

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1126*

Education/Higher Education Committee Substitute Adopted 5/20/98

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Short Title: Revise Teacher Comp. Testing.

(Public)

Sponsors:

Referred to:

May 14, 1998

A BILL TO BE ENTITLED
AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE
TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT
SCHOOLS ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-105.38A reads as rewritten:

"§ 115C-105.38A. Teacher competency assurance.

(a) General Knowledge Test. –

(1) Each assistance team assigned to a low-performing school during the 1997-98 school year shall review the team's evaluations of certified staff members to determine which staff members have been designated by the team as Category 3 teachers. The assistance team shall then determine whether lack of general knowledge contributed to the Category 3 designation. If the assistance team determines that a certified staff member's lack of general knowledge contributed to that staff member being designated as a Category 3 teacher, the assistance team shall submit the staff member's name to the State Board prior to

1 June 5, 1998. Upon receipt of the notification, ~~The the State Board of~~
2 ~~Education shall require all that the certified staff members working in~~
3 ~~schools at the time the schools are identified as low performing under this~~
4 ~~Article and to which the State Board has assigned an assistance team to~~
5 ~~identified by the assistance teams demonstrate their general knowledge~~
6 ~~by acquiring a passing score on a test designated by the State Board.~~
7 ~~The first general knowledge test shall be administered.~~ State Board shall
8 ~~administer the general knowledge test required under this subdivision at~~
9 ~~the end of the 1997-98 school year. In subsequent years, the State Board~~
10 ~~shall determine when to administer the test for certified staff members in~~
11 ~~schools that are identified that year as low performing and assigned an~~
12 ~~assistance team.~~

13 (2) During the 1998-99 school year and thereafter, either the principal
14 assigned to a low-performing school or the assistance team assigned to a
15 low-performing school may recommend to the State Board that a
16 certified staff member take a general knowledge test. A principal or an
17 assistance team shall not make this recommendation unless the principal
18 or the assistance team determines that the certified staff member's
19 performance is impaired by the staff member's lack of general
20 knowledge. After receipt of the notification, but prior to the end of the
21 fiscal year, the State Board shall require that all certified staff members
22 identified under this subdivision demonstrate their general knowledge
23 by acquiring a passing score on a test designated by the State Board.

24 (b) Exemptions. — ~~The following certified staff members shall be exempt from~~
25 ~~taking the general knowledge test required under subsection (a) of this section.~~

26 (1) ~~Certified staff members who have:~~

27 a. ~~Taken and passed the PRAXIS I exam as a condition of entry~~
28 ~~into a school of education; and~~

29 b. ~~Taken and passed the PRAXIS II exam after July 1, 1996.~~

30 (2) ~~Certified staff members who have previously taken and passed the~~
31 ~~general knowledge test.~~

32 ~~The exemptions under this subsection shall expire July 1, 2000, unless the State Board~~
33 ~~adopts a policy to continue them.~~

34 (c) Remediation. — Certified staff members who do not acquire a passing score on
35 the ~~general knowledge test required under subsection (a) of this section~~ shall engage in a
36 remediation plan based upon the deficiencies identified by the test. The remediation plan
37 for deficiencies of individual certified staff members shall consist of up to a semester of
38 university or community college training or coursework or both. The remediation shall be
39 developed by the State Board of Education in consultation with the Board of Governors
40 of The University of North Carolina. The State Board shall reimburse the institution
41 providing the remediation any tuition and fees incurred under this section. If the
42 remediation plan requires that the staff member engage in a full-time course of study or
43 training, the staff member shall be considered on leave with pay.

1 (d) ~~Retesting.~~Retesting; Dismissal. – Upon completion of the ~~first remediation plan,~~
2 ~~plan required under subsection (c) of this section,~~ the certified staff member shall take the
3 general knowledge test a second time. If the certified staff member fails to acquire a
4 passing score on the second test, the State Board shall ~~provide a program of further~~
5 ~~remediation under subsection (e) of this section.~~ begin dismissal proceedings under G.S.
6 115C-325(q)(2a).

7 (e) ~~Dismissal.~~— Upon completion of the ~~second remediation plan,~~ the certified
8 staff member shall take the general knowledge test a third time. If the certified staff
9 member fails to acquire a passing score on the third test, the State Board shall begin
10 dismissal proceedings under G.S. 115C-325(q)(2a).

11 (f) Other Actions Not Precluded. – Nothing in this section shall be construed to
12 restrict or postpone the following actions:

13 (1) The dismissal of a principal under G.S. 115C-325(q)(1);

14 (2) The dismissal of a teacher, assistant principal, director, or supervisor
15 under G.S. 115C-325(q)(2);

16 (3) The dismissal or demotion of a career employee for any of the grounds
17 listed under G.S. 115C-325(e);

18 (4) The nonrenewal of a school administrator's or probationary teacher's
19 contract of employment; or

20 (5) The decision to grant career status.

21 (g) ~~Future Testing.~~Performance Assessment. – The State Board shall develop a
22 ~~plan for testing and shall test all certified staff members in low performing schools~~
23 ~~identified at the end of the 1999-2000 school year. When developing the plan, the State~~
24 ~~Board shall consider administering tests in the area of an individual's certification as well~~
25 ~~as the general knowledge test.~~ performance assessment for both teaching presentation
26 skills and subject matter knowledge. Beginning with the 1999-2000 school year, either
27 the principal assigned to a low-performing school or the assistance team assigned to a
28 low-performing school may recommend to the State Board that a certified staff member
29 receive an evaluation using the performance assessment developed under this subsection.
30 A principal or an assistance team shall not make this recommendation unless the certified
31 staff member has received a below standard or unsatisfactory rating on at least one of the
32 functions of the Teacher Performance Assessment Instrument or any other performance
33 standard or criteria adopted by the State Board and that function is related to either
34 presentation skills, subject matter knowledge, or both. Upon receiving a recommendation
35 from a principal or an assistance team, the State Board shall provide for a performance
36 assessment of the certified staff member. If the staff member receives a below standard
37 rating on the performance assessment, the staff member shall receive a remediation plan
38 addressing the deficiencies identified by the performance assessment. The remediation
39 may consist of coursework or training under subsection (c) of this section, or any other
40 services the State Board determines are appropriate. Upon completion of the remediation
41 plan, the staff member shall receive another performance assessment. If the staff member
42 receives a second below standard rating on the performance assessment, the local board
43 of education shall begin a dismissal proceeding under G.S. 115C-325. The second below

1 standard evaluation shall be used as evidence of the teacher's inadequate performance.
2 ~~The State Board shall report this plan to the Joint Legislative Education Oversight~~
3 ~~Committee prior to November 15, 1998."~~

4 Section 2. G.S. 115C-325(q)(2a) reads as rewritten:

5 "(2a) Notwithstanding any other provision of this section or any other law,
6 this subdivision shall govern the State Board's dismissal of certified
7 staff members who have engaged in a remediation plan under G.S.
8 ~~115C-105.38A(a)~~ 115C-105.38A(c) but who, after ~~two retests~~, one retest,
9 fail to meet the general knowledge standard set by the State Board. The
10 failure to meet the general knowledge standard after ~~two retests~~ one
11 retest shall be substantial evidence of the inadequate performance of the
12 certified staff member.

13 A certified staff member may request a hearing before a panel of
14 three members of the State Board within 30 days of any dismissal under
15 this subdivision. The State Board shall adopt procedures to ensure that
16 due process rights are afforded to certified staff members recommended
17 for dismissal under this subdivision. Decisions of the panel may be
18 appealed on the record to the State Board, with further right of judicial
19 review under Chapter 150B of the General Statutes."

20 Section 3. The State Board of Education may expend funds appropriated to
21 State Aid to Local School Administrative Units, or to the Department of Public
22 Instruction, or both, to develop the performance assessment required by this act. The
23 State Board shall provide a progress report on the development of the performance
24 assessment to the Joint Legislative Education Oversight Committee prior to December
25 15, 1998. The State Board also shall study the feasibility, including cost, of making the
26 performance assessment available to all schools, and shall report its findings to the Joint
27 Legislative Education Oversight Committee prior to December 15, 2000.

28 Section 4. This act is effective when it becomes law.