

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 317\*  
Committee Substitute Favorable 4/16/03  
Senate Education/Higher Education Committee Substitute Adopted 6/5/03

Short Title: State Assistance to Low-Performing LEAs.-AB

(Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY  
AND PROVIDE ASSISTANCE TO LOW-PERFORMING AND PRIORITY  
SCHOOL ADMINISTRATIVE UNITS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 3 of Article 8B of Chapter 115C of the General Statutes is amended by adding the following new section to read:

**"§ 115C-105.42. Low-performing and priority school administrative units; identification; systemwide assistance teams.**

(a) Based on test results from the previous school year, the State Board of Education shall design and implement a procedure to identify on an annual basis low-performing school administrative units and priority school administrative units. Local school administrative units shall be identified as low-performing when more than half the students tested are performing below grade level on their end-of-grade or end-of-course tests. Local school administrative units shall be identified as priority school administrative units when more than forty percent (40%) of the students tested are performing below grade level on their end-of-grade or end-of-course tests.

(b) The State Board shall assign a systemwide assistance team to all low-performing local school administrative units. The State Board also may assign a systemwide assistance team to a priority school administrative unit under subsection (e) or (f) of this section. When assigned to a local school administrative unit, the systemwide assistance team shall:

(1) Review and investigate all facets of school system operations and assist in developing recommendations for improving student performance in that local school administrative unit.

(2) As deemed necessary by the systemwide assistance team, evaluate any central office or school-based administrators.

1           (3) Collaborate with the staffs of the local board of education, the central  
2 office, and local schools to design, implement, and monitor a plan that,  
3 if fully implemented, can reasonably be expected to alleviate problems  
4 and improve student performance in the local school administrative  
5 unit.

6           (4) Make continuing recommendations as the plan is developed and  
7 implemented.

8           (5) Review the progress of the local school administrative unit.

9           (6) Report, as appropriate, to the local board, the community, and the State  
10 Board on the local school administrative unit's progress under the plan.

11       (c) If a low-performing school administrative unit fails to improve student  
12 performance after assistance is provided under subsection (b) of this section, the  
13 assistance team may recommend that the assistance continue to that local school  
14 administrative unit or that the State Board take further action under G.S.  
15 115C-105.39(c)(3).

16       (d) The local board of education of a priority school administrative unit shall  
17 design, implement, and monitor a systemwide improvement plan that, if fully  
18 implemented, can reasonably be expected to alleviate problems and improve student  
19 performance in that local school administrative unit. The local board shall approve this  
20 plan and present it to the State Board by March 31 of the school year for which  
21 identification first occurred. The plan shall: (i) assess the performance of the local  
22 school administrative unit in the areas of education and accountability programs, human  
23 resource management, financial management, leadership, and technology; (ii) include  
24 goals and strategies for improving the academic performance of the students in that unit;  
25 and (iii) include a time line for implementing these strategies and achieving these goals.  
26 The State Board shall accept or reject this plan. The State Board shall accept a plan that  
27 it finds to be reasonably designed to improve student academic performance in the local  
28 school administrative unit. The State Board shall not make any substantive changes in  
29 any plan it accepts. If the State Board rejects the plan, the Board shall state with  
30 specificity its reasons for rejecting the plan. The local board may then modify the plan  
31 and submit the amended plan to the State Board to accept or reject. If no systemwide  
32 improvement plan is accepted within 60 days of its initial submission to the State Board,  
33 representatives of the State Board and the local board shall meet with a mediator to  
34 attempt to resolve any disagreements. If the parties are unable to resolve their  
35 disagreements through the mediation process, representatives of the local board are  
36 entitled to come before the State Board to present the local board's position on the  
37 appropriateness of the plan. If the local board does not modify the plan or if the State  
38 Board and the local board are unable to reach a mediated agreement as to the contents of  
39 the plan, then the State Board may modify the proposed plan, but only to the extent  
40 necessary to ensure that it is reasonably designed to improve student academic  
41 performance in the local school administrative unit.

42       (e) Once a systemwide plan is developed and approved under subsection (d) of  
43 this section, the local board shall work to implement the strategies identified and  
44 achieve the goals identified. The local board shall have one school year following State

1 Board approval of the plan to achieve the goals set forth in the plan. If the State Board  
2 finds that the local school administrative unit has failed to achieve the goals identified in  
3 the systemwide plan, it may then assign a systemwide assistance team to that local  
4 school administrative unit under subsection (b) of this section.

5 (f) Any local board of a priority school administrative unit may request the State  
6 Board to assign a systemwide assistance team to (i) assist that local board in identifying  
7 systemwide impediments to student achievement, (ii) make recommendations to the  
8 local board about ways to improve student performance, and (iii) assist in developing  
9 and implementing the systemwide plan developed and approved under subsection (d) of  
10 this section. Upon receiving this request and to the extent resources are available for this  
11 purpose, the State Board shall assign a systemwide assistance team to that unit.

12 (g) The State Board may direct the staff of the Department of Public Instruction  
13 to provide support to a systemwide assistance team.

14 (h) The State Board shall review annually the progress made in identified  
15 low-performing and priority school administrative units."

16 **SECTION 2.** G.S. 115C-105.39(c) reads as rewritten:

17 "(c) The State Board may appoint an interim superintendent in a local school  
18 administrative unit:

19 (1) Upon the identification of more than half the schools in that unit as  
20 low-performing under G.S. 115C-105.37; ~~or~~

21 (2) Upon the recommendation from an assistance team assigned to a  
22 school located in that unit that has been identified as low-performing  
23 under G.S. 115C-105.37. This recommendation shall be based upon a  
24 finding that the superintendent has failed to cooperate with the  
25 assistance team or has otherwise hindered that school's ability to  
26 ~~improve~~.improve; or

27 (3) Upon the recommendation from a systemwide assistance team  
28 assigned to a low-performing local school administrative unit under  
29 G.S. 115C-105.42. This recommendation shall be based upon a finding  
30 that the superintendent has failed to cooperate with the assistance team  
31 or has otherwise hindered the local school administrative unit's ability  
32 to improve.

33 The State Board may assign any of the powers and duties of the local superintendent  
34 and the local finance officer to the interim superintendent that the Board considers are  
35 necessary or appropriate to improve student performance in the local school  
36 administrative unit. The interim superintendent shall perform all of these assigned  
37 powers and duties. The State Board of Education may terminate the contract of any  
38 local superintendent entered into on or after July 1, 1996, when it appoints an interim  
39 superintendent. The Administrative Procedure Act shall apply to that decision. Neither  
40 party to that contract is entitled to damages."

41 **SECTION 3.** This act is effective when it becomes law and applies to local  
42 school administrative units beginning with the 2003-2004 school year.