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Short Title: NC Elevating Educators Act of 2015.

(Public)

Sponsors:

Referred to:

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, TO PROVIDE FOR FINANCIALLY STABLE ADVANCED TEACHING ROLES FOR K-12 CLASSROOM TEACHERS, AND TO ALLOW LOCAL BOARDS OF EDUCATION TO USE STATE FUNDS FOR SUPPLEMENTAL SALARIES AND DIFFERENTIAL PAY FOR SCHOOL PERSONNEL.

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 wishes to create pathways in the public schools that contribute to improved student outcomes and retain highly effective teachers; 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



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1 other applicable local supplements, based on a classroom teacher's
2 demonstrated effectiveness and additional responsibilities in reaching more
3 students.

4 (2) Establish advanced teaching roles in order to leverage excellent classroom
5 teachers to impact at least seventy-five percent (75%) of students in core
6 subjects by becoming a leader for peers in positions formally accountable for
7 students within their purview and by implementing age-appropriate blended
8 learning and other new staffing models. Advanced teaching roles shall focus
9 on rewarding excellent teaching with more pay while staying within regular
10 budgetary restraints.

11 (3) Utilize prototypes developed in accordance with the program to form the
12 basis for public schools statewide to provide advanced teaching roles that are
13 sustainable and within the recurring budgets of local school administrative
14 units.

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

18 **SECTION 2. Contract for Administration of the Program.** – The State Board of
19 Education shall contract with a North Carolina private, nonprofit corporation (nonprofit
20 corporation), by October 1, 2015, to administer the provisions of this act. The nonprofit
21 corporation is authorized to subcontract with other entities to provide technical assistance to
22 local school administrative units. Any nonprofit corporation that the State Board of Education
23 contracts with to administer the provisions of this act shall adhere to the following governance
24 provisions related to its governing board and reporting requirements:

25 (1) The board shall be composed of 11 voting members as follows: two
26 members appointed by the chairman of the State Board of Education, one
27 member of the eLearning Commission, three public school educators, three
28 members of the business community, one member appointed by the Speaker
29 of the House of Representatives, and one member appointed by the President
30 Pro Tempore of the Senate.

31 (2) By December 15, 2016, and annually thereafter, until the conclusion of all
32 prototype development efforts, including a second cohort as described in
33 Section 5 of this act, the nonprofit corporation shall report on all aspects of
34 the implementation and evaluation of the advanced teaching roles prototype
35 plans in accordance with this act to the offices of the President Pro Tempore
36 of the Senate and the Speaker of the House of Representatives, the Senate
37 Appropriations/Base Budget Committee, the House Appropriations
38 Committee, the Senate Appropriations Committee on Education/Higher
39 Education, the House Appropriations Committee on Education, the Fiscal
40 Research Division, the Joint Legislative Education Oversight Committee, the
41 Governor, the Lieutenant Governor, the State Superintendent of Public
42 Instruction, and the State Board of Education. The nonprofit corporation
43 shall also submit quarterly updates to the offices of the President Pro
44 Tempore of the Senate and the Speaker of the House of Representatives, the
45 Chairs of the Senate Appropriations/Base Budget Committee, the House
46 Appropriations Committee, the Senate Appropriations Committee on
47 Education/Higher Education, the House Appropriations Committee on
48 Education, and the Fiscal Research Division on financial accounting of how
49 the State funds appropriated to the nonprofit corporation to administer this
50 act were expended in the previous year, including at least the following
51 information:

- 1 a. Funds expended as grants to local school administrative units.
- 2 b. Details on program costs, including operational and administrative
- 3 costs.

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

- 16 (1) Describe advanced teaching role classroom teacher eligibility and duties and
17 how teachers will participate in the design of the advanced teaching role
18 prototype.
- 19 (2) Enable eligible classroom teachers to progress within their careers by
20 assuming advanced roles that do at least one of the following:
 - 21 a. Include accountability for student growth as the teacher of record for
22 all students served by a team of teachers.
 - 23 b. Include accountability for student growth as the teacher of record for
24 more students.
- 25 (3) Provide information in a form readily accessible to both classroom teachers
26 and the public on the criteria and procedures for the selection of classroom
27 teachers for advanced roles.
- 28 (4) Require a classroom teacher to be rated as "highly effective" on the North
29 Carolina Teacher Evaluation Instrument through the North Carolina
30 Educator Evaluation System or the equivalent on an out-of-state teacher's
31 state or district instrument to be eligible to assume an advanced teaching
32 role. For the purposes of this act, a highly effective classroom teacher is a
33 classroom teacher who receives a rating of at least "accomplished" on each
34 of the Teacher Evaluation Standards 1-5 on the North Carolina Teacher
35 Evaluation Instrument and who receives a rating of "exceeds expected
36 growth" on Standard 6 of the North Carolina Teacher Evaluation Instrument
37 or equivalent on an out-of-state teacher's state or district evaluation system.
38 The nonprofit corporation shall encourage local school administrative units
39 to include roles and pay supplements for effective classroom teachers,
40 school leaders, and other staff as well.
- 41 (5) Increase the amount of time during the school day for advanced role
42 classroom teachers and teacher teaching teams, if applicable, to plan,
43 collaborate, and participate in on-the-job development or leadership of
44 others.
- 45 (6) Establish equally stringent eligibility requirements for a classroom teacher to
46 remain in an advanced role as those required to initially attain that role.
- 47 (7) Establish a procedure for determining whether an advanced role classroom
48 teacher is successfully performing the additional duties associated with the
49 advanced role.
- 50 (8) Ensure that advanced role classroom teachers may opt out of the plan by
51 voluntarily relinquishing additional duties associated with the advanced role.

1 Voluntary relinquishment of duties associated with the advanced role shall
2 not be considered a demotion under Part 3 or Part 3A of Article 22 of
3 Chapter 115C of the General Statutes.

4 (9) Pay advanced role salary supplements of at least between three percent (3%)
5 and thirty percent (30%) of the statewide average salary level of classroom
6 teachers on the State teacher salary schedule to highly effective classroom
7 teachers of at least the following:

8 a. An additional ten percent (10%) for those who assume advanced
9 roles in which they take responsibility for at least thirty-three percent
10 (33%) more students than the typical student-teacher ratio of
11 comparable classroom teachers in the local school administrative
12 unit.

13 b. An additional twenty-five percent (25%) for those who lead teams of
14 two or more other teachers and who are the teachers of record for all
15 students served by the teaching team.

16 c. An additional three percent (3%) for those classroom teachers that
17 join teams led by teachers in the advanced roles described in this act.
18 A local board of education may also provide a salary supplement
19 under this sub-subdivision to a classroom teacher rated as "effective"
20 on the North Carolina Teacher Evaluation Instrument through the
21 North Carolina Educator Evaluation System or the equivalent on an
22 out-of-state teacher's state or district instrument. For the purposes of
23 this sub-subdivision, an effective classroom teacher is a classroom
24 teacher who is rated at least "proficient" on each of the Teacher
25 Evaluation Standards 1-5 on the North Carolina Teacher Evaluation
26 Instrument and who receives a rating of at least "meets expected
27 growth" on Standard 6 of the Teacher Evaluation Instrument or
28 equivalent on an out-of-state teacher's state or district evaluation
29 system.

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

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

38 (1) Size. – Selection of local school administrative units with the following
39 average daily membership (ADM):

40 a. Two to three local school administrative units, each with an ADM of
41 up to 4,000.

42 b. Two to three local school administrative units, each with an ADM of
43 4,001-10,000.

44 c. Two to three local school administrative units, each with an ADM of
45 10,001-30,000.

46 d. Two to three local school administrative units, each with an ADM of
47 30,001 or more.

48 (2) Priority in selection. – Priority shall be given to local school administrative
49 units that demonstrate one or more of the following:

50 a. Because digital instruction tools alone have not necessarily
51 transformed outcomes for students who are the most in need of

1 learning advancement, while access to excellent classroom teachers
2 has proven effective for those students, the combination of both
3 highly effective classroom teachers and improvements in digital
4 instruction shall warrant priority in selection to local school
5 administrative units that will add digital infrastructure and tools
6 pursuant to the North Carolina Digital Learning Plan or under other
7 appropriations providing funding for such infrastructure and tools. A
8 local school administrative unit that is determined to not require
9 additional digital investment to implement the staffing models in the
10 advanced teaching role plan shall be otherwise eligible for funding
11 and not denied solely on that basis.

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

15 c. Capacity and commitment to sharing lessons learned to streamline
16 design and implementation in other schools and local school
17 administrative units to implement similar models.

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

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

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

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

49 a. Technical assistance and technical providers for participating local
50 school administrative units.

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

- c. Review of local school administrative plans and implementation fidelity to the goals and requirements of the program.
 - d. Evaluation of the impact of the program on (i) teacher recruitment, retention, and satisfaction; (ii) student access to excellent and effective classroom teachers; (iii) student outcomes; and (iv) other measures of success identified by the nonprofit corporation.
 - e. Design of statewide career advancement and digital instruction models for scale-up.
 - f. Policy collaboration with legislative and executive leadership to complete the transition of State policies to further promote access to excellent teaching and high-quality digital instruction.
 - g. Raising and managing funds to support the activities of the nonprofit corporation.
 - h. Communicating progress toward achievement of the nonprofit corporation's goals.
 - i. Other uses in pursuit of the purposes of this act.
- (3) Sustainability of funding. – Plans implemented by the local school administrative units must achieve financial sustainability for salary supplements as provided in subsection (a) of this section by reallocating recurring sources of funds, including local, State, or federal funds. This act shall not be construed to prohibit additions to the State salary schedule or other State or local supplements to classroom teacher pay.
- (4) Requirements related to receipt of grants. – Local school administrative units participating in the program shall commit to achieve the following in implementing the advanced teaching role plans:
- a. Full implementation of the advanced teaching role plan in at least five schools or twenty-five percent (25%) of the schools within the local school administrative unit, whichever is lesser, by the 2017-2018 school year. For the purposes of this act, "full implementation" is defined as a minimum of seventy-five percent (75%) of students in the local school administrative unit having highly effective classroom teachers as their teacher of record under the North Carolina Educator Evaluation System in at least English Language Arts, math, social studies, and science.
 - b. Full implementation in at least thirty-five percent (35%) of schools within the local school administrative unit by the 2018-2019 school year.
 - c. Submission of a plan to the nonprofit corporation by June 1, 2016, showing the schedule for full implementation in at least fifty-five percent (55%) of schools by the 2019-2020 school year.

SECTION 4.(a) Phase I Prototype Design. – The local school administrative units selected for prototype development shall design their advanced teaching role plans in accordance with the requirements of Section 3 of this act and submit these plans to the nonprofit corporation no later than January 1, 2016. Plans must include the local school administrative units' approach to achieving full sustainability as provided in subdivision (3) of Section 3(c) of this act. This financial sustainability plan must include specific staffing level changes or other funding reallocations that generate sustainable funds to pay at least the minimum supplements and meet the minimum percentage of students with highly effective classroom teachers of record in subdivision (4) of Section 3(c) of this act. The nonprofit corporation shall approve a local school administrative unit's plan or provide written guidance on changes needed to meet the requirements of this act as soon as practicable, but no later than

1 February 15, 2016. Local school administrative units must submit revised plans in response to
2 feedback. The nonprofit corporation shall aim to approve all plans that meet the requirements
3 of this act by March 1, 2016. Local school administrative units not receiving approval by this
4 date may continue to submit revisions and the nonprofit corporation may approve plans at any
5 time once they meet the requirements of this act.

6 **SECTION 4.(b)** Phase I Prototype Implementation. – Participating local school
7 administrative units shall begin implementing their approved advanced teaching role plans in
8 the 2016-2017 school year, achieving full implementation in participating schools by the
9 2017-2018 school year.

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

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

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

- 43 (1) Support local school administrative units in the first cohort of up to
44 10 advanced teaching role prototypes to scale their prototypes fully
45 across their local school administrative units.
- 46 (2) Support a second cohort of up to 50 local school administrative units
47 using the process and requirements set forth in this act to begin
48 developing advanced teaching roles prototypes in the 2017-2018
49 school year and to scale their prototypes across the local school
50 administrative unit. This second cohort shall follow the same

1 selection process and meet the same requirements as the first cohort
2 but with all applicable dates adjusted forward by two years.

3 **SECTION 6.** Evaluation and Recommendation for Advanced Teaching Roles. –

4 The nonprofit corporation shall evaluate implementation of the advanced teaching role
5 prototype and identify successful, reliable elements to develop recommendations to the General
6 Assembly for advanced teaching role plans that could be adopted or adapted by local boards of
7 education. Such recommendations may include the development of default advanced teaching
8 role plans designed for specific local school administrative unit contexts. The nonprofit
9 corporation shall also make recommendations to the General Assembly on the policies needed
10 to complete scaling of successful advanced teaching role programs statewide. These
11 recommendations shall be submitted no later than December 15, 2020, to the offices of the
12 President Pro Tempore of the Senate and the Speaker of the House of Representatives, the
13 Senate Appropriations/Base Budget Committee, the House Appropriations Committee, the
14 Senate Appropriations Committee on Education/Higher Education, the House Appropriations
15 Committee on Education, the Fiscal Research Division, the Joint Legislative Education
16 Oversight Committee, the Governor, the Lieutenant Governor, the State Superintendent of
17 Public Instruction, and the State Board of Education and must include feedback from
18 participating teachers and principals and other affected organizations as determined by the State
19 Board of Education.

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

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

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

- 44 (1) Notwithstanding G.S. 115C-105.25(b)(5b), the ability to convert positions
45 allocated for classroom teachers and instructional support personnel, as well
46 as other positions within a school or local school administrative unit, to
47 dollar equivalents for the purpose of creating positions and paying
48 supplements in accordance with Section 3 of this act. These positions shall
49 be converted at the statewide average salary level for teachers, provided that
50 no local school administrative unit's overall funding allocation shall rise as a
51 result of making such conversions.

1 (2) Notwithstanding G.S. 115C-301, the ability to exceed class size maximums,
2 provided that a highly effective classroom teacher assuming an advanced
3 teaching role, as defined in Section 3 of this act, is the teacher of record for
4 all students in affected classrooms. It is the intent of the General Assembly
5 that increases in the number of students learning with classroom teachers at
6 any given time will not typically be needed.

7 **SECTION 8.5.** G.S. 115C-105.25 is amended by adding a new subsection to read:

8 "(a1) Except as otherwise provided in subsection (b) of this section, the State Board of
9 Education shall permit local boards of education to transfer, at the discretion of the local board,
10 any available State funds into an allotment category to provide supplemental salaries and
11 differential pay for school personnel."

12 **SECTION 9.** Sections 1 through 8 of this act are subject to the availability of funds
13 for this purpose.

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