ~~(3) The local board of education shall develop a plan for differentiated pay for all classes of personnel assigned to the central office that the local board determines are participants in the development or implementation of the local school improvement plan, and shall include the plan in the systemwide differentiated pay plan.~~
- ~~(4) A systemwide differentiated pay plan shall remain in effect for no more than three years. At the end of three years, a plan to continue, discontinue, or modify that differentiated pay plan shall be developed in accordance with subdivisions (2) and (3) of this subsection.~~

- (d) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 75.1(b)."
Sec. 4. G.S. 115C-238.6 reads as rewritten:

"§ 115C-238.6. Approval of local school administrative unit plans by the State Superintendent; conditions for continued participation.

(a) Prior to June 30 each year, the State Superintendent shall review local school improvement plans submitted by the local school administrative units in accordance with policies and ~~performance indicators~~ standards adopted by the State Board of Education. ~~Education and shall recommend to the State Board of Education whether the plan should be approved.~~ If the State Superintendent Board of Education approves the

plan for a local school administrative unit, that unit shall participate in the Program for the next fiscal year.

If a local plan contains a request for a waiver of State laws, regulations, or policies, in accordance with G.S. 115C-238.3(b1) or (b2), the State Superintendent shall ~~determine~~ consider and recommend to the State Board whether and to what extent the identified laws, regulations, or policies should be waived. ~~The State Superintendent shall present that plan and his determination to the State Board of Education.~~ If the State Board of Education deems it necessary to do so to enable a local unit to reach its local accountability goals, the State Board, ~~only upon the recommendation of the State Superintendent,~~ Board may grant waivers of:

- (1) State laws pertaining to class size, teacher certification, assignment of teacher assistants, the use of State-adopted textbooks, and the purposes for which State funds for the public schools, ~~except for funds for school health coordinators,~~ schools may be used: ~~Provided, however, the State Board of Education shall not permit the use of funds for teachers for expanded programs under the Basic Education Program for any other purpose; used;~~
- (2) All State regulations and policies, except those pertaining to State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-325, health and safety codes, compulsory school attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board shall not be waived.

Except for waivers requested by the local board in accordance with G.S. 115C-238.3(b2) for central office staff, waivers shall be granted only for the specific schools for which they are requested in building-level plans and shall be used only under the specific circumstances for which they are requested.

(b) Local school administrative units shall continue to participate in the Program ~~and receive funds for differentiated pay, if their local plans call for differentiated pay,~~ so long as (i) they demonstrate satisfactory progress toward school and student performance goals set out in their local school improvement plans; or (ii) once their local goals are met, they continue to achieve their local goals and they otherwise demonstrate satisfactory performance, as determined by the State Superintendent in accordance with guidelines set by the State Board of Education.

~~If the local school administrative units do not achieve their goals after two years, the Department of Public Instruction shall provide them with technical assistance to help them meet their goals. If after one additional year they do not achieve their goals, the State Board of Education shall decide what steps shall be taken to improve the education of students in the unit."~~

Sec. 5. This act becomes effective July 1, 1995, and applies to plans in effect for school years beginning with the 1995-96 school year: Provided, however, a local board is not required to adopt a new plan in accordance with the amendments to G.S. 115C-238.1 set out in Section 1 of this act prior to the 1996-97 school year.

In the General Assembly read three times and ratified this the 19th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives