

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 662

Short Title: NC Elevating Educators Act of 2015. (Public)

Sponsors: Representatives Horn, Bryan, Langdon, and Lucas (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education - K-12.

April 14, 2015

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A MULTI-YEAR PROGRAM TO PROVIDE FOR EXCELLENT
TEACHERS AND HIGH-QUALITY DIGITAL INSTRUCTION; AND TO PROVIDE
FOR FINANCIALLY STABLE ADVANCED TEACHING ROLES FOR K-12
CLASSROOM TEACHERS.

Whereas, it is the goal of the General Assembly to provide all students in the State of North Carolina with an excellent, high-quality public education; and

Whereas, the General Assembly recognizes the importance of attracting and retaining the nation's best teachers by supporting local school administrative units in transitioning to locally designed, financially sustainable organizational structures, including professional compensation models for teachers; and

Whereas, the General Assembly finds it necessary to allocate essential resources into the classroom and to allow classroom teachers freedom and flexibility while promoting innovation; and

Whereas, it is the desire of the General Assembly to provide universal access to excellent teaching and high-quality digital instruction by granting students, educators, and parents increased access to high-quality digital instructional tools to propel 21st century learning; and

Whereas, the General Assembly wishes to provide well-paid, financially sustainable advanced teaching roles for teachers in North Carolina within existing budget constraints while offering models and best practices in order to establish a statewide scale-up of professional compensation models that reach students in every North Carolina public school by 2020; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Purpose. – The General Assembly shall establish a multi-year program to support local school administrative units in transitioning to universal access for students to excellent teaching and high-quality digital instruction and to provide for well-paid, financially sustainable advanced teaching roles for K-12 classroom teachers. The purpose of the program shall be to do at least the following:

- (1) Enable local school administrative units to prototype advanced teaching roles and pay systems for classroom teachers, in addition to base salary and other applicable local supplements, based on a classroom teacher's demonstrated effectiveness and additional responsibilities in reaching more students.



- 1 (2) Establish advanced teaching roles in order to leverage excellent classroom
2 teachers to impact at least seventy-five percent (75%) of students in core
3 subjects by becoming a leader for peers in positions formally accountable for
4 students within their purview and by implementing age-appropriate blended
5 learning and other new staffing models. Advanced teaching roles shall focus
6 on rewarding excellent teaching with more pay while staying within regular
7 budgetary restraints.
- 8 (3) Utilize prototypes developed in accordance with the program to form the
9 basis for public schools statewide to provide advanced teaching roles that are
10 sustainable and within the recurring budgets of local school administrative
11 units.

12 **SECTION 1.(b)** Definition. – For the purposes of this act, a classroom teacher is a
13 teacher who works in the classroom providing instruction and who is not instructional support
14 personnel.

15 **SECTION 2.** Contract for Administration of the Program. – The State Board of
16 Education shall contract with a North Carolina private, nonprofit corporation (nonprofit
17 corporation), by August 1, 2015, to administer the provisions of this act. Any nonprofit
18 corporation that the State Board of Education contracts with to administer the provisions of this
19 act shall adhere to the following governance provisions related to its governing board and
20 reporting requirements:

- 21 (1) The board shall be composed of 11 voting members as follows: two
22 members appointed by the chairman of the State Board of Education, one
23 member of the eLearning Commission, three public school educators, three
24 members of the business community, one member appointed by the Speaker
25 of the House of Representatives, and one member appointed by the President
26 Pro Tempore of the Senate.
- 27 (2) By December 15, 2016, and annually thereafter, until the conclusion of all
28 prototype development efforts, including a second cohort as described in
29 Section 5 of this act, the nonprofit corporation shall report on all aspects of
30 the implementation and evaluation of the advanced teaching roles prototype
31 plans in accordance with this act to the offices of the President Pro Tempore
32 of the Senate and the Speaker of the House of Representatives, the Senate
33 Appropriations/Base Budget Committee, the House Appropriations
34 Committee, the Senate Appropriations Committee on Education/Higher
35 Education, the House Appropriations Committee on Education, the Fiscal
36 Research Division, the Joint Legislative Education Oversight Committee, the
37 Governor, the Lieutenant Governor, the State Superintendent of Public
38 Instruction and the State Board of Education. The nonprofit corporation shall
39 also submit quarterly updates to the offices of the President Pro Tempore of
40 the Senate and the Speaker of the House of Representatives, the Chairs of
41 the Senate Appropriations/Base Budget Committee, the House
42 Appropriations Committee, the Senate Appropriations Committee on
43 Education/Higher Education, the House Appropriations Subcommittee on
44 Education, and the Fiscal Research Division on financial accounting of how
45 the State funds appropriated to the nonprofit corporation to administer this
46 act were expended in the previous year, including at least the following
47 information:
- 48 a. Funds expended as grants to local school administrative units.
49 b. Details on program costs, including operational and administrative
50 costs.

1 **SECTION 3.(a)** Request for Proposal. – By October 1, 2015, the nonprofit
2 corporation contracting with the State Board of Education shall issue a Request for Proposal
3 (RFP) for local boards of education to develop advanced teaching role prototypes. The RFP is
4 to contain minimum requirements for advanced roles for classroom teachers consistent with
5 this section. The criteria is to focus on the leadership capacity and commitment of the local
6 school administrative unit to develop advanced teaching roles that meet the requirements of this
7 section and that will be widely applicable across the State as demonstrated by prior efforts to
8 advance teaching excellence, on-the-job development for classroom teachers, classroom teacher
9 leadership or innovation in school design, and by indication of willingness to reallocate funds
10 to pay at least the minimum supplements set forth in this section. A local board of education
11 shall submit a letter of intent in response to the RFP to implement an advanced teaching role
12 plan that addresses the following criteria:

- 13 (1) Describe advanced teaching role classroom teacher eligibility and duties.
- 14 (2) Enable eligible classroom teachers to progress within their careers by
15 assuming advanced roles that do at least one of the following:
 - 16 a. Include accountability for student growth as the teacher of record for
17 all students served by a team of teachers.
 - 18 b. Include accountability for student growth as the teacher of record for
19 more students.
- 20 (3) Provide information in a form readily accessible to both classroom teachers
21 and the public on the criteria and procedures for the selection of classroom
22 teachers for advanced roles.
- 23 (4) Require a classroom teacher to be rated as "highly effective" on the North
24 Carolina Teacher Evaluation instrument through the North Carolina
25 Educator Evaluation System or the equivalent on an out-of-state teacher's
26 state or district instrument to be eligible to assume an advanced teaching
27 role. For the purposes of this act, a highly effective classroom teacher is a
28 classroom teacher who receives a rating of at least "accomplished" on each
29 of the teacher evaluation standards on the North Carolina Teacher
30 Evaluation instrument and who exceeds expected student growth based on
31 three years of teacher evaluation data as calculated by the State Board of
32 Education or equivalent on an out-of-state teacher's state or district
33 evaluation system. The nonprofit corporation shall encourage local school
34 administrative units to include roles and pay supplements for effective
35 classroom teachers, school leaders, and other staff as well.
- 36 (5) Increase the amount of time during the school day for advanced role
37 classroom teachers and teacher teaching teams, if applicable, to plan,
38 collaborate and participate in on-the-job development or leadership of
39 others.
- 40 (6) Establish equally stringent eligibility requirements for a classroom teacher to
41 remain in an advanced role as those required to initially attain that role.
- 42 (7) Establish a procedure for determining whether an advanced role classroom
43 teacher is successfully performing the additional duties associated with the
44 advanced role.
- 45 (8) Ensure that advanced role classroom teachers may opt out of the plan by
46 voluntarily relinquishing additional duties associated with the advanced role.
47 Voluntary relinquishment of duties associated with the advanced role shall
48 not be considered a demotion under Part 3 or Part 3A of Article 22 of
49 Chapter 115C of the General Statutes.
- 50 (9) Pay advanced role salary supplements of at least between three percent (3%)
51 and thirty percent (30%) of the statewide average salary level of classroom

1 teachers on the State teacher salary schedule to highly effective classroom
2 teachers of at least the following:

- 3 a. An additional ten percent (10%) for those who assume advanced
4 roles in which they take responsibility for at least thirty-three percent
5 (33%) more students than the typical student-teacher ratio of
6 comparable classroom teachers in the local school administrative
7 unit.
8 b. An additional twenty-five percent (25%) for those who lead teams of
9 two or more other teachers and who are the teachers of record for all
10 students served by the teaching team.
11 c. An additional three percent (3%) for those classroom teachers that
12 join teams led by teachers in the advanced roles described in this act.
13 A local board of education may also provide a salary supplement
14 under this sub-subdivision to a classroom teacher rated as "effective"
15 on the North Carolina Teacher Evaluation instrument through the
16 North Carolina Educator Evaluation System or the equivalent on an
17 out-of-state teacher's state or district instrument. For the purposes of
18 this sub-subdivision, an effective classroom teacher is a classroom
19 teacher who is rated at least "proficient" on each of the teacher
20 evaluation standards on the North Carolina Teacher Evaluation
21 instrument and who meets expected student growth based on three
22 years of teacher evaluation data as calculated by the State Board of
23 Education or equivalent on an out-of-state teacher's state or district
24 evaluation system.

- 25 (10) Require the salary supplements to be paid as a supplement to the classroom
26 teacher's regular salary and not be included in the average salary calculation
27 used for budgeting State allotments.

28 **SECTION 3.(b)** Selection of the First Cohort. – By December 1, 2015, the
29 nonprofit corporation shall review the letters of intent submitted by local boards of education in
30 accordance with subsection (a) of this section and shall select for the first cohort of the
31 prototype development program up to 10 local school administrative units in accordance with
32 the following:

- 33 (1) Size. – Selection of local school administrative units with the following
34 average daily membership (ADM):
35 a. Two to three local school administrative units, each with an ADM of
36 up to 4,000.
37 b. Two to three local school administrative units, each with an ADM of
38 4,001-10,000.
39 c. Two to three local school administrative units, each with an ADM of
40 10,001-30,000.
41 d. Two to three local school administrative units, each with an ADM of
42 30,001 or more.
43 (2) Priority in Selection. – Priority shall be given to local school administrative
44 units that demonstrate one or more of the following:
45 a. Because digital instruction tools alone have not necessarily
46 transformed outcomes for students who are the most in need of
47 learning advancement, while access to excellent classroom teachers
48 has proven effective for those students, the combination of both
49 highly effective classroom teachers and improvements in digital
50 instruction shall warrant priority in selection to local school
51 administrative units that will add digital infrastructure and tools

1 pursuant to the North Carolina Digital Learning Plan or under other
2 appropriations providing funding for such infrastructure and tools. A
3 local school administrative unit that is determined to not require
4 additional digital investment to implement the staffing models in the
5 advanced teaching role plan shall be otherwise eligible for funding
6 and not denied solely on that basis.

7 b. Robust and meaningful proposal to grant students, educators, and
8 parents increased access to high-quality digital learning opportunities
9 to achieve the goals of the program.

10 c. Capacity and commitment to sharing lessons learned to streamline
11 design and implementation in other schools and local school
12 administrative units to implement similar models.

13 (3) Diversity. – Selection of local school administrative units shall, to the extent
14 possible, represent a mix of school and local school administrative unit size,
15 region, and demographics within the overall group of applicants with the aim
16 of creating diverse models within each cohort that are consistent with the
17 goals of this act and support lessons learned and replicability across the
18 State.

19 **SECTION 3.(c)** Use of Funds. – Funding made available to the nonprofit
20 corporation administering this act shall be used as follows:

21 (1) Allocation of grants. – Grants shall be made to selected local school
22 administrative units based on a schedule determined by the nonprofit
23 corporation with grant amounts varying in part based on the size of the local
24 school administrative unit in accordance with the ADM categories in
25 subdivision (b)(1) of this section. Local school administrative units shall use
26 these funds to support the development of the advanced teaching role plans,
27 changes required at the unit level to implement the new staffing models, and
28 for transition costs associated with designing and implementing the new
29 staffing models in schools within the unit. Transition costs may include
30 employing staff members or contractors approved by the nonprofit
31 corporation to assist with design and implementation of the staffing plan.
32 Local school administrative units may use additional funds obtained from
33 sources to pay for the costs of providing participating schools with access to
34 high-speed Internet connections, software, hardware, and any other
35 improvements needed to enable full use of digital learning resources. Grant
36 funds used for this purpose should help local school administrative units
37 maximize the instructional value of infrastructure improvements funded
38 through the North Carolina Digital Learning Plan.

39 (2) Administrative and operating funds. – The nonprofit corporation may use
40 any remaining funds made available to it under this act for the following
41 purposes:

42 a. Technical assistance and technical providers for participating local
43 school administrative units.

44 b. Selection, training, and oversight of technical assistance providers.

45 c. Review of local school administrative plans and implementation
46 fidelity to the goals and requirements of the program.

47 d. Evaluation of the impact of the program on (i) teacher recruitment,
48 retention, and satisfaction; (ii) student access to excellent and
49 effective classroom teachers; (iii) student outcomes; and (iv) other
50 measures of success identified by the nonprofit corporation.

- 1 e. Design of statewide career advancement and digital instruction
2 models for scale-up.
- 3 f. Policy collaboration with legislative and executive leadership to
4 complete the transition of State policies to further promote access to
5 excellent teaching and high-quality digital instruction.
- 6 g. Raising and managing funds to support the activities of the nonprofit
7 corporation.
- 8 h. Communicating progress toward achievement of the nonprofit
9 corporation's goals.
- 10 i. Other uses in pursuit of the purposes of this act.
- 11 (3) Sustainability of funding. – Plans implemented by the local school
12 administrative units must achieve financial sustainability for salary
13 supplements as provided in subsection (a) of this section by reallocating
14 recurring sources of funds, including local, State, or federal funds. Funds
15 allocated in accordance with this act shall not be used by local school
16 administrative units to pay salary supplements. This act shall not be
17 construed to prohibit additions to the State salary schedule or other State or
18 local supplements to classroom teacher pay.
- 19 (4) Requirements related to receipt of grants. – Local school administrative units
20 participating in the program shall commit to achieve the following in
21 implementing the advanced teaching role plans:
- 22 a. Full implementation of the advanced teaching role plan in at least
23 five schools or twenty-five percent (25%) of the schools within the
24 local school administrative unit, whichever is lesser, by the
25 2017-2018 school year. For the purposes of this act, "full
26 implementation" is defined as a minimum of seventy-five percent
27 (75%) of students in the local school administrative unit having
28 highly effective classroom teachers as their teacher of record under
29 the North Carolina Educator Evaluation System in at least English
30 Language Arts, math, social studies, and science.
- 31 b. Full implementation in at least fifty percent (50%) of schools within
32 the local school administrative unit by the 2018-2019 school year.
- 33 c. Submission of a plan to the nonprofit corporation by June 1, 2016,
34 showing the schedule for full implementation in at least ninety
35 percent (90%) of schools by the 2019-2020 school year.

36 **SECTION 4.(a)** Phase I Prototype Design. – The local school administrative units
37 selected for prototype development shall design their advanced teaching role plans in
38 accordance with the requirements of Section 3 of this act and submit these plans to the
39 nonprofit corporation no later than January 1, 2016. Plans must include the local school
40 administrative units' approach to achieving full sustainability as provided in subdivision (3) of
41 Section 3(c) of this act. This financial sustainability plan must include specific staffing level
42 changes or other funding reallocations that generate sustainable funds to pay at least the
43 minimum supplements and meet the minimum percentage of students with highly effective
44 classroom teachers of record in subdivision (4) of Section 3(c) of this act. The nonprofit
45 corporation shall approve a local school administrative unit's plan or provide written guidance
46 on changes needed to meet the requirements of this act as soon as practicable, but no later than
47 February 15, 2016. Local school administrative units must submit revised plans in response to
48 feedback. The nonprofit corporation shall aim to approve all plans that meet the requirements
49 of this act by March 1, 2016. Local school administrative units not receiving approval by this
50 date may continue to submit revisions and the nonprofit corporation may approve plans at any
51 time once they meet the requirements of this act.

1 **SECTION 4.(b)** Phase I Prototype Implementation. – Participating local school
2 administrative units shall begin implementing their approved advanced teaching role plans in
3 the 2016-2017 school year, achieving full implementation in participating schools by the
4 2017-2018 school year.

5 **SECTION 4.(c)** Phase I Prototype Reports. – The local boards of education for
6 each approved local school administrative unit shall report annually, no later than August 15
7 following each school year, through 2017-2018 school year. The nonprofit corporation shall
8 provide forms to minimize the burden of reporting on schools and local school administrative
9 units and shall publish a dashboard displaying data on the progress of implementation in
10 participating schools and units where possible, comparing progress with activity in schools
11 nationally pursuing similar approaches. The local school administrative units shall include at
12 least the following in the report:

- 13 (1) The extent to which the advanced teaching roles plan and implementation
14 meets each requirement of Section 3 of this act. If the nonprofit corporation
15 determines that a local school administrative unit's plan does not meet the
16 requirements of Section 3 of this act, it shall require the unit to make needed
17 changes in return for continued participation in the program and receipt of
18 transition funds provided pursuant to subdivision (1) of Section 3(c) of this
19 act.
- 20 (2) The percentage of students with a highly effective classroom teacher as their
21 teacher of record for English Language Arts, math, social studies and
22 science.
- 23 (3) The educator effectiveness ratings of each classroom teacher in advanced
24 roles and the educator effectiveness ratings of each member of teams led by
25 teachers in advanced roles.
- 26 (4) The extent to which the advanced teaching roles program has increased the
27 attractiveness of the teaching profession in the local school administrative
28 unit as measured by the number of applicants per advanced role job posting
29 compared with the typical number of applicants per teaching job posting in
30 the unit and the retention rates of advanced role classroom teachers and
31 members of advanced roles teachers' teams compared with typical retention
32 rates in the local school administrative unit.
- 33 (5) Other measures deemed relevant by the nonprofit corporation to the
34 purposes of this act and to assessing the benefit to the State.

35 **SECTION 5.** Phase II Support for First and Second Cohorts. – It is the intent of the
36 General Assembly, subject to availability of funds, that the nonprofit corporation shall do the
37 following:

- 38 (1) Support local school administrative units in the first cohort of up to
39 10 advanced teaching role prototypes to scale their prototypes fully
40 across their local school administrative units.
- 41 (2) Support a second cohort of up to 50 local school administrative units
42 using the process and requirements set forth in this act to begin
43 developing advanced teaching roles prototypes in the 2017-2018
44 school year and to scale their prototypes across the local school
45 administrative unit. This second cohort shall follow the same
46 selection process and meet the same requirements as the first cohort
47 but with all applicable dates adjusted forward by two years.

48 **SECTION 6.** Evaluation and Recommendation for Advanced Teaching Roles. –
49 The nonprofit corporation shall evaluate implementation of the advanced teaching role
50 prototype and identify successful, reliable elements to develop recommendations to the General
51 Assembly for advanced teaching roles plans that could be adopted or adapted by local boards of

1 education. Such recommendations may include the development of default advanced teaching
2 role plans designed for specific local school administrative unit contexts. The nonprofit
3 corporation shall also make recommendations to the General Assembly on the policies needed
4 to complete scaling of successful advanced teaching roles programs statewide. These
5 recommendations shall be submitted no later than December 15, 2020, to the offices of the
6 President Pro Tempore of the Senate and the Speaker of the House of Representatives, the
7 Senate Appropriations/Base Budget Committee, the House Appropriations Committee, the
8 Senate Appropriations Committee on Education/Higher Education, the House Appropriations
9 Committee on Education, the Fiscal Research Division, the Joint Legislative Education
10 Oversight Committee, the Governor, the Lieutenant Governor, the State Superintendent of
11 Public Instruction and the State Board of Education.

12 **SECTION 7.** Future Cohorts. – It is the intent of the General Assembly that as
13 soon as practicable and subject to the availability of funds, the nonprofit corporation shall do
14 the following:

- 15 (1) Provide support for any local school administrative unit that did not
16 participate in the first and second cohorts and seeks to establish and
17 implement an advanced teaching role plan.
- 18 (2) Provide support to any local school that has implemented advanced teaching
19 roles and seeks to do the following:
 - 20 a. Maintain digital learning infrastructure to support advanced teaching
21 roles.
 - 22 b. Enhance the financially sustainable pay supplements offered to
23 advanced role classroom teachers, either by establishing a schedule
24 that aligns with prototype roles in the first and second cohorts or by
25 offering lump sums to local school administrative units that must be
26 paid in proportion to the number of students reached by advanced
27 role classroom teachers and student outcomes achieved by these
28 students.

29 **SECTION 8.** Flexibility for Local School Administrative Units. – The State Board
30 of Education shall increase flexibility for any local school administrative units that implement
31 advanced teaching roles in accordance with this act. This flexibility shall be available to any
32 local school administrative unit that is participating in the first or second cohort of this program
33 upon their selection into the cohort or, beginning in the 2017-2018 school year, to any unit that
34 implements advanced teaching roles that meet the requirements of Section 3 of this act. The
35 flexibility provided by the State Board shall include the following:

- 36 (1) Notwithstanding G.S. 115C-105.25(b)(5b), the ability to convert positions
37 allocated for classroom teachers and instructional support personnel, as well
38 as other positions within a school or local school administrative unit, to
39 dollar equivalents for the purpose of creating positions and paying
40 supplements in accordance with Section 3 of this act. These positions shall
41 be converted at the statewide average salary level for teachers, provided that
42 no local school administrative unit's overall funding allocation shall rise as a
43 result of making such conversions.
- 44 (2) Notwithstanding G.S. 115C-301, the ability to exceed class size maximums,
45 provided that a highly effective classroom teacher assuming an advanced
46 teaching role, as defined in Section 3 of this act, is the teacher of record for
47 all students in affected classrooms. It is the intent of the General Assembly
48 that increases in the number of students learning with classroom teachers at
49 any given time will not typically be needed.

50 **SECTION 9.** The provisions of this act are subject to the availability of funds for
51 this purpose.

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SECTION 10. This act becomes effective July 1, 2015.