

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 361

Short Title: Excellent Public Schools Act of 2013. (Public)

Sponsors: Senators Berger, Tillman, Soucek (Primary Sponsors); Barefoot, Barringer, Brock, Cook, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Tarte, and Wade.

Referred to: Education/Higher Education.

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LITERACY VOLUNTEER LEAVE TIME; MAXIMIZE INSTRUCTIONAL TIME; STRENGTHEN TEACHER EDUCATION PROGRAMS AND TEACHER LICENSURE REQUIREMENTS; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; ASSIGN SCHOOL PERFORMANCE GRADES AND ADD STUDENT GROWTH COMPONENT; AND ESTABLISH TEACHER CONTRACTS.

The General Assembly of North Carolina enacts:

PART I. STATE EMPLOYEE LITERACY VOLUNTEER LEAVE TIME

SECTION 1.(a) G.S. 126-4 reads as rewritten:

"§ 126-4. Powers and duties of State Personnel Commission.

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

...

(5b) A leave program that allows employees to volunteer in a literacy program in a public school for up to five hours each month.

...."

SECTION 1.(b) This section is effective when it becomes law.

PART II. MAXIMIZE INSTRUCTIONAL TIME

SECTION 2.(a) G.S. 115C-174.12(a) reads as rewritten:

"(a) The State Board of Education shall establish policies and guidelines necessary for minimizing the time students spend taking tests administered through State and local testing programs, for minimizing the frequency of field testing at any one school, and for otherwise carrying out the provisions of this Article. These policies and guidelines shall include the following:

- (1) Schools shall devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning;
- (2) Students in a school shall not be subject to field tests or national tests during the two-week period preceding the administration of end-of-grade tests, end-of-course tests, or the school's regularly scheduled final exams; and



1 (3) No school shall participate in more than two field tests at any one grade level
 2 during a school year ~~unless that school volunteers, through a vote of its~~
 3 ~~school improvement team, to participate in an expanded number of field~~
 4 ~~tests-year.~~

5 (4) All annual assessments of student achievement adopted by the State Board
 6 of Education pursuant to G.S. 115C-174.11(c)(1) and (3) and all final exams
 7 for courses shall be administered within the final 10 instructional days of the
 8 school year for year-long courses and within the final five instructional days
 9 of the semester for semester courses. Exceptions shall be permitted to
 10 accommodate a student's individualized education program and section 504
 11 (29 U.S.C. § 794) plans and for the administration of final exams for courses
 12 with national or international curriculae required to be held at designated
 13 times.

14 These policies shall reflect standard testing practices to insure reliability and validity of the
 15 sample testing. The results of the field tests shall be used in the final design of each test. The
 16 State Board of Education's policies regarding the testing of children with disabilities shall (i)
 17 provide broad accommodations and alternate methods of assessment that are consistent with a
 18 ~~child's~~ student's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii)
 19 prohibit the use of statewide tests as the sole determinant of decisions about a ~~child's~~ student's
 20 graduation or promotion, and (iii) provide parents with information about the Statewide Testing
 21 Program and options for ~~students~~ children with disabilities. The State Board shall report its
 22 proposed policies and proposed changes in policies to the Joint Legislative Education Oversight
 23 Committee prior to adoption.

24 The State Board of Education may appoint an Advisory Council on Testing to assist in
 25 carrying out its responsibilities under this Article."

26 **SECTION 2.(b)** Notwithstanding the provisions of G.S. 115C-174.11(c), the State
 27 Board of Education shall report to the Joint Legislative Education Oversight Committee prior
 28 to the purchase and implementation of a new assessment instrument to assess student
 29 achievement on the Common Core State Standards, including the Common Core Smarter
 30 Balance Consortium Assessments. The State Board shall not purchase such an assessment
 31 instrument without the enactment of legislation by the General Assembly authorizing the
 32 purchase.

33 **SECTION 2.(c)** This section is effective when it becomes law and applies
 34 beginning with the 2013-2014 school year.

36 PART III. STRENGTHEN TEACHER LICENSURE

37 **SECTION 3.(a)** G.S. 115C-296 reads as rewritten:

38 "§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor
 39 programs.

40 ...

41 (b) It is the policy of the State of North Carolina to maintain the highest quality teacher
 42 education programs and school administrator programs in order to enhance the competence of
 43 professional personnel licensed in North Carolina. To the end that teacher preparation programs
 44 are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead
 45 agency in coordination and cooperation with the University Board of Governors, the Board of
 46 Community Colleges and such other public and private agencies as are necessary, shall
 47 continue to refine the several licensure requirements, standards for approval of institutions of
 48 teacher education, standards for institution-based innovative and experimental programs,
 49 standards for implementing consortium-based teacher education, and standards for improved
 50 efficiencies in the administration of the approved programs.

51 (1) Licensure Standards. –

- 1 a. The licensure program shall provide for initial licensure after
2 completion of preservice training, continuing licensure after three
3 years of teaching experience, and license renewal every five years
4 thereafter, until the retirement of the teacher. The last license renewal
5 received prior to retirement shall remain in effect for five years after
6 retirement. The licensure program shall also provide for lifetime
7 licensure after 50 years of teaching.
- 8 b. The State Board of Education, in consultation with the Board of
9 Governors of The University of North Carolina, shall evaluate and
10 develop enhanced requirements for continuing licensure. The new
11 requirements shall reflect more rigorous standards for continuing
12 licensure and shall be aligned with high quality professional
13 development programs that reflect State priorities for improving
14 student achievement. Standards for continuing licensure shall include
15 at least eight continuing education credits, with at least three credits
16 required in a teacher's academic subject area.
- 17 c. The State Board of Education, in consultation with local boards of
18 education and the Board of Governors of The University of North
19 Carolina, shall reevaluate and enhance the requirements for renewal
20 of teacher licenses. The State Board shall consider modifications in
21 the license renewal achievement and to make it a mechanism for
22 teachers to renew continually their knowledge and professional
23 skills.
- 24 (2) Teacher education programs. –
- 25 a. The State Board of Education, as lead agency in coordination with
26 the Board of Governors of The University of North Carolina, the
27 North Carolina Independent Colleges and Universities, and any other
28 public and private agencies as necessary, shall continue to raise
29 standards for entry into teacher education programs.
- 30 b. To further ensure that teacher preparation programs remain current
31 and reflect a rigorous course of study that is aligned to State and
32 national standards, the State Board of Education, in consultation with
33 the Board of Governors of The University of North Carolina, shall do
34 all of the following to ensure that students ~~preparing~~ are prepared
35 to teach in elementary ~~schools~~ schools:
- 36 1. ~~(i) have~~ Provide students with adequate coursework in the
37 teaching of reading and ~~mathematics~~; mathematics.
- 38 2. ~~(ii) are assessed~~ Assess students prior to certification
39 licensure to determine that they possess the requisite
40 knowledge in scientifically based reading and mathematics
41 instruction that is aligned with the State Board's
42 expectations; expectations.
- 43 3. ~~(iii) continue to receive~~ Continue to provide students with
44 preparation in applying formative and summative assessments
45 within the school and classroom setting through
46 technology-based assessment systems available in North
47 Carolina schools that measure and predict expected student
48 improvement; and improvement.
- 49 4. ~~(iv) are prepared~~ Prepare students to integrate arts education
50 across the curriculum.

- 1 c. The State Board of Education, in consultation with local boards of
2 education and the Board of Governors of The University of North
3 Carolina, shall evaluate and modify, as necessary, the academic
4 requirements of teacher preparation programs for students preparing
5 to teach science in middle and high schools to ensure that there is
6 adequate preparation in issues related to science laboratory safety.

7 ~~The State Board of Education, in consultation with the Board of Governors of The~~
8 ~~University of North Carolina, shall evaluate and develop enhanced requirements for continuing~~
9 ~~licensure. The new requirements shall reflect more rigorous standards for continuing licensure~~
10 ~~and to the extent possible shall be aligned with quality professional development programs that~~
11 ~~reflect State priorities for improving student achievement.~~

12 ~~The State Board of Education, in consultation with local boards of education and the Board~~
13 ~~of Governors of The University of North Carolina, shall reevaluate and enhance the~~
14 ~~requirements for renewal of teacher licenses. The State Board shall consider modifications in~~
15 ~~the license renewal achievement and to make it a mechanism for teachers to renew continually~~
16 ~~their knowledge and professional skills. The State Board shall adopt new standards for the~~
17 ~~renewal of teacher licenses by May 15, 1998.~~

- 18 d. The standards for approval of institutions of teacher education shall
19 require that teacher education programs for all students include
20 demonstrated competencies in (i) the identification and education of
21 children with disabilities and (ii) positive management of student
22 behavior and effective communication techniques for defusing and
23 deescalating disruptive or dangerous behavior.

- 24 e. The State Board of Education shall incorporate the criteria developed
25 in accordance with G.S. 116-74.21 for assessing proposals under the
26 School Administrator Training Program into its school administrator
27 program approval standards.

- 28 f. All North Carolina institutions of higher education that offer teacher
29 education programs, masters degree programs in education, or
30 masters degree programs in school administration shall provide
31 annual performance reports to the State Board of Education.

32 ~~The performance reports shall follow a common format, shall be submitted according to a~~
33 ~~plan developed by the State Board, and shall include the information required under the plan~~
34 ~~developed by the State Board.~~

35 (b1) ~~The State Board of Education shall develop a plan to provide a focused review~~
36 ~~of~~require teacher education programs~~programs, master's degree programs in education, and~~
37 ~~master's degree programs in school administration to submit annual performance reports. The~~
38 ~~performance reports shall provide the State Board with a focused review of the programs and~~
39 ~~the current process of accrediting these programs in order to ensure that the programs produce~~
40 ~~graduates that are well prepared to teach. The plan shall include the development and~~
41 ~~implementation of a school of education performance report for each teacher education~~
42 ~~program in North Carolina.~~

- 43 (1) Teacher education program performance report. – The performance report
44 for each teacher education program in North Carolina shall follow a
45 common format and include at least the following elements:

- 46 a. ~~(i) quality~~Quality of students entering the schools of education,
47 including the average grade point average and average score on
48 preprofessional skills tests that assess reading, writing, math and
49 other ~~competencies~~competencies.

- 50 b. ~~(ii) graduation rates~~Graduation rates.

- 51 c. ~~(iii) time to graduation rates~~Time-to-graduation rates.

- 1 d. ~~(iv) average~~Average scores of graduates on professional and content
2 area examination for the purpose of ~~licensure~~;licensure.
3 e. ~~(v) —percentage~~Percentage of graduates receiving initial
4 licenses;licenses.
5 f. ~~(vi) percentage~~Percentage of graduates hired as ~~teachers~~;teachers.
6 g. ~~(vii) percentage~~Percentage of graduates remaining in teaching for
7 four years;years.
8 h. ~~(viii) graduate~~Graduate satisfaction based on a common ~~survey~~;
9 andsurvey.
10 i. ~~(ix) employer~~Employer satisfaction based on a common survey.
11 j. Teacher contribution to the academic success of students.

12 ~~The performance reports shall follow a common format. The performance reports shall be~~
13 ~~submitted annually. The State Board of Education shall develop a plan to be implemented~~
14 ~~beginning in the 1998-99 school year to reward and sanction approved teacher education~~
15 ~~programs and masters of education programs and to revoke approval of those programs based~~
16 ~~on the performance reports and other criteria established by the State Board of Education.~~

17 (2) Master's degree programs in education and school administration
18 performance report. — The State Board also shall develop and implement a
19 plan for require submission to the State Board of annual performance reports
20 ~~for from~~ all masters degree programs in education and school administration
21 in North Carolina. To the extent it is appropriated, the performance report
22 shall include similar indicators to those developedrequired for the
23 performance report for teacher education ~~programs~~ programs as set forth in
24 subdivision (1) of this subsection. The performance reports shall follow a
25 common format.

26 (3) Educator preparation program report card. — The State Board shall create a
27 higher education educator preparation program report card reflecting the
28 information collected in the annual performance reports for each North
29 Carolina institution offering teacher education programs and master of
30 education programs. The report cards shall, at a minimum, summarize
31 information reported on all of the performance indicators for the
32 performance reports required by subdivision (1) of this subsection.

33 (4) Submission of annual performance reports. — Both plans for performance
34 Performance reports also shall include a method to provide the annual
35 performance reports be provided annually to the Board of Governors of The
36 University of North Carolina, the State Board of Education, and the boards
37 of trustees of the independent colleges. The State Board of Education shall
38 review the schools of education performance reports and the performance
39 reports for masters degree programs in education and school administration
40 each year the performance reports are submitted. The State Board shall
41 submit the performance report for the 1999-2000 school year to the Joint
42 Legislative Education Oversight Committee by December 15, 2000.
43 ~~Subsequent~~ The performance reports and the educator preparation program
44 report cards shall be submitted to the Joint Legislative Education Oversight
45 Committee on an annual basis by October 1.

46 (5) State Board action based on performance. — The State Board of Education
47 shall reward and sanction approved teacher education programs and master
48 of education programs and revoke approval of those programs based on the
49 performance reports and other criteria established by the State Board of
50 Education.

1 (b2) An undergraduate student seeking a degree in teacher education must attain passing
2 scores on a preprofessional skills test prior to admission to an approved teacher education
3 program in a North Carolina college or university. The State Board of Education shall permit
4 students to fulfill this requirement by achieving the prescribed minimum scores set by the State
5 Board of Education for the Praxis I tests or by achieving the appropriate required score, as
6 determined by the State Board of Education, on the verbal and mathematics portions of the
7 ~~SAT, SAT or ACT~~. The minimum combined verbal and mathematics score set by the State
8 Board of Education for the SAT shall be between 900 and 1,200, 1,100 or greater. The
9 minimum composite score set by the State Board of Education for the ACT shall be 24 or
10 greater.

11 (c) It is the policy of the State of North Carolina to encourage lateral entry into the
12 profession of teaching by skilled individuals from the private sector. To this end, before the
13 1985-86 school year begins, the State Board of Education shall develop criteria and procedures
14 to accomplish the employment of such individuals as classroom teachers. Beginning with the
15 2006-2007 school year, the criteria and procedures shall include preservice training in (i) the
16 identification and education of children with disabilities and (ii) positive management of
17 student behavior, effective communication for defusing and deescalating disruptive or
18 dangerous behavior, and safe and appropriate use of seclusion and restraint. Skilled individuals
19 who choose to enter the profession of teaching laterally may be granted a ~~provisional~~lateral
20 entry teaching license for no more than three years and shall be required to obtain licensure
21 before contracting for a fourth year of service with any local administrative unit in this State.

22"

23 **SECTION 3.(b)** G.S. 115C-296, as rewritten by subsection (a) of this section,
24 reads as rewritten:

25 "**§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor**
26 **programs.**

27 (a) The State Board of Education shall have entire control of licensing all applicants for
28 teaching positions in all public ~~elementary and high~~ schools of North Carolina; and it shall
29 prescribe the rules and regulations for the renewal and extension of all licenses and shall
30 determine and fix the salary for each grade and type of license which it authorizes.

31 The State Board of Education ~~may~~shall require an applicant for an initial bachelors degree
32 ~~certificate~~license or graduate degree ~~certificate~~license to demonstrate the applicant's academic
33 and professional preparation by achieving a prescribed minimum score on a standard
34 examination appropriate and adequate for that purpose. Elementary Education (K-6) and
35 special education general curriculum teachers shall also achieve a prescribed minimum score
36 on subtests or standard examinations specific to teaching reading and mathematics. The State
37 Board of Education shall permit an applicant to fulfill any such testing requirement before or
38 during the applicant's second year of teaching provided the applicant took the examination at
39 least once during the first year of teaching. The State Board of Education shall make any
40 required standard initial licensure exam ~~sufficiently~~ rigorous and raise the prescribed minimum
41 score as necessary to ensure that each applicant has ~~adequate~~ received high quality academic
42 and professional preparation to ~~teach~~teach effectively.

43 (a1) The State Board shall adopt policies that establish the minimum scores for any
44 required standard examinations and other measures necessary to assess the qualifications of
45 professional personnel as required under subsection (a) of this section. For purposes of this
46 subsection, the State Board shall not be subject to Article 2A of Chapter 150B of the General
47 Statutes. At least 30 days prior to changing any policy adopted under this subsection, the State
48 Board shall provide written notice to all North Carolina schools of education and to all local
49 boards of education. The written notice shall include the proposed revised policy.

50 (a2) The State Board of Education shall impose the following schedule of fees for
51 teacher licensure and administrative changes:

- 1 (1) Application for demographic or administrative changes to a license, \$30.00.
- 2 (2) Application for a duplicate license or for copies of documents in the
- 3 licensure files, \$30.00.
- 4 (3) Application for a renewal, extension, addition, upgrade, and variation to a
- 5 license, \$55.00.
- 6 (4) Initial application for New, In-State Approved Program Graduate, \$55.00.
- 7 (5) Initial application for Out-of-State license, \$85.00.
- 8 (6) All other applications, \$85.00.

9 The applicant must pay the fee at the time the application is submitted.

10 (b) It is the policy of the State of North Carolina to maintain the highest quality teacher
11 education programs and school administrator programs in order to enhance the competence of
12 professional personnel licensed in North Carolina. To the end that teacher preparation programs
13 are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead
14 agency in coordination and cooperation with the University Board of Governors, the Board of
15 Community Colleges and such other public and private agencies as are necessary, shall
16 continue to refine the several licensure requirements, standards for approval of institutions of
17 teacher education, standards for institution-based innovative and experimental programs,
18 standards for implementing consortium-based teacher education, and standards for improved
19 efficiencies in the administration of the approved programs.

20 (1) Licensure standards. –

- 21 a. The licensure program shall provide for initial licensure after
22 completion of preservice training, continuing licensure after three
23 years of teaching experience, and license renewal every five years
24 thereafter, until the retirement of the teacher. The last license renewal
25 received prior to retirement shall remain in effect for five years after
26 retirement. The licensure program shall also provide for lifetime
27 licensure after 50 years of teaching.
- 28 b. The State Board of Education, in consultation with the Board of
29 Governors of The University of North Carolina, shall evaluate and
30 develop enhanced requirements for continuing licensure. The new
31 requirements shall reflect more rigorous standards for continuing
32 licensure and shall be aligned with high quality professional
33 development programs that reflect State priorities for improving
34 student achievement. Standards for continuing licensure shall include
35 at least eight continuing education credits, with at least three credits
36 required in the teacher's academic subject areas. Standards for
37 continuing licensure for elementary and middle school teachers shall
38 include at least three continuing education credits related to literacy.
39 Literacy renewal credits shall include evidence-based assessment,
40 diagnosis, and intervention strategies for students not demonstrating
41 reading proficiency. Oral language, phonemic and phonological
42 awareness, phonics, vocabulary, fluency, and comprehension shall be
43 addressed in literacy-related activities leading to license renewal for
44 elementary school teachers.
- 45 c. The State Board of Education, in consultation with local boards of
46 education and the Board of Governors of The University of North
47 Carolina, shall reevaluate and enhance the requirements for renewal
48 of teacher licenses. The State Board shall consider modifications in
49 the license renewal achievement and to make it a mechanism for
50 teachers to renew continually their knowledge and professional
51 skills.

- 1 (2) Teacher education programs. –
- 2 a. The State Board of Education, as lead agency in coordination with
- 3 the Board of Governors of The University of North Carolina, the
- 4 North Carolina Independent Colleges and Universities, and any other
- 5 public and private agencies as necessary, shall continue to raise
- 6 standards for entry into teacher education programs.
- 7 b. To further ensure that teacher preparation programs remain current
- 8 and reflect a rigorous course of study that is aligned to State and
- 9 national standards, the State Board of Education, in consultation with
- 10 the Board of Governors of The University of North Carolina, shall do
- 11 all of the following to ensure that students are prepared to teach in
- 12 elementary schools:
- 13 1. Provide students with adequate coursework in the teaching of
- 14 reading and mathematics.
- 15 2. Assess students prior to licensure to determine that they
- 16 possess the requisite knowledge in scientifically based
- 17 reading and mathematics instruction that is aligned with the
- 18 State Board's expectations.
- 19 3. Continue to provide students with preparation in applying
- 20 formative and summative assessments within the school and
- 21 classroom setting through technology-based assessment
- 22 systems available in North Carolina schools that measure and
- 23 predict expected student improvement.
- 24 4. Prepare students to integrate arts education across the
- 25 curriculum.
- 26 c. The State Board of Education, in consultation with local boards of
- 27 education and the Board of Governors of The University of North
- 28 Carolina, shall evaluate and modify, as necessary, the academic
- 29 requirements of teacher preparation programs for students preparing
- 30 to teach science in middle and high schools to ensure that there is
- 31 adequate preparation in issues related to science laboratory safety.
- 32 d. The standards for approval of institutions of teacher education shall
- 33 require that teacher education programs for all students include the
- 34 following demonstrated competencies:
- 35 1. ~~in~~All teacher education programs. –
- 36 I. ~~(i) the~~The identification and education of children
- 37 ~~with disabilities and~~disabilities.
- 38 II. ~~(ii) positive~~Positive management of student behavior
- 39 and effective communication techniques for defusing
- 40 and deescalating disruptive or dangerous behavior.
- 41 2. Elementary and special education general curriculum teacher
- 42 education programs. –
- 43 I. Teaching of reading, including a substantive
- 44 understanding of reading as a process involving oral
- 45 language, phonological and phonemic awareness,
- 46 phonics, fluency, vocabulary, and comprehension.
- 47 II. Evidence-based assessment and diagnosis of specific
- 48 areas of difficulty with reading development and of
- 49 reading deficiencies.

1 (c) Elementary and Middle Schools Performance Elements. – For schools serving
2 students in kindergarten through eighth grade, the overall school performance score shall be
3 calculated based on the sum of three school performance elements that are weighted
4 proportionally. The score shall be calculated as follows:

- 5 (1) One point for each percent of students who score at or above proficient on
6 annual assessments for mathematics in grades three through eight.
- 7 (2) One point for each percent of students who score at or above proficient on
8 annual assessments for reading in grades three through eight.
- 9 (3) One point for each percent of students who score at or above proficient on
10 annual assessments for science in grades five and eight.

11 (d) High Schools Performance Elements. – The school performance score earned by
12 schools serving students in ninth through twelfth grades shall be calculated based on the sum of
13 seven school performance elements that are weighted proportionally and grouped into three
14 categories in the calculation of the total performance grade. The scores in each category shall
15 be calculated as follows:

- 16 (1) Testing. –
 - 17 a. One point for each percent of students who score at or above
18 proficient on annual assessments for mathematics.
 - 19 b. One point for each percent of students who score at or above
20 proficient on annual assessments for English.
 - 21 c. One point for each percent of students who score at or above
22 proficient on annual assessments for biology.
- 23 (2) College/career readiness. –
 - 24 a. One point for each percent of students who complete a mathematics
25 class beyond Algebra I with a passing grade.
 - 26 b. One point for each percent of students who meet all four benchmarks
27 on a nationally normed test of college readiness.
 - 28 c. One point for each percent of students enrolled in the Career and
29 Technical Education who meet the standard on a nationally normed
30 test of workplace readiness.
- 31 (3) Graduation rate. – One point for each percent of students who graduate
32 within four years of entering high school.

33 (e) Calculation of School Performance Scores and Grades. – The State Board of
34 Education shall calculate school performance scores by totaling the sum of points, as provided
35 in subsections (c) and (d) of this section, and weighted proportionally, as provided in
36 subsection (b) of this section, earned by the school and converting the sum of points to a
37 100-point scale. The school performance score shall be used to determine the school
38 performance grade based on the following scale:

- 39 (1) At least 90 performance grade points for an overall school performance
40 grade of A.
- 41 (2) At least 80 performance grade points for an overall school performance
42 grade of B.
- 43 (3) At least 70 performance grade points for an overall school performance
44 grade of C.
- 45 (4) At least 60 performance grade points for an overall school performance
46 grade of D.
- 47 (5) A school that accumulates fewer than 60 points shall be assigned an overall
48 school performance grade of F.

49 (f) Measure of Student Growth. – Using the Education Value-Added Assessment
50 System (EVAAS), the State Board shall include as a part of the annual school report card a
51 separate indicator reflecting a measure of student growth for performance on annual

1 assessments for reading, mathematics, and science in grades three through eight and on annual
2 assessments for mathematics, English, and biology in grades nine through twelve. Based on this
3 measure, the State Board shall designate that a school has (i) met, (ii) failed to meet, or (iii)
4 exceeded expected student growth. This measure shall not be used to alter or adjust school
5 performance scores or the school performance grade awarded to a school. The student growth
6 measure shall be clearly displayed in the annual school report card provided under
7 G.S. 115C-12(9)c1., 115C-238.29F, and 115C-238.66.

8 (g) Elementary and Middle School Reading and Math Scores. – For schools serving
9 students in kindergarten through eighth grade, the school performance scores in reading and
10 mathematics, respectively, shall be reported separately on the annual school report card
11 provided under G.S. 115C-12(9)c1., 115C-238.29F, and 115C-238.66."

12 **SECTION 4.(c)** G.S. 115C-12(9)c1. reads as rewritten:

13 "c1. To issue an annual "report card" for the State and for each local
14 school administrative unit, assessing each unit's efforts to improve
15 student performance based on the growth in performance of the
16 students in each school and taking into account progress over the
17 previous years' level of performance and the State's performance in
18 comparison with other states. This assessment shall take into account
19 factors that have been shown to affect student performance and that
20 the State Board considers relevant to assess the State's efforts to
21 improve student performance. As a part of the annual "report card"
22 for each local school administrative unit, the State Board shall
23 ~~award~~ award, in accordance with G.S. 115C-83.11, an overall
24 numerical school performance score on a scale of zero to 100
25 and 100, a corresponding letter grade of A, B, C, D, or FF, and a
26 measure of student growth earned by each school within the local
27 school administrative unit. The school performance score and grade
28 shall reflect student performance on annual subject-specific
29 assessments, college and workplace readiness measures, and
30 graduation rates. For schools serving students in any grade from
31 kindergarten to eighth grade, separate performance scores and grades
32 shall also be awarded based on the school performance in reading
33 and mathematics respectively. The annual "report card" for schools
34 serving students in third grade also shall include the number and
35 percentage of third grade students who (i) take and pass the
36 alternative assessment of reading comprehension; (ii) were retained
37 in third grade for not demonstrating reading proficiency as indicated
38 in G.S. 115C-83.7(a); and (iii) were exempt from mandatory third
39 grade retention by category of exemption as listed in
40 G.S. 115C-83.7(b)."

41 **SECTION 4.(d)** G.S. 115C-47(58) reads as rewritten:

42 "(58) To Inform the Public About the North Carolina School Report Cards Issued
43 by the State Board of Education. – Each local board of education shall
44 ensure that the report card issued for it by the State Board of Education
45 receives wide distribution to the local press or is otherwise provided to the
46 public. Each local board of education shall ensure that the overall school
47 ~~performance score and grade score, grade, and a measure of student growth~~
48 earned by each school in the local school administrative unit for the current
49 and previous four school years is prominently displayed on the Web site of
50 the local school administrative unit. If any school in the local school
51 administrative unit is awarded a grade of D or F, the local board of education

1 shall provide notice of the grade in writing to the parent or guardian of all
2 students enrolled in that school."

3 **SECTION 4.(e)** G.S. 115C-238.29F(1) reads as rewritten:

4 "(1) North Carolina School Report Cards. – A charter school shall ensure that the report
5 card issued for it by the State Board of Education receives wide distribution to the local press
6 or is otherwise provided to the public. A charter school shall ensure that the overall school
7 performance ~~score and grade score~~, grade, and a measure of student growth earned by the
8 charter school for the current and previous four school years is prominently displayed on the
9 school Web site. If a charter school is awarded a grade of D or F, the charter school shall
10 provide notice of the grade in writing to the parent or guardian of all students enrolled in that
11 school."

12 **SECTION 4.(f)** G.S. 115C-238.66(11) reads as rewritten:

13 "(11) North Carolina School Report Cards. – A regional school shall ensure that
14 the report card issued for it by the State Board of Education receives wide
15 distribution to the local press or is otherwise provided to the public. A
16 regional school shall ensure that the overall school performance ~~score and~~
17 ~~grade score~~, grade, and a measure of student growth earned by the regional
18 school for the current and previous four school years is prominently
19 displayed on the school Web site. If a regional school is awarded a grade of
20 D or F, the regional school shall provide notice of the grade in writing to the
21 parent or guardian of all students enrolled in that school."

22 **SECTION 4.(g)** This section is effective when it becomes law and applies
23 beginning with the 2012-2013 school year.

24 **PART V. PAY FOR EXCELLENCE**

25 **SECTION 5.(a)** When a robust evaluation instrument and process that accurately
26 assesses and evaluates the effectiveness of teachers, especially in the area of student growth, is
27 wholly implemented in North Carolina, it is the intent of the General Assembly that the
28 evaluation instrument and process be utilized in the implementation of a plan of performance
29 pay for teachers in this State.

30 **SECTION 5.(b)** This section is effective when it becomes law.

31 **PART VI. TEACHER CONTRACTS**

32 **SECTION 6.(a)** G.S. 115C-325 is repealed.

33 **SECTION 6.(b)** Part 3 of Article 22 of Chapter 115C of the General Statutes is
34 amended by adding new sections to read:

35 **"§ 115C-325.1. Definitions.**

36 As used in this Part, the following definitions apply:

37 (1) "Day" means calendar day. In computing any period of time, Rule 6 of the
38 North Carolina Rules of Civil Procedure shall apply.

39 (2) "Demote" means to reduce the salary of a person who is classified or paid by
40 the State Board of Education as a classroom teacher or as a school
41 administrator. The word "demote" does not include (i) a suspension without
42 pay pursuant to G.S. 115C-325.5(a); (ii) the elimination or reduction of
43 bonus payments, including merit-based supplements, or a systemwide
44 modification in the amount of any applicable local supplement; or (iii) any
45 reduction in salary that results from the elimination of a special duty, such as
46 the duty of an athletic coach or a choral director.

47 (3) "Disciplinary suspension" means a final decision to suspend a teacher or
48 school administrator without pay for no more than 60 days under
49 G.S. 115C-325.5(b).

1 (4) "School administrator" means a principal, assistant principal, supervisor, or
2 director whose major function includes the direct or indirect supervision of
3 teaching or any other part of the instructional program, as provided in
4 G.S. 115C-287.1(a)(3).

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

6 a. Who holds at least one of the following licenses issued by the State
7 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
12 or who is classified by the State Board of Education or is paid either
13 as a classroom teacher or instructional support personnel.

14 c. Who is employed to fill a full-time, permanent position.

15 **"§ 115C-325.2. Personnel files.**

16 (a) Maintenance of Personnel File. – The superintendent shall maintain in his or her
17 office a personnel file for each teacher that contains any complaint, commendation, or
18 suggestion for correction or improvement about the teacher's professional conduct, except that
19 the superintendent may elect not to place in a teacher's file (i) a letter of complaint that contains
20 invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no
21 documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion
22 shall be signed by the person who makes it and shall be placed in the teacher's file only after
23 five days' notice to the teacher. Any denial or explanation relating to such complaint,
24 commendation, or suggestion that the teacher desires to make shall be placed in the file. Any
25 teacher may petition the local board of education to remove any information from the teacher's
26 personnel file that the teacher deems invalid, irrelevant, or outdated. The board may order the
27 superintendent to remove said information if it finds the information is invalid, irrelevant, or
28 outdated.

29 (b) Inspection of Personnel Files. – The personnel file shall be open for the teacher's
30 inspection at all reasonable times but shall be open to other persons only in accordance with
31 such rules and regulations as the board adopts. Any preemployment data or other information
32 obtained about a teacher before the teacher's employment by the board may be kept in a file
33 separate from the teacher's personnel file and need not be made available to the teacher. No
34 data placed in the preemployment file may be introduced as evidence at a hearing on the
35 dismissal or demotion of a teacher, except the data may be used to substantiate
36 G.S. 115C-325.4(a)(7) or G.S. 115C-325.4(a)(14) as grounds for dismissal or demotion.

37 **"§ 115C-325.3. Teacher contracts.**

38 (a) Length of Contract. – A contract between the local board of education and a teacher
39 who has been employed by the local board of education for less than three years shall be for a
40 term of one school year. A contract or renewal of contract between the local board of education
41 and a teacher who has been employed by the local board of education for three years or more
42 shall be for a term of one, two, three, or four school years.

43 (b) Superintendent Recommendation to Local Board. – Local boards of education shall
44 employ teachers upon the recommendation of the superintendent. If a superintendent intends to
45 recommend to the local board of education that a teacher be offered a new or renewed contract,
46 the superintendent shall submit the recommendation to the local board for action and shall
47 include in the recommendation the length of the term of contract. A superintendent shall only
48 recommend a teacher for a contract of a term longer than one school year if the teacher has
49 shown effectiveness as demonstrated on the teacher evaluation instrument. The local board may
50 approve the superintendent's recommendation, may decide not to offer the teacher a new or

1 renewed contract, or may decide to offer the teacher a renewed contract for a different term
2 than recommended by the superintendent.

3 (c) Dismissal During Term of Contract. A teacher shall not be dismissed or demoted
4 during the term of the contract except for the grounds and by the procedure set forth in
5 G.S. 115C-325.4.

6 (d) Recommendation on Nonrenewal. – If a superintendent decides not to recommend
7 that the local board of education offer a renewed contract to a teacher, the superintendent shall
8 give the teacher written notice of the decision no later than May 15.

9 (e) Right to Petition for Hearing. – A teacher shall have the right to petition the local
10 board of education for a hearing no later than June 1. The local board may, in its discretion,
11 grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board
12 of education shall notify the teacher making the petition of its decision whether to grant a
13 hearing. If the request for a hearing is granted, the local board shall conduct a hearing pursuant
14 to the provisions of G.S. 115C-45(c) and make a final decision on whether to offer the teacher a
15 renewed contract. The board shall notify a teacher whose contract will not be renewed for the
16 next school year of its decision by June 15; provided, however, if a teacher submits a request
17 for a hearing, the board shall provide the nonrenewal notification by July 1 or such later date
18 upon the written consent of the superintendent and teacher. A decision not to offer a teacher a
19 renewed contract shall not be on any basis prohibited by State or federal law.

20 (f) Local boards of education and teachers employed by the local board may mutually
21 modify the terms of the contract to permit part-time employment.

22 **"§ 115C-325.4. Dismissal or demotion for cause.**

23 (a) Grounds. – No teacher shall be dismissed or demoted or reduced to employment on
24 a part-time basis for disciplinary reasons during the term of the contract except for one or more
25 of the following:

- 26 (1) Inadequate performance. In determining whether the professional
27 performance of a teacher is adequate, consideration shall be given to regular
28 and special evaluation reports prepared in accordance with the published
29 policy of the employing local school administrative unit and to any
30 published standards of performance which shall have been adopted by the
31 board. Inadequate performance for a teacher shall mean (i) the failure to
32 perform at a proficient level on any standard of the evaluation instrument or
33 (ii) otherwise performing in a manner that is below standard.
- 34 (2) Immorality.
- 35 (3) Insubordination.
- 36 (4) Neglect of duty.
- 37 (5) Physical or mental incapacity.
- 38 (6) Habitual or excessive use of alcohol or nonmedical use of a controlled
39 substance as defined in Article 5 of Chapter 90 of the General Statutes.
- 40 (7) Conviction of a felony or a crime involving moral turpitude.
- 41 (8) Advocating the overthrow of the government of the United States or of the
42 State of North Carolina by force, violence, or other unlawful means.
- 43 (9) Failure to fulfill the duties and responsibilities imposed upon teachers or
44 school administrators by the General Statutes of this State.
- 45 (10) Failure to comply with such reasonable requirements as the board may
46 prescribe.
- 47 (11) Any cause which constitutes grounds for the revocation of the teacher's
48 teaching license or the school administrator's administrator license.
- 49 (12) Failure to maintain his or her license in a current status.
- 50 (13) Failure to repay money owed to the State in accordance with the provisions
51 of Article 60 of Chapter 143 of the General Statutes.

1 (14) Providing false information or knowingly omitting a material fact on an
2 application for employment or in response to a preemployment inquiry.

3 (b) Dismissal Procedure. – The procedures provided in G.S. 115C-325.6 shall be
4 followed for dismissals, demotions, or reductions to part-time employment for disciplinary
5 reasons for any reason specified in subsection (a) of this section.

6 **§ 115C-325.5. Teacher suspension.**

7 (a) Immediate Suspension Without Pay. – If a superintendent believes that cause exists
8 for dismissing a teacher for any reason specified in G.S. 115C-325.4 and that immediate
9 suspension of the teacher is necessary, the superintendent may suspend the teacher without pay.
10 Before suspending a teacher without pay, the superintendent shall meet with the teacher and
11 give him or her written notice of the charges against the teacher, an explanation of the basis for
12 the charges, and an opportunity to respond. Within five days after a suspension under this
13 paragraph, the superintendent shall initiate a dismissal, demotion, or disciplinary suspension
14 without pay as provided in this section. If it is finally determined that no grounds for dismissal,
15 demotion, or disciplinary suspension without pay exist, the teacher shall be reinstated
16 immediately, shall be paid for the period of suspension, and all records of the suspension shall
17 be removed from the teacher's personnel file.

18 (b) Disciplinary Suspension Without Pay. – A teacher recommended for disciplinary
19 suspension without pay may request a hearing before the board. If no request is made within 15
20 days, the superintendent may file his or her recommendation with the board. If, after
21 considering the recommendation of the superintendent and the evidence adduced at the hearing
22 if one is held, the board concludes that the grounds for the recommendation are true and
23 substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution
24 order such suspension.

25 (1) Board hearing for disciplinary suspensions for more than 10 days or for
26 certain types of intentional misconduct. – The procedures for a board hearing
27 under G.S. 115C-325.8 shall apply if any of the following circumstances
28 exist:

29 a. The recommended disciplinary suspension without pay is for more
30 than 10 days; or

31 b. The disciplinary suspension is for intentional misconduct, such as
32 inappropriate sexual or physical conduct, immorality,
33 insubordination, habitual or excessive alcohol or nonmedical use of a
34 controlled substance, as defined in Article 5 of Chapter 90 of the
35 General Statutes, any cause that constitutes grounds for the
36 revocation of the teacher's or school administrator's license, or
37 providing false information.

38 (2) Board hearing for disciplinary suspensions of no more than 10 days. – The
39 procedures for a board hearing under G.S. 115C-325.7 shall apply to all
40 disciplinary suspensions of no more than 10 days that are not for intentional
41 misconduct as specified in G.S. 115C-325.5(b)(1).

42 (c) Suspension With Pay. – If a superintendent believes that cause may exist for
43 dismissing or demoting a teacher for any reasons specified in G.S. 115C-325.4 but that
44 additional investigation of the facts is necessary and circumstances are such that the teacher
45 should be removed immediately from the teacher's duties, the superintendent may suspend the
46 teacher with pay for a reasonable period of time, not to exceed 90 days. The superintendent
47 shall notify the board of education within two days of the superintendent's action and shall
48 notify the teacher within two days of the action and the reasons for it. If the superintendent has
49 not initiated dismissal or demotion proceedings against the teacher within the 90-day period,
50 the teacher shall be reinstated to the teacher's duties immediately and all records of the
51 suspension with pay shall be removed from the teacher's personnel file at the teacher's request.

1 However, if the superintendent and the teacher agree to extend the 90-day period, the
2 superintendent may initiate dismissal or demotion proceedings against the teacher at any time
3 during the period of the extension.

4 **"§ 115C-325.6. Procedure for dismissal or demotion of a teacher for cause.**

5 (a) Recommendation of Dismissal or Demotion. – A teacher may not be dismissed,
6 demoted, or reduced to part-time employment for disciplinary reasons during the term of the
7 contract except upon the superintendent's recommendation based on one or more of the grounds
8 in G.S. 115C-325.4.

9 (b) Notice of Recommendation. – Before recommending to a board the dismissal or
10 demotion of a teacher, the superintendent shall give written notice to the teacher by certified
11 mail or personal delivery of the superintendent's intention to make such recommendation and
12 shall set forth as part of the superintendent's recommendation the grounds upon which he or she
13 believes such dismissal or demotion is justified. The superintendent also shall meet with the
14 teacher and provide written notice of the charges against the teacher, an explanation of the basis
15 for the charges, and an opportunity to respond if the teacher has not done so under
16 G.S. 115C-325.5(a). The notice shall include a statement to the effect that the teacher, within
17 14 days after the date of receipt of the notice, may request a hearing before the board on the
18 superintendent's recommendation. A copy of Part 3 of Article 22 of Chapter 115C of the
19 General Statutes shall also be sent to the teacher.

20 (c) Request for Hearing. – Within 14 days after receipt of the notice of
21 recommendation, the teacher may file with the superintendent a written request for a hearing
22 before the board on the superintendent's recommendation. The superintendent shall submit his
23 or her recommendation to the board. Within five days after receiving the superintendent's
24 recommendation and before taking any formal action, the board shall set a time and place for
25 the hearing and shall notify the teacher by certified mail or personal delivery of the date, time,
26 and place of the hearing. The time specified shall not be less than 10 nor more than 30 days
27 after the board has notified the teacher, unless both parties agree to an extension. The hearing
28 shall be conducted as provided in G.S. 115C-325.7.

29 (d) No Request for Hearing. – If the teacher does not request a hearing before the board
30 within the 14 days provided, the superintendent may submit his or her recommendation to the
31 board. The board, if it sees fit, may by resolution (i) reject the superintendent's recommendation
32 or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or
33 suspend the teacher without pay.

34 **"§ 115C-325.7. Hearing before board.**

35 (a) Board Hearing. – The following procedures shall apply to a hearing conducted by
36 the board:

37 (1) The hearing shall be private.

38 (2) The board shall receive the following:

39 a. Any documentary evidence the superintendent intends to use to
40 support the recommendation. The superintendent shall provide the
41 documentary evidence to the teacher seven days before the hearing.

42 b. Any documentary evidence the teacher intends to use to rebut the
43 superintendent's recommendation. The teacher shall provide the
44 superintendent with the documentary evidence three days before the
45 hearing.

46 c. The superintendent's recommendation and the grounds for the
47 recommendation.

48 (3) The superintendent and teacher may submit a written statement not less than
49 three days before the hearing.

50 (4) The superintendent and teacher shall be permitted to make oral arguments to
51 the board based on the record before the board.

- 1 (5) The board shall make findings of fact based upon a preponderance of the
2 evidence.
- 3 (6) Within two days following the hearing, the board shall send a written copy
4 of its findings and determination to the teacher and the superintendent.
- 5 (7) If the board elects to make a transcript, the teacher may request and shall
6 receive at no charge a transcript of the proceedings. A teacher may have the
7 hearing transcribed by a court reporter at the teacher's expense.

8 (b) The procedures of this section shall not apply to board hearings for disciplinary
9 suspensions without pay under G.S. 115C-325.5(b)(1). Board hearings for
10 G.S. 115C-325.5(b)(1) shall be conducted as provided in G.S. 115C-325.8.

11 **"§ 115C-325.8. Board hearing for certain disciplinary suspensions.**

12 (a) The following procedures shall apply for a board hearing under G.S. 115C-325.5(b),
13 disciplinary suspensions without pay:

- 14 (1) The hearing shall be private.
- 15 (2) The hearing shall be conducted in accordance with reasonable rules adopted
16 by the State Board of Education to govern such hearings.
- 17 (3) At the hearing, the teacher and the superintendent shall have the right to be
18 present and to be heard, to be represented by counsel, and to present through
19 witnesses any competent testimony relevant to the issue of whether grounds
20 exist for a disciplinary suspension without pay.
- 21 (4) Rules of evidence shall not apply to a hearing under this subsection and the
22 board may give probative effect to evidence that is of a kind commonly
23 relied on by reasonably prudent persons in the conduct of serious affairs.
- 24 (5) At least eight days before the hearing, the superintendent shall provide to the
25 teacher a list of witnesses the superintendent intends to present, a brief
26 statement of the nature of the testimony of each witness, and a copy of any
27 documentary evidence the superintendent intends to present.
- 28 (6) At least six days before the hearing, the teacher shall provide the
29 superintendent a list of witnesses the teacher intends to present, a brief
30 statement of the nature of the testimony of each witness, and a copy of any
31 documentary evidence the teacher intends to present.
- 32 (7) No new evidence may be presented at the hearing except upon a finding by
33 the board that the new evidence is critical to the matter at issue and the party
34 making the request could not, with reasonable diligence, have discovered
35 and produced the evidence according to the schedule provided in this
36 section.
- 37 (8) The board may subpoena and swear witnesses and may require them to give
38 testimony and to produce records and documents relevant to the grounds for
39 suspension without pay.
- 40 (9) The board shall decide all procedural issues, including limiting cumulative
41 evidence, necessary for a fair and efficient hearing.
- 42 (10) The superintendent shall provide for making a transcript of the hearing. The
43 teacher may request and shall receive at no charge a transcript of the
44 proceedings.

45 **"§ 115C-325.9. Teacher resignation.**

46 (a) Teacher Resignation Following Recommendation for Dismissal. – If a teacher has
47 been recommended for dismissal under G.S. 115C-325.4 and the teacher chooses to resign
48 without the written agreement of the superintendent, then:

- 49 (1) The superintendent shall report the matter to the State Board of Education.
- 50 (2) The teacher shall be deemed to have consented to (i) the placement in the
51 teacher's personnel file of the written notice of the superintendent's intention

1 to recommend dismissal and (ii) the release of the fact that the
2 superintendent has reported this teacher to the State Board of Education to
3 prospective employers, upon request. The provisions of G.S. 115C-321 shall
4 not apply to the release of this particular information.

5 (3) The teacher shall be deemed to have voluntarily surrendered his or her
6 license pending an investigation by the State Board of Education in a
7 determination whether or not to seek action against the teacher's license.
8 This license surrender shall not exceed 45 days from the date of resignation.
9 Provided further that the cessation of the license surrender shall not prevent
10 the State Board of Education from taking any further action it deems
11 appropriate. The State Board of Education shall initiate investigation within
12 five working days of the written notice from the superintendent and shall
13 make a final decision as to whether to revoke or suspend the teacher's license
14 within 45 days from the date of resignation.

15 (b) 30 Days' Notice Resignation Requirement. – A teacher who is not recommended for
16 dismissal should not resign during the term of the contract without the consent of the
17 superintendent unless he or she has given at least 30 days' notice. If a teacher who is not
18 recommended for dismissal does resign during the term of the contract without giving at least
19 30 days' notice, the board may request that the State Board of Education revoke the teacher's
20 license for the remainder of that school year. A copy of the request shall be placed in the
21 teacher's personnel file.

22 **"§ 115C-325.10. Application to certain institutions.**

23 Notwithstanding any law or regulation to the contrary, this Part shall apply to all persons
24 employed in teaching and related educational classes in the schools and institutions of the
25 Departments of Health and Human Services, Public Instruction, and the Divisions of Juvenile
26 Justice and Adult Correction of the Department of Public Safety, regardless of the age of the
27 students.

28 **"§ 115C-325.11. Dismissal of school administrators and teachers employed in
29 low-performing residential schools.**

30 (a) Notwithstanding any other provision of this section or any other law, this section
31 shall govern the dismissal by the State Board of Education of teachers, principals, assistant
32 principals, directors, supervisors, and other licensed personnel assigned to a residential school
33 that the State Board has identified as low-performing and to which the State Board has assigned
34 an assistance team. The State Board shall dismiss a teacher, principal, assistant principal,
35 director, supervisor, or other licensed personnel when the State Board receives two consecutive
36 evaluations that include written findings and recommendations regarding that person's
37 inadequate performance from the assistance team. These findings and recommendations shall
38 be substantial evidence of the inadequate performance of the teacher or school administrator.

39 (b) The State Board may dismiss a teacher, principal, assistant principal, director,
40 supervisor, or other licensed personnel when:

41 (1) The State Board determines that the school has failed to make satisfactory
42 improvement after the State Board assigned an assistance team to that
43 school.

44 (2) That assistance team makes the recommendation to dismiss the teacher,
45 principal, assistant principal, director, supervisor, or other licensed personnel
46 for one or more grounds established in G.S. 115C-325.4 for dismissal or
47 demotion of a teacher.

48 Within 30 days of any dismissal under this subsection, a teacher, principal, assistant
49 principal, director, supervisor, or other licensed personnel may request a hearing before a panel
50 of three members designated by the State Board. The State Board shall adopt procedures to

1 ensure that due process rights are afforded to persons recommended for dismissal under this
2 subsection. Decisions of the panel may be appealed on the record to the State Board.

3 (c) Notwithstanding any other provision of this section or any other law, this subsection
4 shall govern the dismissal by the State Board of licensed staff members who have engaged in a
5 remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general
6 knowledge standard set by the State Board. The failure to meet the general knowledge standard
7 after one retest shall be substantial evidence of the inadequate performance of the licensed staff
8 member.

9 Within 30 days of any dismissal under this subsection, a licensed staff member may request
10 a hearing before a panel of three members designated by the State Board. The State Board shall
11 adopt procedures to ensure that due process rights are afforded to licensed staff members
12 recommended for dismissal under this subsection. Decisions of the panel may be appealed on
13 the record to the State Board.

14 (d) The State Board or the superintendent of a residential school may terminate the
15 contract of a school administrator dismissed under this section. Nothing in this section shall
16 prevent the State Board from refusing to renew the contract of any person employed in a school
17 identified as low-performing.

18 (e) Neither party to a school administrator or teacher contract is entitled to damages
19 under this section.

20 (f) The State Board shall have the right to subpoena witnesses and documents on behalf
21 of any party to the proceedings under this section.

22 **"§ 115C-325.12. Procedure for dismissal of principals employed in low-performing**
23 **schools.**

24 (a) Dismissal of Principals Assigned to Low-Performing Schools With Assistance
25 Teams. – Notwithstanding any other provision of this Part or any other law, this section
26 governs the State Board's dismissal of principals assigned to low-performing schools to which
27 the State Board has assigned an assistance team.

28 (b) Authority of State Board to Dismiss Principal. – The State Board through its
29 designee may, at any time, recommend the dismissal of any principal who is assigned to a
30 low-performing school to which an assistance team has been assigned. The State Board through
31 its designee shall recommend the dismissal of any principal when the State Board receives from
32 the assistance team assigned to that principal's school two consecutive evaluations that include
33 written findings and recommendations regarding the principal's inadequate performance.

34 (c) Procedures for Dismissal of Principal. –

35 (1) If the State Board through its designee recommends the dismissal of a
36 principal under this section, the principal shall be suspended with pay
37 pending a hearing before a panel of three members of the State Board. The
38 purpose of this hearing, which shall be held within 60 days after the
39 principal is suspended, is to determine whether the principal shall be
40 dismissed.

41 (2) The panel shall order the dismissal of the principal if it determines from
42 available information, including the findings of the assistance team, that the
43 low performance of the school is due to the principal's inadequate
44 performance.

45 (3) The panel may order the dismissal of the principal if (i) it determines that the
46 school has not made satisfactory improvement after the State Board assigned
47 an assistance team to that school and (ii) the assistance team makes the
48 recommendation to dismiss the principal for one or more grounds
49 established in G.S. 115C-325.4 for dismissal or demotion of a teacher.

50 (4) If the State Board or its designee recommends the dismissal of a principal
51 before the assistance team assigned to the principal's school has evaluated

1 that principal, the panel may order the dismissal of the principal if the panel
2 determines from other available information that the low performance of the
3 school is due to the principal's inadequate performance.

4 (5) In all hearings under this section, the burden of proof is on the principal to
5 establish that the factors leading to the school's low performance were not
6 due to the principal's inadequate performance. In all hearings under this
7 section, the burden of proof is on the State Board to establish that the school
8 failed to make satisfactory improvement after an assistance team was
9 assigned to the school and to establish one or more of the grounds
10 established for dismissal or demotion of a teacher under G.S. 115C-325.4.

11 (6) In all hearings under this section, two consecutive evaluations that include
12 written findings and recommendations regarding that principal's inadequate
13 performance from the assistance team are substantial evidence of the
14 inadequate performance of the principal.

15 (7) The State Board shall adopt procedures to ensure that due process rights are
16 afforded to principals under this section. Decisions of the panel may be
17 appealed on the record to the State Board.

18 (d) The State Board of Education or a local board may terminate the contract of a
19 principal dismissed under this section.

20 (e) Neither party to a school administrator contract is entitled to damages under this
21 section.

22 (f) The State Board shall have the right to subpoena witnesses and documents on behalf
23 of any party to the proceedings under this section.

24 **"§ 115C-325.13. Procedure for dismissal of teachers employed in low-performing schools.**

25 (a) Notwithstanding any other provision of this Part or any other law, this section shall
26 govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors
27 assigned to schools that the State Board has identified as low-performing and to which the State
28 Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall
29 dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two
30 consecutive evaluations that include written findings and recommendations regarding that
31 person's inadequate performance from the assistance team. These findings and
32 recommendations shall be substantial evidence of the inadequate performance of the teacher,
33 assistant principal, director, or supervisor.

34 (b) The State Board may dismiss a teacher, assistant principal, director, or supervisor
35 when:

36 (1) The State Board determines that the school has failed to make satisfactory
37 improvement after the State Board assigned an assistance team to that school
38 under G.S. 115C-105.38; and

39 (2) That assistance team makes the recommendation to dismiss the teacher,
40 assistant principal, director, or supervisor for one or more grounds
41 established in G.S. 115C-325.4 for dismissal or demotion for cause.

42 A teacher, assistant principal, director, or supervisor may request a hearing before a panel
43 of three members of the State Board within 30 days of any dismissal under this section. The
44 State Board shall adopt procedures to ensure that due process rights are afforded to persons
45 recommended for dismissal under this section. Decisions of the panel may be appealed on the
46 record to the State Board.

47 (c) Notwithstanding any other provision of this Part or any other law, this section shall
48 govern the State Board's dismissal of licensed staff members who have engaged in a
49 remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general
50 knowledge standard set by the State Board. The failure to meet the general knowledge standard

1 after one retest shall be substantial evidence of the inadequate performance of the licensed staff
2 member.

3 (d) A licensed staff member may request a hearing before a panel of three members of
4 the State Board within 30 days of any dismissal under this section. The State Board shall adopt
5 procedures to ensure that due process rights are afforded to licensed staff members
6 recommended for dismissal under this section. Decisions of the panel may be appealed on the
7 record to the State Board.

8 (e) The State Board of Education or a local board may terminate the contract of a
9 teacher, assistant principal, director, or supervisor dismissed under this section.

10 (f) Neither party to a school administrator or teacher contract is entitled to damages
11 under this section.

12 (g) The State Board shall have the right to subpoena witnesses and documents on behalf
13 of any party to the proceedings under this section."

14 **SECTION 6.(c)** G.S. 115C-45(c) reads as rewritten:

15 "(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the
16 local board of education from any final administrative decision in the following matters:

- 17 (1) The discipline of a student under G.S. 115C-390.7, 115C-390.10, or
18 115C-390.11;
- 19 (2) An alleged violation of a specified federal law, State law, State Board of
20 Education policy, State rule, or local board policy, including policies
21 regarding grade retention of students;
- 22 (3) The terms or conditions of employment or employment status of a school
23 employee; and
- 24 (4) Any other decision that by statute specifically provides for a right of appeal
25 to the local board of education and for which there is no other statutory
26 appeal procedure.

27 As used in this subsection, the term "final administrative decision" means a decision of a
28 school employee from which no further appeal to a school administrator is available.

29 Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this
30 subsection shall have the right to appeal to the superintendent and thereafter shall have the right
31 to petition the local board of education for a hearing, and the local board may grant a hearing
32 regarding any final decision of school personnel within the local school administrative unit.
33 The local board of education shall notify the person making the petition of its decision whether
34 to grant a hearing.

35 In all appeals to the board it is the duty of the board of education to see that a proper notice
36 is given to all parties concerned and that a record of the hearing is properly entered in the
37 records of the board conducting the hearing.

38 The board of education may designate hearing panels composed of not less than two
39 members of the board to hear and act upon such appeals in the name and on behalf of the board
40 of education.

41 An appeal of right brought before a local board of education under subdivision (1), (2), ~~(3),~~
42 or (4) of this subsection may be further appealed to the superior court of the State on the
43 grounds that the local board's decision is in violation of constitutional provisions, is in excess of
44 the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected
45 by other error of law, is unsupported by substantial evidence in view of the entire record as
46 submitted, or is arbitrary or capricious. ~~However, the right of a noncertified employee to appeal~~
47 ~~decisions of a local board under subdivision (3) of this subsection shall only apply to decisions~~
48 ~~concerning the dismissal, demotion, or suspension without pay of the noncertified employee. A~~
49 ~~noncertified employee may request and shall be entitled to receive written notice as to the~~
50 ~~reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be~~

1 provided to the employee prior to any local board of education hearing on the issue. This
 2 subsection shall not alter the employment status of a noncertified employee."

3 **SECTION 6.(d)** G.S. 115C-105.26(b)(2) reads as rewritten:

4 "(2) State rules and policies, except those pertaining to public school State salary
 5 schedules and employee benefits for school employees, the instructional
 6 program that must be offered under the Basic Education Program, the system
 7 of employment for public school teachers and administrators set out in
 8 G.S. 115C-287.1 and ~~G.S. 115C-325~~, in Part 3 of Article 22 of this Chapter,
 9 health and safety codes, compulsory attendance, the minimum lengths of the
 10 school day and year, and the Uniform Education Reporting System."

11 **SECTION 6.(e)** G.S. 115C-105.37B(a)(2) reads as rewritten:

12 "(2) Restart model, in which the State Board of Education would authorize the
 13 local board of education to operate the school with the same exemptions
 14 from statutes and rules as a charter school authorized under Part 6A of
 15 Article 16 of this Chapter, or under the management of an educational
 16 management organization that has been selected through a rigorous review
 17 process. A school operated under this subdivision remains under the control
 18 of the local board of education, and employees assigned to the school are
 19 employees of the local school administrative unit with the protections
 20 provided by ~~G.S. 115C-325~~, Part 3 of Article 22 of this Chapter."

21 **SECTION 6.(f)** G.S. 115C-105.38A reads as rewritten:

22 **"§ 115C-105.38A. Teacher competency assurance.**

23 ...

24 (d) Retesting; Dismissal. – Upon completion of the remediation plan required under
 25 subsection (c) of this section, the ~~certified~~licensed staff member shall take the general
 26 knowledge test a second time. If the ~~certified~~licensed staff member fails to acquire a passing
 27 score on the second test, the State Board shall begin a dismissal proceeding under
 28 ~~G.S. 115C-325(q)(2a)~~; G.S. 115C-325.13.

29 ...

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

- 32 (1) The dismissal of a principal under ~~G.S. 115C-325(q)(1)~~; G.S. 115C-325.12.
 33 (2) The dismissal of a teacher, assistant principal, director, or supervisor under
 34 ~~G.S. 115C-325(q)(2)~~; G.S. 115C-325.13.
 35 (3) The dismissal or demotion of ~~a career~~an employee for any of the grounds
 36 listed under ~~G.S. 115C-325(e)~~; G.S. 115C-325.4.
 37 (4) The nonrenewal of a school administrator's or ~~probationary~~ teacher's contract
 38 of ~~employment~~; employment.
 39 (5) ~~The decision to grant career status.~~

40"

41 **SECTION 6.(g)** G.S. 115C-105.39 reads as rewritten:

42 **"§ 115C-105.39. Dismissal or removal of personnel; appointment of interim
 43 superintendent.**

44 (a) Within 30 days of the initial identification of a school as low-performing, whether
 45 by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under
 46 G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the
 47 school's principal: (i) recommend to the local board that the principal be retained in the same
 48 position, (ii) recommend to the local board that the principal be retained in the same position
 49 and a plan of remediation should be developed, (iii) recommend to the local board that the
 50 principal be transferred, or (iv) proceed under ~~G.S. 115C-325~~G.S. 115C-325.4 to dismiss or
 51 demote the principal. The principal may be retained in the same position without a plan for

1 remediation only if the principal was in that position for no more than two years before the
2 school is identified as low-performing. The principal shall not be transferred to another
3 principal position unless (i) it is in a school classification in which the principal previously
4 demonstrated at least 2 years of success, (ii) there is a plan to evaluate and provide remediation
5 to the principal for at least one year following the transfer to assure the principal does not
6 impede student performance at the school to which the principal is being transferred; and (iii)
7 the parents of the students at the school to which the principal is being transferred are notified.
8 The principal shall not be transferred to another low-performing school in the local school
9 administrative unit. If the superintendent intends to recommend demotion or dismissal, the
10 superintendent shall notify the local board. Within 15 days of (i) receiving notification that the
11 superintendent intends to proceed under ~~G.S. 115C-325~~, G.S. 115C-325.4 or (ii) its decision
12 concerning the superintendent's recommendation, but no later than September 30, the local
13 board shall submit to the State Board a written notice of the action taken and the basis for that
14 action. If the State Board does not assign an assistance team to that school or if the State Board
15 assigns an assistance team to that school and the superintendent proceeds under
16 ~~G.S. 115C-325~~, G.S. 115C-325.4 to dismiss or demote the principal, then the State Board shall
17 take no further action. If the State Board assigns an assistance team to the school and the
18 superintendent is not proceeding under ~~G.S. 115C-325~~, G.S. 115C-325.4 to dismiss or demote
19 the principal, then the State Board shall vote to accept, reject, or modify the local board's
20 recommendations. The State Board shall notify the local board of its action within five days. If
21 the State Board rejects or modifies the local board's recommendations and does not recommend
22 dismissal of the principal, the State Board's notification shall include recommended action
23 concerning the principal's assignment or terms of employment. Upon receipt of the State
24 Board's notification, the local board shall implement the State Board's recommended action
25 concerning the principal's assignment or terms of employment unless the local board asks the
26 State Board to reconsider that recommendation. The State Board shall provide an opportunity
27 for the local board to be heard before the State Board acts on the local board's request for a
28 reconsideration. The State Board shall vote to affirm or modify its original recommended
29 action and shall notify the local board of its action within five days. Upon receipt of the State
30 Board's notification, the local board shall implement the State Board's final recommended
31 action concerning the principal's assignment or terms of employment. If the State Board rejects
32 or modifies the local board's action and recommends dismissal of the principal, the State Board
33 shall proceed under ~~G.S. 115C-325(q)(1)~~, G.S. 115C-325.12.

34 (b) The State Board shall proceed under ~~G.S. 115C-325(q)(2)~~, G.S. 115C-325.13 for the
35 dismissal of teachers, assistant principals, directors, and supervisors assigned to a school
36 identified as low-performing in accordance with ~~G.S. 115C-325(q)(2)~~, G.S. 115C-325.13.

37"

38 **SECTION 6.(h)** G.S. 115C-238.29F(e)(3) reads as rewritten:

39 "(3) If a teacher employed by a local school administrative unit makes a written
40 request for a leave of absence to teach at a charter school, the local school
41 administrative unit shall grant the leave for one year. For the initial year of a
42 charter school's operation, the local school administrative unit may require
43 that the request for a leave of absence be made up to 45 days before the
44 teacher would otherwise have to report for duty. After the initial year of a
45 charter school's operation, the local school administrative unit may require
46 that the request for a leave of absence be made up to 90 days before the
47 teacher would otherwise have to report for duty. A local board of education
48 is not required to grant a request for a leave of absence or a request to extend
49 or renew a leave of absence for a teacher who previously has received a
50 leave of absence from that school board under this subdivision. A teacher
51 who has ~~career status under G.S. 115C-325~~ prior to receiving received a

1 leave of absence to teach at a charter school may return to a public school in
2 the local school administrative unit ~~with career status~~ at the end of the leave
3 of absence or upon the end of employment at the charter school if an
4 appropriate position is available. ~~If an appropriate position is unavailable, the~~
5 ~~teacher's name shall be placed on a list of available teachers and that teacher~~
6 ~~shall have priority on all positions for which that teacher is qualified in~~
7 ~~accordance with G.S. 115C-325(e)(2)."~~

8 **SECTION 6.(i)** G.S. 115C-238.68(3) reads as rewritten:

9 "(3) ~~Career status.~~ Leave of absence from local school administrative unit. –
10 ~~Employees of the board of directors shall not be eligible for career status.~~ If
11 a teacher employed by a local school administrative unit makes a written
12 request for a leave of absence to teach at the regional school, the local school
13 administrative unit shall grant the leave for one year. For the initial year of
14 the regional school's operation, the local school administrative unit may
15 require that the request for a leave of absence be made up to 45 days before
16 the teacher would otherwise have to report for duty. After the initial year of
17 the regional school's operation, the local school administrative unit may
18 require that the request for a leave of absence be made up to 90 days before
19 the teacher would otherwise have to report for duty. A local board of
20 education is not required to grant a request for a leave of absence or a
21 request to extend or renew a leave of absence for a teacher who previously
22 has received a leave of absence from that school board under this
23 subdivision. A teacher who has ~~career status under G.S. 115C-325~~ prior to
24 ~~receiving~~ received a leave of absence to teach at the regional school may
25 return to a public school in the local school administrative unit ~~with career~~
26 ~~status~~ at the end of the leave of absence or upon the end of employment at
27 the regional school if an appropriate position is available. ~~If an appropriate~~
28 ~~position is unavailable, the teacher's name shall be placed on a list of~~
29 ~~available teachers in accordance with G.S. 115C-325(e)(2)."~~

30 **SECTION 6.(j)** G.S. 115C-276(l) reads as rewritten:

31 "(l) To Maintain Personnel Files and to Participate in Firing and Demoting of Staff. –
32 The superintendent shall maintain in his or her office a personnel file for each teacher that
33 contains complaints, commendations, or suggestions for correction or improvement about the
34 teacher and shall participate in the firing and demoting of staff, as provided in
35 G.S. 115C-325, Part 3 of Article 22 of this Chapter."

36 **SECTION 6.(k)** G.S. 115C-285(7) reads as rewritten:

37 "(7) All persons employed as principals in the schools and institutions listed in
38 ~~subsection (p) of G.S. 115C-325~~ G.S. 115C-325.10 shall be compensated at
39 the same rate as are teachers in the public schools in accordance with the
40 salary schedule adopted by the State Board of Education."

41 **SECTION 6.(l)** G.S. 115C-287.1 reads as rewritten:

42 **"§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**
43 **and directors.**

- 44 (a) (1) ~~Beginning July 1, 1995, all~~ All persons employed as school administrators
45 shall be employed pursuant to this section.
46 (2) ~~Notwithstanding G.S. 115C-287.1(a)(1), the following school administrators~~
47 ~~shall be employed pursuant to G.S. 115C-325:~~
48 a. ~~School administrators who, as of July 1, 1995, are serving in a~~
49 ~~principal or supervisor position with career status in that position;~~
50 ~~and~~

~~b. School administrators who, as of July 1, 1995, are serving in a principal or supervisor position and who are eligible to achieve career status on or before June 30, 1997.~~

~~A school administrator shall cease to be employed pursuant to G.S. 115C 325 if the school administrator: (i) voluntarily relinquishes career status or the opportunity to achieve career status through promotion, resignation, or otherwise; or (ii) is dismissed or demoted or whose contract is not renewed pursuant to G.S. 115C 325.~~

(3) For purposes of this section, school administrator means a:

- a. Principal;
- b. Assistant principal;
- c. Supervisor; or
- d. Director,

whose major function includes the direct or indirect supervision of teaching or of any other part of the instructional program.

~~(4) Nothing in this section shall be construed to confer career status on any assistant principal or director, or to make an assistant principal eligible for career status as an assistant principal or a director eligible for career status as a director.~~

(b) Local boards of education shall employ school administrators ~~who are ineligible for career status as provided in G.S. 115C 325(e)(3),~~ upon the recommendation of the superintendent. The initial contract between a school administrator and a local board of education shall be for two to four years, ending on June 30 of the final 12 months of the contract. In the case of a subsequent contract between a principal or assistant principal and a local board of education, the contract ~~shall be for~~ may be for up to a term of four years. In the case of an initial contract between a school administrator and a local board of education, the first year of the contract may be for a period of less than 12 months provided the contract becomes effective on or before September 1. A local board of education may, with the written consent of the school administrator, extend, renew, or offer a new school administrator's contract at any time after the first 12 months of the contract so long as the term of the new, renewed, or extended contract does not exceed four years. Rolling annual contract renewals are not allowed. Nothing in this section shall be construed to prohibit the filling of an administrative position on an interim or temporary basis.

(c) The term of employment shall be stated in a written contract that shall be entered into between the local board of education and the school administrator. The school administrator shall not be dismissed or demoted during the term of the contract except for the grounds and by the procedure by which a ~~career~~ teacher may be dismissed or demoted for cause as set forth in ~~G.S. 115C 325.~~ G.S. 115C-325.4.

(d) If a superintendent intends to recommend to the local board of education that the school administrator be offered a new, renewed, or extended contract, the superintendent shall submit the recommendation to the local board for action. The local board may approve the superintendent's recommendation or decide not to offer the school administrator a new, renewed, or extended school administrator's contract.

If a superintendent decides not to recommend that the local board of education offer a new, renewed, or extended school administrator's contract to the school administrator, the superintendent shall give the school administrator written notice of his or her decision ~~and the reasons for his or her decision~~ no later than May 1 of the final year of the contract. ~~The superintendent's reasons may not be arbitrary, capricious, discriminatory, personal, or political.~~ No action by the local board or further notice to the school administrator shall be necessary unless the school administrator files with the superintendent a written request, within 10 days of receipt of the superintendent's decision, for a hearing before the local board. ~~Failure to file a~~

1 timely request for a hearing shall result in a waiver of the right to appeal the superintendent's
2 decision. If a school administrator files a timely request for a hearing, the local board shall
3 conduct a hearing pursuant to the provisions of G.S. 115C-45(c) and make a final decision on
4 whether to offer the school administrator a new, renewed, or extended school administrator's
5 contract.

6 If the local board decides not to offer the school administrator a new, renewed, or extended
7 school administrator's contract, the local board shall notify the school administrator of its
8 decision by June 1 of the final year of the contract. A decision not to offer the school
9 administrator a new, renewed, or extended contract may not be for any cause ~~that is not~~
10 ~~arbitrary, capricious, discriminatory, personal, or political prohibited by State or federal law.~~
11 ~~The local board's decision not to offer the school administrator a new, renewed, or extended~~
12 ~~school administrator's contract is subject to judicial review in accordance with Article 4 of~~
13 ~~Chapter 150B of the General Statutes.~~

14 (e) Repealed by Session Laws 1995, c. 369, s. 1.

15 (f) If the superintendent or the local board of education fails to notify a school
16 administrator by June 1 of the final year of the contract that the school administrator will not be
17 offered a new school administrator's contract, the school administrator shall be entitled to 30
18 days of additional employment or severance pay beyond the date the school administrator
19 receives written notice that a new contract will not be offered.

20 (g) ~~If, prior to appointment as a school administrator, the school administrator held~~
21 ~~career status as a teacher in the local school administrative unit in which he or she is employed~~
22 ~~as a school administrator, a school administrator shall retain career status as a teacher if the~~
23 ~~school administrator is not offered a new, renewed, or extended contract by the local board of~~
24 ~~education, unless the school administrator voluntarily relinquished that right or is dismissed or~~
25 ~~demoted pursuant to G.S. 115C-325.~~

26 (h) An individual who holds a provisional assistant principal's certificate license and
27 who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school
28 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a
29 local board may enter into one-year contracts with a school administrator who holds a
30 provisional assistant principal's certificate license. ~~If the school administrator held career status~~
31 ~~as a teacher in the local school administrative unit prior to being employed as an assistant~~
32 ~~principal and the State Board for any reason does not extend the school administrator's~~
33 ~~provisional assistant principal's certificate, the school administrator shall retain career status as~~
34 ~~a teacher unless the school administrator voluntarily relinquished that right or is dismissed or~~
35 ~~demoted under G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be~~
36 ~~construed to require a local board to extend or renew the contract of a school administrator who~~
37 ~~holds a provisional assistant principal's certificate license."~~

38 **SECTION 6.(m)** G.S. 115C-304 is repealed.

39 **SECTION 6.(n)** G.S. 115C-333 reads as rewritten:

40 "**§ 115C-333. Evaluation of licensed employees including certain superintendents;**
41 **mandatory improvement plans; State board notification upon dismissal of**
42 **employees.**

43 (a) Annual Evaluations; Low-Performing Schools. – Local school administrative units
44 shall evaluate at least once each year all licensed employees assigned to a school that has been
45 identified as low-performing. The evaluation shall occur early enough during the school year to
46 provide adequate time for the development and implementation of a mandatory improvement
47 plan if one is recommended under subsection (b) of this section. If the employee is a teacher as
48 defined under ~~G.S. 115C-325(a)(6)~~, G.S. 115C-325.1(5), either the principal, the assistant
49 principal who supervises the teacher, or an assistance team assigned under G.S. 115C-105.38
50 shall conduct the evaluation. If the employee is a school administrator as defined under

1 G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct
2 the evaluation.

3 All teachers in low-performing schools who have ~~not attained career status~~ been employed
4 for less than three consecutive years shall be observed at least three times annually by the
5 principal or the principal's designee and at least once annually by a teacher and shall be
6 evaluated at least once annually by a principal. This section shall not be construed to limit the
7 duties and authority of an assistance team assigned to a low-performing school under
8 G.S. 115C-105.38.

9 A local board shall use the performance standards and criteria adopted by the State Board
10 and may adopt additional evaluation criteria and standards. All other provisions of this section
11 shall apply if a local board uses an evaluation other than one adopted by the State Board.

12 (b) Mandatory Improvement Plans. –

13 (1) Repealed by Session Laws 2011-348, s. 2, effective July 1, 2011, and
14 applicable to persons recommended for dismissal or demotion on or after
15 that date.

16 (1a) A mandatory improvement plan is an instrument designed to improve a
17 teacher's performance or the performance of any licensed employee in a
18 low-performing school by providing the individual with notice of specific
19 performance areas that have substantial deficiencies and a set of strategies,
20 including the specific support to be provided to the individual, so that the
21 individual, within a reasonable period of time, should satisfactorily resolve
22 such deficiencies.

23 (2) Repealed by Session Laws 2011-348, s. 2, effective July 1, 2011, and
24 applicable to persons recommended for dismissal or demotion on or after
25 that date.

26 (2a) If a licensed employee in a low-performing school receives a rating on any
27 standard on an evaluation that is below proficient or otherwise represents
28 unsatisfactory or below standard performance in an area that the licensed
29 employee was expected to demonstrate, the individual or team that
30 conducted the evaluation shall recommend to the superintendent that (i) the
31 employee receive a mandatory improvement plan designed to improve the
32 employee's ~~performance or~~ performance, (ii) the superintendent recommend
33 to the local board that the ~~employee be dismissed or demoted~~ employee's
34 contract not be recommended for renewal, or (iii) if the employee engaged in
35 inappropriate conduct or performed inadequately to such a degree that such
36 conduct or performance causes substantial harm to the educational
37 environment that a proceeding for immediate dismissal or demotion be
38 instituted. If the individual or team that conducted the evaluation elects not
39 to make ~~either~~ any of the above recommendations, the said individual or
40 team shall notify the superintendent of this decision. The superintendent
41 shall determine whether to develop a mandatory improvement ~~plan~~ plan, to
42 not recommend renewal of the employee's contract, or to recommend a
43 dismissal proceeding.

44 (3) If at any time a licensed employee engages in inappropriate conduct or
45 performs inadequately to such a degree that such conduct or performance
46 causes substantial harm to the educational environment, and immediate
47 dismissal or demotion is not appropriate, then the principal may immediately
48 institute a mandatory improvement plan regardless of any ratings on
49 previous evaluations. The principal shall document the exigent reason for
50 immediately instituting such a plan.

1 (4) Mandatory improvement plans shall be developed by the person who
2 evaluated the licensed employee or the employee's supervisor unless the
3 evaluation was conducted by an assistance team. If the evaluation was
4 conducted by an assistance team, that team shall develop the mandatory
5 improvement plan in collaboration with the employee's supervisor.
6 Mandatory improvement plans shall be designed to be completed within 90
7 instructional days or before the beginning of the next school year. The State
8 Board shall develop guidelines that include strategies to assist local boards
9 in evaluating licensed employees and developing effective mandatory
10 improvement plans within the time allotted under this section. Local boards
11 may adopt policies for the development and implementation of mandatory
12 improvement plans and policies for the implementation of monitored and
13 directed growth plans.

14 (c) Reassessment of Employee in a Low-Performing School. – After the expiration of
15 the time period for the mandatory improvement plan under subdivision (2a) of subsection (b) of
16 this section, the superintendent, the superintendent's designee, or the assistance team shall
17 assess the performance of the employee of the low-performing school a second time. If the
18 superintendent, superintendent's designee, or assistance team determines that the employee has
19 failed to become proficient in any of the performance standards articulated in the mandatory
20 improvement plan or demonstrate sufficient improvement toward such standards, the
21 superintendent shall recommend that the ~~employee~~ employee's contract not be renewed, or if
22 the teacher has engaged in inappropriate conduct or performed inadequately to such a degree
23 that such conduct or performance causes substantial harm to the educational environment, that
24 the employee be immediately dismissed or demoted under G.S. 115C-325.4.
25 The results of the second assessment shall constitute substantial evidence of the employee's
26 inadequate performance.

27 (d) State Board Notification. – If a local board dismisses an employee of a
28 low-performing school ~~for any reason except a reduction in force under G.S. 115C-325(e)(1)l.,~~
29 for cause or elects to not renew an employee's contract as a result of a superintendent's
30 recommendation under subsection (b) or (c) of this section, it shall notify the State Board of the
31 action, and the State Board annually shall provide to all local boards the names of those
32 individuals. If a local board hires one of these individuals, within 60 days the superintendent or
33 the superintendent's designee shall observe the employee, develop a mandatory improvement
34 plan to assist the employee, and submit the plan to the State Board. The State Board shall
35 review the mandatory improvement plan and may provide comments and suggestions to the
36 superintendent. If on the next evaluation the employee receives a rating on any standard that
37 was identified as an area of concern on the mandatory improvement plan that is again below
38 proficient or otherwise represents unsatisfactory or below standard performance, the local
39 board shall notify the State Board and the State Board shall initiate a proceeding to revoke the
40 employee's license under G.S. 115C-296(d). If on this next evaluation the employee receives at
41 least a proficient rating on all of the performance standards that were identified as areas of
42 concern on the mandatory improvement plan, the local board shall notify the State Board that
43 the employee is in good standing and the State Board shall not continue to provide the
44 individual's name to local boards under this subsection unless the employee is subsequently
45 dismissed under ~~G.S. 115C-325 except for a reduction in force.~~ G.S. 115C-325.4.

46"

47 **SECTION 6.(o)** G.S. 115C-333.1 reads as rewritten:

48 "**§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;**
49 **mandatory improvement plans; State Board notification upon dismissal of**
50 **teachers.**

1 (a) Annual Evaluations. – All teachers who are assigned to schools that are not
2 designated as low-performing and who have not ~~attained career status~~been employed for at
3 least three consecutive years shall be observed at least three times annually by the principal or
4 the principal's designee and at least once annually by a teacher and shall be evaluated at least
5 once annually by a principal. All teachers ~~with career status~~who have been employed for three
6 or more years who are assigned to schools that are not designated as low-performing shall be
7 evaluated annually unless a local board adopts rules that allow teachers ~~with career~~
8 ~~status~~employed for three or more years to be evaluated more or less frequently, provided that
9 such rules are not inconsistent with State or federal requirements. Local boards also may adopt
10 rules requiring the annual evaluation of nonlicensed employees. A local board shall use the
11 performance standards and criteria adopted by the State Board and may adopt additional
12 evaluation criteria and standards. All other provisions of this section shall apply if a local board
13 uses an evaluation other than one adopted by the State Board.

14 (b) Mandatory Improvement Plans for Teachers. – If, in an observation report or
15 year-end evaluation, a teacher receives a rating that is below proficient or otherwise represents
16 unsatisfactory or below standard performance on any standard that the teacher was expected to
17 demonstrate, the principal may place the teacher on a mandatory improvement plan as defined
18 in G.S. 115C-333(b)(1a). The mandatory improvement plan shall be utilized only if the
19 superintendent or superintendent's designee determines that an individual, monitored, or
20 directed growth plan will not satisfactorily address the deficiencies.

21 If at any time a teacher engages in inappropriate conduct or performs inadequately to such a
22 degree that such conduct or performance causes substantial harm to the educational
23 environment, and immediate dismissal or demotion is not appropriate, then the principal may
24 immediately institute a mandatory improvement plan regardless of any ratings on previous
25 evaluations. The principal shall document the exigent reason for immediately instituting such a
26 plan. The mandatory improvement plan shall be developed by the principal in consultation with
27 the teacher. The teacher shall have five instructional days from receipt of the proposed
28 mandatory improvement plan to request a modification of such plan before it is implemented,
29 and the principal shall consider such suggested modifications before finalizing the plan. The
30 teacher shall have at least 60 instructional days to complete the mandatory improvement plan.
31 The State Board shall develop guidelines that include strategies to assist local boards in
32 evaluating teachers and developing effective mandatory improvement plans. Local boards may
33 adopt policies for the implementation of mandatory improvement plans under this section.

34 (c) Observation by a Qualified Observer. –

35 (1) The term "qualified observer" as used in this section is any administrator or
36 teacher who is licensed by the State Board of Education and working in
37 North Carolina; any employee of the North Carolina Department of Public
38 Instruction who is trained in evaluating licensed employees; or any instructor
39 or professor who teaches in an accredited North Carolina school of
40 education and holds an educator's license.

41 (2) The local board of education shall create a list of qualified observers who are
42 employed by that board and available to do observations of employees on
43 mandatory improvement plans. This list shall be limited to names of
44 administrators and teachers selected by the local board of education. The
45 local board of education shall strive to select administrators and teachers
46 with excellent reputations for competence and fairness.

47 (3) Any teacher, other than a teacher assigned to a school designated as
48 low-performing, who has been placed on a mandatory improvement plan
49 shall have a right to be observed by a qualified observer in the area or areas
50 of concern identified in the mandatory improvement plan. The affected
51 teacher and the principal shall jointly choose the qualified observer within

1 20 instructional days after the commencement of the mandatory
2 improvement plan. If the teacher and the principal cannot agree on a
3 qualified observer within this time period, they each shall designate a person
4 from the list of qualified observers created pursuant to subdivision (2) of this
5 subsection, and these two designated persons shall choose a qualified
6 observer within five instructional days of their designation. The qualified
7 observer shall draft a written report assessing the teacher in the areas of
8 concern identified in the mandatory improvement plan. The report shall be
9 submitted to the principal before the end of the mandatory improvement plan
10 period. If a teacher or administrator from the same local school
11 administrative unit is selected to serve as the qualified observer, the
12 administration of the local school administrative unit shall provide such
13 qualified observer with the time necessary to conduct the observation and
14 prepare a report. If someone who is not employed by the same local school
15 administrative unit is selected to serve as the qualified observer, the teacher
16 who is the subject of the mandatory improvement plan will be responsible
17 for any expenses related to the observations and reports prepared by the
18 qualified observer. The qualified observer shall not unduly disrupt the
19 classroom when conducting an observation.

- 20 (4) No local board of education or employee of a local board of education shall
21 discharge, threaten, or otherwise retaliate against another employee of the
22 board regarding that employee's compensation, terms, conditions, location,
23 or privileges of employment because of the employee's service or
24 completion of a report as an objective observer pursuant to this subsection,
25 unless the employee's report contained material information that the
26 employee knew was false.

27 (d) Reassessment of the Teacher. – Upon completion of a mandatory improvement plan
28 under subsection (b) of this section, the principal shall assess the performance of the teacher a
29 second time. The principal shall also review and consider any report provided by the qualified
30 observer under subsection (c) of this section if one has been submitted before the end of the
31 mandatory improvement plan period. If, after the second assessment of the teacher and
32 consideration of any report from the qualified observer, the superintendent or superintendent's
33 designee determines that the teacher has failed to become proficient in any of the performance
34 standards identified as deficient in the mandatory improvement plan or demonstrate sufficient
35 improvement toward such standards, the superintendent may recommend that the teacher's
36 contract not be renewed, or if the teacher has engaged in inappropriate conduct or performed
37 inadequately to such a degree that such conduct or performance causes substantial harm to the
38 educational environment, that the teacher be immediately dismissed or demoted under
39 ~~G.S. 115C-325~~.G.S. 115C-325.4. The results of the second assessment produced pursuant to
40 the terms of this subsection shall constitute substantial evidence of the teacher's inadequate
41 performance.

42 (e) Dismissal Proceedings Without a Mandatory Improvement Plan. – The absence of a
43 mandatory improvement plan as described in this section shall not prohibit a superintendent
44 from initiating a dismissal proceeding against a teacher under the provisions of
45 ~~G.S. 115C-325~~.G.S. 115C-325.4. However, the superintendent shall not be entitled to the
46 substantial evidence provision in subsection (d) of this section if such mandatory improvement
47 plan is not utilized.

48 (f) State Board Notification. – If a local board dismisses a teacher ~~for any reason except~~
49 ~~a reduction in force under G.S. 115C-325(e)(1)~~, for cause or elects to not renew an employee's
50 contract as a result of a superintendent's recommendation under subsection (d) of this section, it
51 shall notify the State Board of the action, and the State Board annually shall provide to all local

boards the names of those teachers. If a local board hires one of these teachers, within 60 days the superintendent or the superintendent's designee shall observe the teacher, develop a mandatory improvement plan to assist the teacher, and submit the plan to the State Board. The State Board shall review the mandatory improvement plan and may provide comments and suggestions to the superintendent. If on the next evaluation the teacher receives a rating on any standard that was an area of concern on the mandatory improvement plan that is again below proficient or a rating that otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under G.S. 115C-296(d). If on the next evaluation the teacher receives at least a proficient rating on all of the overall performance standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the teacher is in good standing, and the State Board shall not continue to provide the teacher's name to local boards under this subsection unless the teacher is subsequently dismissed under ~~G.S. 115C-325~~ except for a reduction in force. G.S. 115C-325.4. If, however, on this next evaluation the teacher receives a developing rating on any standards that were areas of concern on the mandatory improvement plan, ~~the teacher shall have one more year to bring the rating to proficient.~~ If, if the local board elects to renew the teacher's contract and by the end of this second year, the teacher is not proficient in all standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under G.S. 115C-296(d).

...."

SECTION 6.(p) G.S. 115C-335(b) reads as rewritten:

"(b) Training. – The State Board, in collaboration with the Board of Governors of The University of North Carolina, shall develop programs designed to train principals and superintendents in the proper administration of the employee evaluations developed by the State Board. The Board of Governors shall use the professional development programs for public school employees that are under its authority to make this training available to all principals and superintendents at locations that are geographically convenient to local school administrative units. The programs shall include methods to determine whether an employee's performance has improved student learning, the development and implementation of appropriate professional growth and mandatory improvement plans, the process for contract nonrenewal, and the dismissal process under ~~G.S. 115C-325.~~ Part 3 of Article 22 of this Chapter. The Board of Governors shall ensure that the subject matter of the training programs is incorporated into the masters in school administration programs offered by the constituent institutions. The State Board, in collaboration with the Board of Governors, also shall develop in-service programs for licensed public school employees that may be included in a mandatory improvement plan created under G.S. 115C-333(b) or G.S. 115C-333.1(b). The Board of Governors shall use the professional development programs for public school employees that are under its authority to make this training available at locations that are geographically convenient to local school administrative units."

SECTION 6.(q) Article 23 of Chapter 115C of the General Statutes is amended by adding a new section to read:

§ 115C-344. Employment benefits for exchange teachers.

An exchange teacher is a nonimmigrant alien teacher participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q). For purposes of determining eligibility to receive employment benefits under this Chapter, including personal leave, annual vacation leave, and sick leave, an exchange teacher shall be considered a permanent teacher if employed with the expectation of at least six full consecutive monthly pay periods of employment and if employed at least 20 hours per week. An exchange

1 teacher is not a teacher for purposes of the Teachers' and State Employees' Retirement System
2 of North Carolina as provided in G.S. 135-1(25)."

3 **SECTION 6.(r)** G.S. 115C-404(b) reads as rewritten:

4 "(b) Documents received under this section shall be used only to protect the safety of or
5 to improve the education opportunities for the student or others. Information gained in
6 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
7 student. Upon receipt of each document, the principal shall share the document with those
8 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
9 and (ii) a specific need to know in order to protect the safety of the student or others. Those
10 individuals shall indicate in writing that they have read the document and that they agree to
11 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
12 required by this section is grounds for the dismissal ~~of an employee who is not a career~~
13 ~~employee and is grounds for dismissal of an employee who is a career employee,~~ in accordance
14 with ~~G.S. 115C-325(e)(1)~~ G.S. 115C-325.4(a)(9)."

15 **SECTION 6.(s)** G.S. 143B-146.7(b) reads as rewritten:

16 "(b) At any time after the State Board identifies a school as low-performing under this
17 Part, the ~~Secretary State Board~~ shall proceed under ~~G.S. 115C-325(p1)~~ G.S. 115C-325.11 for
18 the dismissal of ~~certificated~~ licensed instructional personnel assigned to that school."

19 **SECTION 6.(t)** G.S. 143B-146.8 reads as rewritten:

20 **"§ 143B-146.8. Evaluation of ~~certificated~~ licensed personnel and principals; action plans;**
21 **State Board notification.**

22 (a) Annual Evaluations; Low-Performing Schools. – The principal shall evaluate at
23 least once each year all ~~certificated~~ licensed personnel assigned to a participating school that
24 has been identified as low-performing but has not received an assistance team. The evaluation
25 shall occur early enough during the school year to provide adequate time for the development
26 and implementation of an action plan if one is recommended under subsection (b) of this
27 section. If the employee is a teacher as defined under ~~G.S. 115C-325(a)(6)~~ G.S. 115C-325.1(5),
28 either the principal or an assessment team assigned under G.S. 143B-146.9 shall conduct the
29 evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3),
30 the Superintendent shall conduct the evaluation.

31 Notwithstanding this subsection or any other law, the principal shall observe at least three
32 times annually, a teacher shall observe at least once annually, and the principal shall evaluate at
33 least once annually, all teachers who have ~~not attained career status~~ been employed for less
34 than three consecutive years. All other employees who have been employed for three or more
35 years and are defined as teachers under ~~G.S. 115C-325(a)(6)~~ G.S. 115C-325.1(5) who are
36 assigned to participating schools that are not designated as low-performing shall be evaluated
37 annually unless the Secretary adopts rules that allow specified categories of teachers with
38 ~~career status~~ three or more years of employment to be evaluated more or less frequently. The
39 Secretary also may adopt rules requiring the annual evaluation of ~~noncertificated~~ nonlicensed
40 personnel. This section shall not be construed to limit the duties and authority of an assistance
41 team assigned to a low-performing school.

42 The Secretary shall use the State Board's performance standards and criteria unless the
43 Secretary develops an alternative evaluation that is properly validated and that includes
44 standards and criteria similar to those adopted by the State Board. All other provisions of this
45 section shall apply if an evaluation is used other than one adopted by the State Board.

46 (b) Action Plans. – If a ~~certificated~~ licensed employee in a participating school that has
47 been identified as low-performing receives an unsatisfactory or below standard rating on any
48 function of the evaluation that is related to the employee's instructional duties, the individual or
49 team that conducted the evaluation shall recommend to the principal that: (i) the employee
50 receive an action plan designed to improve the employee's performance; ~~or (ii) the principal~~
51 ~~recommend to the Secretary that the employee be dismissed or demoted.~~ (ii) the employee's

1 contract not be recommended for renewal; or (iii) if the employee engages in inappropriate
2 conduct or performs inadequately to such a degree that such conduct or performance causes
3 substantial harm to the educational environment that a proceeding for immediate dismissal or
4 demotion be instituted. The principal shall determine whether to develop an action plan,
5 not recommend renewal of the employee's contract, or to recommend a dismissal proceeding.
6 The person who evaluated the employee or the employee's supervisor shall develop the action
7 plan unless an assistance team or assessment team conducted the evaluation. If an assistance
8 team or assessment team conducted the evaluation, that team shall develop the action plan in
9 collaboration with the employee's supervisor. Action plans shall be designed to be completed
10 within 90 instructional days or before the beginning of the next school year. The State Board, in
11 consultation with the Secretary, shall develop guidelines that include strategies to assist in
12 evaluating ~~certificated-licensed~~ personnel and developing effective action plans within the time
13 allotted under this section. The Secretary may adopt policies for the development and
14 implementation of action plans or professional development plans for personnel who do not
15 require action plans under this section.

16 (c) Reevaluation. – Upon completion of an action plan under subsection (b) of this
17 section, the principal or the assessment team shall evaluate the employee a second time. If on
18 the second evaluation the employee receives one unsatisfactory or more than one below
19 standard rating on any function that is related to the employee's instructional duties, the
20 principal shall recommend that the employee's contract not be renewed, or if the employee
21 engages in inappropriate conduct or performs inadequately to such a degree that such conduct
22 or performance causes substantial harm to the educational environment, that the employee be
23 dismissed or demoted under G.S. 115C-325.4. The results of the second
24 evaluation shall constitute substantial evidence of the employee's inadequate performance.

25 (d) State Board Notification. – If the Secretary dismisses an employee for ~~any reason~~
26 ~~except a reduction in force under G.S. 115C-325(e)(1)~~, cause or elects to not renew an
27 employee's contract as a result of a superintendent's recommendation under subsection (b) or
28 (c) of this section, the Secretary shall notify the State Board of the action, and the State Board
29 annually shall provide to all local boards of education the names of those individuals. If a local
30 board hires one of these individuals, that local board shall proceed under G.S. 115C-333(d).

31"

32 **SECTION 6.(u)** G.S. 115C-325(c)(1) is repealed effective July 1, 2013.
33 Individuals who have not received career status prior to the 2012-2013 school year shall not be
34 granted career status.

35 **SECTION 6.(v)** From July 1, 2013, to December 31, 2013, all local boards of
36 education shall review the performance and evaluations of all teachers who have been
37 employed by the local board for at least three years. Based on these reviews, the local board of
38 education shall determine which teachers should be awarded four-year contracts, and may offer
39 teachers who have been employed by the local board for at least three years a contract for a
40 term of four school years, beginning with the 2014-2015 school year. Contract offers shall be
41 made and accepted no later than December 31, 2013.

42 **SECTION 6.(w)** Section 6(a) becomes effective June 30, 2014. Section 6(b)
43 through Section 6(t) become effective July 1, 2014. Except as otherwise provided, the
44 remainder of this section is effective when it becomes law.

45 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
46 law.