

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1129*
Education/Higher Education Committee Substitute Adopted 5/28/98
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Short Title: ABC's Plan/Consequences for Principals.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR
3 PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE
4 ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS
5 TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING
6 SCHOOLS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-105.37 reads as rewritten:

9 "**§ 115C-105.37. Identification of low-performing schools.**

10 (a) The State Board of Education shall design and implement a procedure to
11 identify low-performing schools on an annual basis. Low-performing schools are those in
12 which there is a failure to meet the minimum growth standards, as defined by the State
13 Board, and a majority of students are performing below grade level.

14 (a1) By July 10 of each year, each local school administrative unit shall do a
15 preliminary analysis of test results to determine which of its schools the State Board may
16 identify as low-performing under this section. The superintendent then shall proceed
17 under G.S. 115C-105.39. In addition, within 30 days of the initial identification of a

1 school as low-performing by the local school administrative unit or the State Board,
2 whichever occurs first, the superintendent shall submit to the local board a preliminary
3 plan for addressing the needs of that school. Within 30 days of its receipt of this plan, the
4 local board shall vote to approve, modify, or reject this plan. Before the board makes this
5 vote, it shall make the plan available to the public, including the personnel assigned to
6 that school and the parents and guardians of the students who are assigned to the school,
7 and shall allow for written comments. The board shall submit the plan to the State Board
8 within five days of the board's vote. The State Board shall review the plan expeditiously
9 and, if appropriate, may offer recommendations to modify the plan. The local board shall
10 consider any recommendations made by the State Board.

11 (b) Each ~~identified low-performing school~~ school that the State Board identifies as
12 low-performing shall provide written notification to the parents of students attending that
13 school. The written notification shall include a statement that the State Board of
14 Education has found that the school has 'failed to meet the minimum growth standards, as
15 defined by the State Board, and a majority of students in the school are performing below
16 grade level.' This notification also shall include ~~a description of the information about the~~
17 plan developed under subsection (a1) of this section and a description of any additional
18 steps the school is taking to improve student performance."

19 Section 2. G.S. 115C-105.39(a) reads as rewritten:

20 "(a) ~~Upon the identification of a school as low-performing under this Part, the State~~
21 ~~Board shall proceed under G.S. 115C-325(q)(1) for the dismissal of the principal~~
22 ~~assigned to that school. Within 30 days of the initial identification of a school as low-~~
23 ~~performing, whether by the local school administrative unit under G.S. 115C-105.37(a1)~~
24 ~~or by the State Board under G.S. 115C-105.37(a), the superintendent shall take one of the~~
25 ~~following actions concerning the school's principal: (i) recommend to the local board that~~
26 ~~the principal be retained in the same position, (ii) recommend to the local board that the~~
27 ~~principal be retained in the same position and a plan of remediation should be developed,~~
28 ~~(iii) recommend to the local board that the principal be transferred, or (iv) proceed under~~
29 ~~G.S. 115C-325 to dismiss or demote the principal. The principal may be retained in the~~
30 ~~same position without a plan for remediation only if the principal was in that position for~~
31 ~~no more than two years before the school is identified as low-performing. The principal~~
32 ~~shall not be transferred to another principal position unless (i) it is in a school~~
33 ~~classification in which the principal previously demonstrated at least 2 years of success,~~
34 ~~(ii) there is a plan to evaluate and provide remediation to the principal for at least one~~
35 ~~year following the transfer to assure the principal does not impede student performance at~~
36 ~~the school to which the principal is being transferred; and (iii) the parents of the students~~
37 ~~at the school to which the principal is being transferred are notified. The principal shall~~
38 ~~not be transferred to another low-performing school in the local school administrative~~
39 ~~unit. If the superintendent intends to recommend demotion or dismissal, the~~
40 ~~superintendent shall notify the local board. Within 15 days of (i) receiving notification~~
41 ~~that the superintendent intends to proceed under G.S. 115C-325, or (ii) its decision~~
42 ~~concerning the superintendent's recommendation, but no later than September 30, the~~
43 ~~local board shall submit to the State Board a written notice of the action taken and the~~

1 basis for that action. If the State Board does not assign an assistance team to that school
2 or if the State Board assigns an assistance team to that school and the superintendent
3 proceeds under G.S. 115C-325 to dismiss or demote the principal, then the State Board
4 shall take no further action. If the State Board assigns an assistance team to the school
5 and the superintendent is not proceeding under G.S. 115C-325 to dismiss or demote the
6 principal, then the State Board shall vote to accept, reject, or modify the local board's
7 recommendations. The State Board shall notify the local board of its action within five
8 days. If the State Board rejects or modifies the local board's recommendations and does
9 not recommend dismissal of the principal, the State Board's notification shall include
10 recommended action concerning the principal's assignment or terms of employment.
11 Upon receipt of the State Board's notification, the local board shall implement the State
12 Board's recommended action concerning the principal's assignment or terms of
13 employment unless the local board asks the State Board to reconsider that
14 recommendation. The State Board shall provide an opportunity for the local board to be
15 heard before the State Board acts on the local board's request for a reconsideration. The
16 State Board shall vote to affirm or modify its original recommended action and shall
17 notify the local board of its action within five days. Upon receipt of the State Board's
18 notification, the local board shall implement the State Board's final recommended action
19 concerning the principal's assignment or terms of employment. If the State Board rejects
20 or modifies the local board's action and recommends dismissal of the principal, the State
21 Board shall proceed under G.S. 115C-325(q)(1)."

22 Section 3. G.S. 115C-325(q)(1) reads as rewritten:

23 "(1) Notwithstanding any other provision of this section or any other law, the
24 State Board:

- 25 a. Shall suspend with pay a principal who has been assigned to a
26 school for more than two years before the State Board identifies
27 that school as low performing and assigns an assistance team to
28 that school under Article 8B of this Chapter; and
29 b. May suspend with pay a principal who has been assigned to a
30 school for no more than two years before the State Board
31 identifies that school as low performing and assigns an assistance
32 team to that school under Article 8B of this Chapter.

33 The panel shall order the dismissal of the principal, at which time the period of
34 suspension with pay shall expire, unless the panel makes a public determination that the
35 principal has established that the factors that led to the identification of the school as low-
36 performing were not due to the inadequate performance of the principal.

37 Notwithstanding any other provision of this section or any other law,
38 this subdivision governs the State Board's dismissal of principals
39 assigned to low-performing schools to which the Board has assigned an
40 assistance team:

- 41 a. The State Board through its designee may, at any time,
42 recommend the dismissal of any principal who is assigned to a
43 low-performing school to which an assistance team has been

1 assigned. The State Board through its designee shall recommend
2 the dismissal of any principal when the Board receives from the
3 assistance team assigned to that principal's school two
4 consecutive evaluations that include written findings and
5 recommendations regarding the principal's inadequate
6 performance.

7 b. If the State Board through its designee recommends the dismissal
8 of a principal under this subdivision, the principal shall be
9 suspended with pay pending a hearing before a panel of three
10 members of the State Board. The purpose of this hearing, which
11 shall be held within 60 days after the principal is suspended, is to
12 determine whether the principal shall be dismissed.

13 c. The panel shall order the dismissal of the principal if it
14 determines from available information, including the findings of
15 the assistance team, that the low performance of the school is due
16 to the principal's inadequate performance.

17 d. The panel may order the dismissal of the principal if (i) it
18 determines that the school has not made satisfactory
19 improvement after the State Board assigned an assistance team to
20 that school; and (ii) the assistance team makes the
21 recommendation to dismiss the principal for one or more grounds
22 established in G.S. 115C-325(e)(1) for dismissal or demotion of a
23 career employee.

24 e. If the State Board or its designee recommends the dismissal of a
25 principal before the assistance team assigned to the principal's
26 school has evaluated that principal, the panel may order the
27 dismissal of the principal if the panel determines from other
28 available information that the low performance of the school is
29 due to the principal's inadequate performance.

30 f. In all hearings under this subdivision, the burden of proof is on
31 the principal to establish that the factors leading to the school's
32 low performance were not due to the principal's inadequate
33 performance. In all hearings under sub-subdivision d. of this
34 subdivision, the burden of proof is on the State Board to establish
35 that the school failed to make satisfactory improvement after an
36 assistance team was assigned to the school and to establish one or
37 more of the grounds established for dismissal or demotion of a
38 career employee under G.S. 115C-325(e)(1).

39 g. In all hearings under this subdivision, two consecutive
40 evaluations that include written findings and recommendations
41 regarding that person's inadequate performance from the
42 assistance team are substantial evidence of the inadequate
43 performance of the principal.

1 h. The State Board shall adopt procedures to ensure that due
2 process rights are afforded to principals under this ~~subsection-~~
3 subdivision. Decisions of the panel may be appealed on the
4 record to the State Board, with further right of judicial review
5 under Chapter 150B of the General Statutes."

6 Section 4. This act is effective when it becomes law and applies to principals
7 on or after that date.