



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S402-AMK-9 [v.1]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee Report

Date June 7, 2013

Representative B. Brown

1 moves to amend the money report on page F4, Item 24, by decreasing that item by \$464,100 in
2 recurring funds for the 2013-2014 fiscal year and the 2014-2015 fiscal year; and

3
4 on page F-4, by adding a new item to read:

5
6 "28A **Rural Charter School Development Pilot Program** \$464,100 R 464,100 R
7 Supports a pilot program administered by Parents for
8 Educational Freedom in North Carolina (PEFNC) intended
9 to accelerate charter school development in rural North
10 Carolina. A related provision, Section x.xx, articulates the rules
11 governing the program."; and
12

13 moves to amend the special provision report on page 63, by adding immediately after that page
14 the following:

15 **"RURAL CHARTER SCHOOL DEVELOPMENT PILOT PROGRAM**

16 **SECTION #.(a)** Parents for Educational Freedom in North Carolina, Inc. (PEFNC)
17 shall use up to four hundred sixty-four thousand one hundred dollars (\$464,100) in recurring
18 funds made available to it under this act for each fiscal year of the 2013-2015 fiscal biennium
19 to develop and administer a pilot program that provides grant funding to participants for the
20 development of up to 12 charter schools in counties that have less than a sixty-five percent
21 (65%) average passage rate on end-of-grade and end-of-course tests.

22 **SECTION #.(b)** PEFNC shall match State funds available to it under this act on
23 the basis of one dollar (\$1.00) in grant funds for every one dollar (\$1.00) in nongrant funds.
24 Matching funds shall not include other State funds. Matching funds may include in-kind
25 contributions. PEFNC may carry forward any amount in excess of the required match for a
26 fiscal year in order to meet the match requirement of the subsequent fiscal year. Failure to
27 obtain a one hundred percent (100%) match by June 30 of each fiscal year shall result in a
28 dollar-for-dollar reduction in the appropriation for the pilot program for the subsequent fiscal
29 year.

30 **SECTION #.(c)** PEFNC shall require that grant recipients participating in the pilot
31 program meet at least all of the following conditions:



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(1) The recipient has been approved by the State Board of Education to operate a charter school.

(2) The charter school shall be located in a county with less than a sixty-five percent (65%) average passage rate on end-of-grade and end-of-course tests.

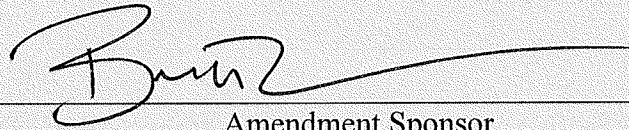
(3) The recipient charter school shall be subject to audit oversight by the State Auditor.

SECTION #.(d) PEFNC may provide grants of up to one hundred thousand dollars (\$100,000) to recipients for an initial planning year.

SECTION #.(e) By March 15, 2014, and annually thereafter, PEFNC shall submit a report on the progress of the pilot program, an accounting of expenditures, and the status of grant recipients to the Joint Legislative Education Oversight Committee."; and

by adjusting the appropriate totals accordingly.

SIGNED



Amendment Sponsor

SIGNED

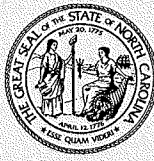
Committee Chair if Senate Committee Amendment

ADOPTED

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NORTH CAROLINA GENERAL ASSEMBLY
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Senate Bill 402

AMENDMENT NO. 2
(to be filled in by
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S402-AMK-18 [v.2]

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Comm. Sub. [NO]
Amends Title [NO]
Subcommittee Report

Date June 7, 2013

Representative Glazier

1 moves to amend the money report on page F1, by deleting item 2; and

2
3 on page F3, by deleting item 20; and

4
5 on page F3, item 13, by increasing the cut for FY 2013-14 by \$1,565,109 and by decreasing the
6 cut for FY 2014-2015 by \$4,666,767 and by rewriting the description of the item to read:

7
8 "Modifies the funding sources for this allotment. The General Fund
9 recurring reduction is offset by \$4.2 million in Lottery receipts in
10 FY 2013-14 and \$1.6 million in Lottery receipts in FY 2014-15
11 and nonrecurring General Fund monies."; and

12
13 on page F5, Item 30, by increasing the cut by \$520,327 for FY 2013-2014 and FY 2014-2015
14 and by rewriting the description of the item to read:

15
16 "Reduces State support for the Department of Public Instruction
17 operations, including salaries and benefits, by 2.5%. The State Board
18 of Education may allocate this reduction at its discretion."; and

19
20 moves to amend the special provision report on pages 40-45, by deleting the provision.

SIGNED

[Signature]
Amendment Sponsor

SIGNED

[Signature]
Committee Chair if Senate Committee Amendment

ADOPTED

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NORTH CAROLINA GENERAL ASSEMBLY
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Senate Bill 402

AMENDMENT NO. 3
(to be filled in by
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S402-ALE-22 [v.1]

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Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee report

Date June 7, 2013

Representative Elmore

1 moves to amend the money report on page F1, item 2, by decreasing the cut for FY 2013-2014
2 by \$7,085,436 and for FY 2014-2015 by \$13,853,560; and
3

4 on page F3, item 20, by reducing the amount for FY 2013-2014 by \$5,000,000 and for FY
5 2014-2015 by \$10,000,000; and
6

7 on page F4, after item 25, by adding a new item to read:

8 "**Textbooks** (\$2,085,436) R (\$3,853,560) R

9 Reduces support for the textbook
10 allotment.";
11

12
13 moves to amend the special provision report on pages 45, lines 37-41, by rewriting those lines
14 to read:

15 "SECTION #.(m) This section applies only to Wake and Mecklenburg County for
16 the 2013-2015 fiscal biennium, beginning with the 2013-2014 school year. For the 2013-2014
17 school year, scholarship grants shall be awarded as provided in subsections (e) through (j) of
18 this section. Beginning with the 2014-2015 school year, scholarship grants shall be awarded in
19 accordance with Part 2A of Article 39 of Chapter 115C of the General Statutes, as enacted by
20 this section.

21 SECTION #.(n) The Authority shall report to the Joint Legislative Education
22 Oversight Committee by February 1, 2015, on the administration of the scholarship grants,
23 including recommendations on implementing the administration of scholarship grants
24 statewide."



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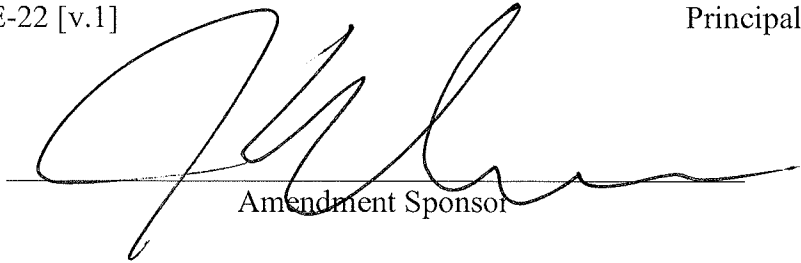
AMENDMENT NO. 3

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S402-ALE-22 [v.1]

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Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

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AMENDMENT NO. 4
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Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee Report

Date June 7, 2013

Representative Glazier

1 moves to amend the special provision report on page 43, line 40, through page 44, line 2, by
2 deleting those lines and substituting the following:
3

4 "(c) The Authority shall report annually, no later than December 1, to the Department of
5 Public Instruction and the Joint Legislative Education Oversight Committee on the following:

6 (1) Learning gains or losses of students receiving scholarship grants. The report
7 shall include learning gains of participating students on a statewide basis and
8 shall compare, to the extent possible, the learning gains or losses of eligible
9 students by nonpublic school to the statewide learning gains or losses of
10 public school students with similar socioeconomic backgrounds, using
11 aggregate standardized test performance data provided to the Authority by
12 nonpublic schools and by the Department of Public Instruction.

13 (2) Competitive effects on public school performance on standardized tests as a
14 result of the scholarship grant program. The report shall analyze the impact
15 of the availability of scholarship grants on public school performance on
16 standardized tests by local school administrative unit to the extent possible,
17 and shall provide comparisons of the impact by geographic region and
18 between rural and urban local school administrative units.

19 This report shall be conducted by an independent research organization to be selected by the
20 Authority, which may be a public or private entity or university. The independent research
21 organization shall report to the Authority on the results of its research. The Joint Legislative
22 Education Oversight Committee shall review reports from the Authority and shall make
23 ongoing recommendations to the General Assembly as needed regarding improving
24 administration and accountability for nonpublic schools accepting students receiving
25 scholarship grants.""; and
26

27 on page 45, lines 37-41, by deleting those lines and substituting the following:

28 **"SECTION #.(m)** The Joint Legislative Education Oversight Committee shall
29 review the learning gains and competitive effect reports from the Authority in 2017 and 2018,
30 and based on the data and outcomes presented in those reports, shall consider whether to
31 recommend to the General Assembly extension of the scholarship grants program beyond the
32 2018-2019 school year.



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AMENDMENT NO. 4
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S402-AMK-17 [v.1]

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1 **SECTION #(n)** This section applies beginning with the 2013-2014 school year.
2 For the 2013-2014 school year, scholarship grants shall be awarded as provided in subsections
3 (e) through (j) of this section. Beginning with the 2014-2015 school year and thereafter,
4 scholarship grants shall be awarded in accordance with Part 2A of Article 39 of Chapter 115C
5 of the General Statutes, as enacted by this section. This act expires June 30, 2019, and no grants
6 shall be awarded by the Authority for the 2019-2020 school year."

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

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AMENDMENT NO. 5
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S402-AMK-16 [v.2]

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Comm. Sub. [NO]
Amends Title [NO]
EDUC subcommittee report

Date June 7, 2013

Representative Glazier

1 moves to amend the special provision report on page 43, line 40, through page 44, line 2, by
2 deleting those lines and substituting the following:

3
4 "(c) The Authority shall report annually, no later than December 1, to the Department of
5 Public Instruction and the Joint Legislative Education Oversight Committee on the following:

6 (1) Learning gains or losses of students receiving scholarship grants. The report
7 shall include learning gains of participating students on a statewide basis and
8 shall compare, to the extent possible, the learning gains or losses of eligible
9 students by nonpublic school to the statewide learning gains or losses of
10 public school students with similar socioeconomic backgrounds, using
11 aggregate standardized test performance data provided to the Authority by
12 nonpublic schools and by the Department of Public Instruction.

13 (2) Competitive effects on public school performance on standardized tests as a
14 result of the scholarship grant program. The report shall analyze the impact
15 of the availability of scholarship grants on public school performance on
16 standardized tests by local school administrative unit to the extent possible,
17 and shall provide comparisons of the impact by geographic region and
18 between rural and urban local school administrative units.

19 This report shall be conducted by an independent research organization to be selected by
20 the Authority, which may be a public or private entity or university. The independent research
21 organization shall report to the Authority on the results of its research. The Joint Legislative
22 Education Oversight Committee shall review reports from the Authority and shall make
23 ongoing recommendations to the General Assembly as needed regarding improving
24 administration and accountability for nonpublic schools accepting students receiving
25 scholarship grants."



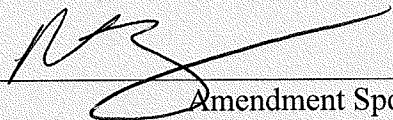
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S402-AMK-16 [v.2]

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Amendment Sponsor

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Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
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AMENDMENT NO. 60
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S402-ALE-13 [v.5]

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Comm. Sub. [NO]
Amends Title [NO]
Subcommittee Report

Date June 7, 2013

Representative GILL

1 moves to amend the money report on page F4, item 21, by decreasing the amount appropriated
2 for FY 2014-2015 by \$3,471,616;

3
4 on page F4, item 21, by rewriting the description of the item to read:

5 "Provides support to encourage Advanced Placement (AP) and
6 International Baccalaureate (IB) participation in all LEAs and defrays
7 student fees for AP/IB tests. FY 2013-14 funds support the creation
8 and initial efforts of the North Carolina Advanced Placement
9 Partnership, as prescribed by Section x.xx. FY 2014-15 funds
10 support the Partnership and student test fees.";

11
12 on page F3, item 16, by increasing the amount appropriated for FY 2014-2015 by \$3,471,616;
13 and

14
15 on page F3, item 16, by rewriting the description of the item to read:

16 "Reduces Teacher Assistants funding by 4% in FY 2013-14 and 5% in
17 FY 2014-15 and allocates funding on the basis of student headcount in
18 grades K-3. In FY 2013-14, \$546.2 million will remain in this
19 allotment. In FY 2014-15, \$561.8 million will remain in this allotment.";

20
21 moves to amend the special provision report on page on page 35, lines 1-11, by rewriting those
22 lines to read:

23
24 "this goal, to the extent funds are made available for this purpose, students enrolled in public
25 schools shall be exempt from paying any fees for administration of examinations for advanced
26 courses and registration fees for advanced courses in which the student is enrolled regardless of
27 the score the student achieves on an examination."; and

28
29 on page 36, lines 20-26, by rewriting those lines to read:

- 30 "(6) Distribution of funding appropriated for advanced course testing fees and
31 professional development by local school administrative unit and school.
32 (7) Status and efforts of the North Carolina Advanced Placement Partnership.



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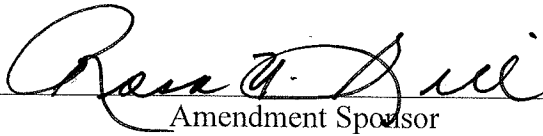
AMENDMENT NO. 6
(to be filled in by
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S402-ALE-13 [v.5]

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- 1 (8) Other trends in advanced courses and examinations."; and
2
3 on page 36, lines 39-41 by rewriting those lines to read:
4 "fund fees for testing in advanced courses and one million five hundred thousand dollars
5 (\$1,500,000) for each fiscal year shall"; and
6
7 on page 37, lines 1-28, by rewriting those lines to read:
8 "(1) Provide funds to local school administrative units to pay testing fees for
9 advanced courses for all students.
10 (2) Provide funds to the North Carolina Advanced Placement Partnership for
11 professional development for teachers of Advanced Placement courses."

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED



TABLED



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Senate Bill 402

AMENDMENT NO. 7
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S402-ALE-15 [v.2]

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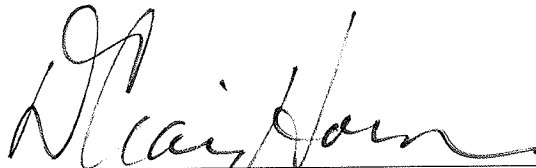
Comm. Sub. [NO]
Amends Title [NO]
Subcommittee Report

Date June 7, 2013

Representative Horn

1 moves to amend the special provision report on page 20. line 2, by deleting "**SECTION**
2 **8.14.(a)**" and substituting "**SECTION 8.14.**"; and
3
4 on page 22, line 10, through page 24, line5, by deleting the lines.
5
6
7
8

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

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NORTH CAROLINA GENERAL ASSEMBLY
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Senate Bill 402

AMENDMENT NO. 8
(to be filled in by
Principal Clerk)

S402-ALE-16 [v.3]

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Comm. Sub. [NO]
Amends Title [NO]
Subcommittee Report

Date June 7, 2013

Representative Conrad

Moves to amend the money report on page F4 by adding a new item after item 25 to read:

"Merit Pay for Teachers" \$10,200,000 R

Provides funds to allow superintendents to provide
a \$500 annual pay raise in FY 2014-15 for each
teacher opting to enter into a four-year contract
based on effectiveness, pursuant to Section 9.7."; and

On page F3, item 16, by increasing the cut for the 2014-2015 fiscal year by \$10,200,000; and

moves to amend the special provision report on page 64, by adding a new section after page 64
to read:

"TEACHER CONTRACT CONFORMING CHANGES

SECTION 9.7.(a) G.S. 115C-105.26(b)(2) reads as rewritten:

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

SECTION 9.7.(b) G.S. 115C-105.37B(a)(2) reads as rewritten:

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



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SECTION 9.7.(c) G.S. 115C-105.38A reads as rewritten:

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

...

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

...

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

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

...."

SECTION 9.7.(d) G.S. 115C-105.39 reads as rewritten:

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

(a) Within 30 days of the initial identification of a school as low-performing, whether by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the school's principal: (i) recommend to the local board that the principal be retained in the same position, (ii) recommend to the local board that the principal be retained in the same position and a plan of remediation should be developed, (iii) recommend to the local board that the principal be transferred, or (iv) ~~proceed under G.S. 115C-325~~G.S. 115C-325.4 to dismiss or demote the principal. The principal may be retained in the same position without a plan for remediation only if the principal was in that position for no more than two years before the school is identified as low-performing. The principal shall not be transferred to another principal position unless (i) it is in a school classification in which the principal previously demonstrated at least 2 years of success, (ii) there is a plan to evaluate and provide remediation to the principal for at least one year following the transfer to assure the principal does not impede student performance at the school to which the principal is being transferred; and (iii) the parents of the students at the school to which the principal is being transferred are notified. The principal shall not be transferred to another low-performing school in the local school administrative unit. If the superintendent intends to recommend demotion or dismissal, the superintendent shall notify the local board. Within 15 days of (i) receiving notification that the superintendent intends to proceed under ~~G.S. 115C-325~~G.S. 115C-325.4 or (ii) its decision concerning the superintendent's recommendation, but no later than September 30, the local

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1 board shall submit to the State Board a written notice of the action taken and the basis for that
2 action. If the State Board does not assign an assistance team to that school or if the State Board
3 assigns an assistance team to that school and the superintendent proceeds under
4 ~~G.S. 115C-325~~G.S. 115C-325.4 to dismiss or demote the principal, then the State Board shall
5 take no further action. If the State Board assigns an assistance team to the school and the
6 superintendent is not proceeding under ~~G.S. 115C-325~~G.S. 115C-325.4 to dismiss or demote
7 the principal, then the State Board shall vote to accept, reject, or modify the local board's
8 recommendations. The State Board shall notify the local board of its action within five days. If
9 the State Board rejects or modifies the local board's recommendations and does not recommend
10 dismissal of the principal, the State Board's notification shall include recommended action
11 concerning the principal's assignment or terms of employment. Upon receipt of the State
12 Board's notification, the local board shall implement the State Board's recommended action
13 concerning the principal's assignment or terms of employment unless the local board asks the
14 State Board to reconsider that recommendation. The State Board shall provide an opportunity
15 for the local board to be heard before the State Board acts on the local board's request for a
16 reconsideration. The State Board shall vote to affirm or modify its original recommended
17 action and shall notify the local board of its action within five days. Upon receipt of the State
18 Board's notification, the local board shall implement the State Board's final recommended
19 action concerning the principal's assignment or terms of employment. If the State Board rejects
20 or modifies the local board's action and recommends dismissal of the principal, the State Board
21 shall proceed under ~~G.S. 115C-325(q)(1)~~G.S. 115C-325.12.

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

26"

27 **SECTION 9.7.(e)** G.S. 115C-238.68(3) reads as rewritten:

28 "(3) ~~Career status.~~Leave of absence from local school administrative unit. -
29 ~~Employees of the board of directors shall not be eligible for career status.~~ If
30 a teacher employed by a local school administrative unit makes a written
31 request for a leave of absence to teach at the regional school, the local school
32 administrative unit shall grant the leave for one year. For the initial year of
33 the regional school's operation, the local school administrative unit may
34 require that the request for a leave of absence be made up to 45 days before
35 the teacher would otherwise have to report for duty. After the initial year of
36 the regional school's operation, the local school administrative unit may
37 require that the request for a leave of absence be made up to 90 days before
38 the teacher would otherwise have to report for duty. A local board of
39 education is not required to grant a request for a leave of absence or a
40 request to extend or renew a leave of absence for a teacher who previously
41 has received a leave of absence from that school board under this
42 subdivision. A teacher who has career status under G.S. 115C-325 prior to
43 receiving a leave of absence to teach at the regional school may return to a

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public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the regional school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers in accordance with G.S. 115C-325(e)(2)."

SECTION 9.7.(f) G.S. 115C-276(l) reads as rewritten:

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

SECTION 9.7.(g) G.S. 115C-285(a)(7) reads as rewritten:

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

SECTION 9.7.(h) G.S. 115C-304 is repealed.

SECTION 9.7.(i) G.S. 115C-333 reads as rewritten:

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

(a) Annual Evaluations; Low-Performing Schools. – Local school administrative units shall evaluate at least once each year all licensed employees assigned to a school that has been identified as low-performing. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of a mandatory improvement plan if one is recommended under subsection (b) of this section. If the employee is a teacher with career status as defined under G.S. 115C-325(a)(6), or a teacher as defined under G.S. 115C-325.1(5), either the principal, the assistant principal who supervises the teacher, or an assistance team assigned under G.S. 115C-105.38 shall conduct the evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct the evaluation.

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

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

(b) Mandatory Improvement Plans. –

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

...

(c) Reassessment of Employee in a Low-Performing School. – After the expiration of the time period for the mandatory improvement plan under subdivision (2a) of subsection (b) of this section, the superintendent, the superintendent's designee, or the assistance team shall assess the performance of the employee of the low-performing school a second time. If the superintendent, superintendent's designee, or assistance team determines that the employee has failed to become proficient in any of the performance standards articulated in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, the superintendent shall recommend that if the employee is a teacher with career status the teacher be dismissed or demoted under G.S. 115C-325, or if the employee is a teacher on contract the employee's contract not be renewed or if the employee has engaged in inappropriate conduct or performed inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment, that the employee be immediately dismissed or demoted under G.S. 115C-325. ~~G.S. 115C-325.4.~~ The results of the second assessment shall constitute substantial evidence of the employee's inadequate performance.

(d) State Board Notification. – If a local board dismisses an employee of a low-performing school who is a teacher with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses an employee who is a teacher on contract for cause or elects to not renew an employee's contract as a result of a superintendent's recommendation under subsection (b) or (c) of this section, it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those individuals. If a local board hires one of these individuals, within 60 days the superintendent or the superintendent's designee shall observe the employee, develop a mandatory improvement

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1 plan to assist the employee, and submit the plan to the State Board. The State Board shall
2 review the mandatory improvement plan and may provide comments and suggestions to the
3 superintendent. If on the next evaluation the employee receives a rating on any standard that
4 was identified as an area of concern on the mandatory improvement plan that is again below
5 proficient or otherwise represents unsatisfactory or below standard performance, the local
6 board shall notify the State Board and the State Board shall initiate a proceeding to revoke the
7 employee's license under G.S. 115C-296(d). If on this next evaluation the employee receives at
8 least a proficient rating on all of the performance standards that were identified as areas of
9 concern on the mandatory improvement plan, the local board shall notify the State Board that
10 the employee is in good standing and the State Board shall not continue to provide the
11 individual's name to local boards under this subsection unless the employee is a teacher with
12 career status and is subsequently dismissed under G.S. 115C-325 except for a reduction in
13 force, force, or the employee is a teacher on contract subsequently dismissed under
14 G.S. 115C-325.4.

15"

16 **SECTION 9.7.(j) G.S. 115C-333.1 reads as rewritten:**

17 **"§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;**
18 **mandatory improvement plans; State Board notification upon dismissal of**
19 **teachers.**

20 (a) Annual Evaluations. – All teachers who are assigned to schools that are not
21 designated as low-performing and who have not ~~attained career status~~ been employed for at
22 least three consecutive years shall be observed at least three times annually by the principal or
23 the principal's designee and at least once annually by a teacher and shall be evaluated at least
24 once annually by a principal. All teachers with career status or on a four-year contract who are
25 assigned to schools that are not designated as low-performing shall be evaluated annually
26 unless a local board adopts rules that allow teachers with career status or on a four-year
27 contract to be evaluated more or less frequently, provided that such rules are not inconsistent
28 with State or federal requirements. Local boards also may adopt rules requiring the annual
29 evaluation of nonlicensed employees. A local board shall use the performance standards and
30 criteria adopted by the State Board and may adopt additional evaluation criteria and standards.
31 All other provisions of this section shall apply if a local board uses an evaluation other than one
32 adopted by the State Board.

33 ...

34 (d) Reassessment of the Teacher. – Upon completion of a mandatory improvement plan
35 under subsection (b) of this section, the principal shall assess the performance of the teacher a
36 second time. The principal shall also review and consider any report provided by the qualified
37 observer under subsection (c) of this section if one has been submitted before the end of the
38 mandatory improvement plan period. If, after the second assessment of the teacher and
39 consideration of any report from the qualified observer, the superintendent or superintendent's
40 designee determines that the teacher has failed to become proficient in any of the performance
41 standards identified as deficient in the mandatory improvement plan or demonstrate sufficient
42 improvement toward such standards, the superintendent may recommend that a teacher with
43 career status be dismissed or demoted under G.S. 115C-325, or if the teacher is on contract that

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1 the teacher's contract not be renewed or if the teacher has engaged in inappropriate conduct or
2 performed inadequately to such a degree that such conduct or performance causes substantial
3 harm to the educational environment, that the teacher be immediately dismissed or demoted
4 under ~~G.S. 115C-325~~ G.S. 115C-325.4. The results of the second assessment produced
5 pursuant to the terms of this subsection shall constitute substantial evidence of the teacher's
6 inadequate performance.

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

13 (f) State Board Notification. – If a local board dismisses a teacher with career status for
14 any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses a teacher on
15 contract for cause or elects to not renew a teacher's contract as a result of a superintendent's
16 recommendation under subsection (d) of this section, it shall notify the State Board of the
17 action, and the State Board annually shall provide to all local boards the names of those
18 teachers. If a local board hires one of these teachers, within 60 days the superintendent or the
19 superintendent's designee shall observe the teacher, develop a mandatory improvement plan to
20 assist the teacher, and submit the plan to the State Board. The State Board shall review the
21 mandatory improvement plan and may provide comments and suggestions to the
22 superintendent. If on the next evaluation the teacher receives a rating on any standard that was
23 an area of concern on the mandatory improvement plan that is again below proficient or a
24 rating that otherwise represents unsatisfactory or below standard performance, the local board
25 shall notify the State Board, and the State Board shall initiate a proceeding to revoke the
26 teacher's license under G.S. 115C-296(d). If on the next evaluation the teacher receives at least
27 a proficient rating on all of the overall performance standards that were areas of concern on the
28 mandatory improvement plan, the local board shall notify the State Board that the teacher is in
29 good standing, and the State Board shall not continue to provide the teacher's name to local
30 boards under this subsection unless the teacher has career status and is subsequently dismissed
31 under G.S. 115C-325 except for a reduction in ~~force~~ force or is a teacher on contract who is
32 subsequently dismissed under G.S. 115C-325.4. If, however, on this next evaluation the teacher
33 receives a developing rating on any standards that were areas of concern on the mandatory
34 improvement plan, the teacher shall have one more year to bring the rating to ~~proficient~~.
35 ~~If, proficient if the local board elects to renew the teacher's contract. If by the end of this second~~
36 ~~year, year~~ the teacher is not proficient in all standards that were areas of concern on the
37 mandatory improvement plan, the local board shall notify the State Board, and the State Board
38 shall initiate a proceeding to revoke the teacher's license under G.S. 115C-296(d).
39"

40 **SECTION 9.7.(k)** G.S. 115C-335(b) reads as rewritten:

41 "(b) Training. – The State Board, in collaboration with the Board of Governors of The
42 University of North Carolina, shall develop programs designed to train principals and
43 superintendents in the proper administration of the employee evaluations developed by the

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

16 **SECTION 9.7.(l)** G.S. 115C-404(b) reads as rewritten:

17 "(b) Documents received under this section shall be used only to protect the safety of or
18 to improve the education opportunities for the student or others. Information gained in
19 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
20 student. Upon receipt of each document, the principal shall share the document with those
21 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
22 and (ii) a specific need to know in order to protect the safety of the student or others. Those
23 individuals shall indicate in writing that they have read the document and that they agree to
24 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
25 required by this section is grounds for the dismissal of an employee who is not employed on
26 contract, grounds for dismissal of an employee on contract not a career employee in accordance
27 with G.S. 115C-325.4(a)(9), and is grounds for dismissal of an employee who is a career
28 employee, teacher in accordance with G.S. 115C-325(e)(1)i."

29 **SECTION 9.7.(m)** G.S. 143B-146.7(b) reads as rewritten:

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

33 **SECTION 9.7.(n)** G.S. 143B-146.8 reads as rewritten:

34 "**§ 143B-146.8. Evaluation of certificated-licensed personnel and principals; action plans;**
35 **State Board notification.**

36 (a) Annual Evaluations; Low-Performing Schools. – The principal shall evaluate at
37 least once each year all certificated-licensed personnel assigned to a participating school that
38 has been identified as low-performing but has not received an assistance team. The evaluation
39 shall occur early enough during the school year to provide adequate time for the development
40 and implementation of an action plan if one is recommended under subsection (b) of this
41 section. If the employee is a teacher as defined under G.S. 115C-325(a)(6),
42 G.S. 115C-325(a)(6) with career status or a teacher as defined in G.S. 115C-325.1(5) on
43 contract, either the principal or an assessment team assigned under G.S. 143B-146.9 shall

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1 conduct the evaluation. If the employee is a school administrator as defined under
2 G.S. 115C-287.1(a)(3), the Superintendent shall conduct the evaluation.

3 Notwithstanding this subsection or any other law, the principal shall observe at least three
4 times annually, a teacher shall observe at least once annually, and the principal shall evaluate at
5 least once annually, all teachers who have ~~not attained career status~~ been employed for less
6 than three consecutive years. All other employees defined as teachers under
7 G.S. 115C-325(a)(6) with career status or teachers as defined in G.S. 115C-325.1(5) on a
8 four-year contract who are assigned to participating schools that are not designated as
9 low-performing shall be evaluated annually unless the ~~Secretary~~ State Board adopts rules that
10 allow specified categories of teachers with career status or on four-year contracts to be
11 evaluated more or less frequently. The ~~Secretary~~ State Board also may adopt rules requiring the
12 annual evaluation of ~~noncertificated nonlicensed~~ personnel. This section shall not be construed
13 to limit the duties and authority of an assistance team assigned to a low-performing school.

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

18 (b) Action Plans. – If a ~~certificated~~ licensed employee in a participating school that has
19 been identified as low-performing receives an unsatisfactory or below standard rating on any
20 function of the evaluation that is related to the employee's instructional duties, the individual or
21 team that conducted the evaluation shall recommend to the principal that: (i) the employee
22 receive an action plan designed to improve the employee's performance; or (ii) the principal
23 recommend ~~to the Secretary~~ that the employee who is a career teacher be dismissed or demoted
24 as provided in G.S. 115C-325 or the employee who is a teacher on contract not be
25 recommended for renewal; or (iii) if the employee who is a teacher on contract engages in
26 inappropriate conduct or performs inadequately to such a degree that such conduct or
27 performance causes substantial harm to the educational environment that a proceeding for
28 immediate dismissal or demotion under G.S. 115C-325.4 be instituted. The principal shall
29 determine whether to develop an action ~~plan~~ plan, to not recommend renewal of the employee's
30 contract, or to recommend a dismissal proceeding. The person who evaluated the employee or
31 the employee's supervisor shall develop the action plan unless an assistance team or assessment
32 team conducted the evaluation. If an assistance team or assessment team conducted the
33 evaluation, that team shall develop the action plan in collaboration with the employee's
34 supervisor. Action plans shall be designed to be completed within 90 instructional days or
35 before the beginning of the next school year. The ~~State Board, in consultation with the~~
36 ~~Secretary, Board~~ shall develop guidelines that include strategies to assist in evaluating
37 ~~certificated licensed~~ personnel and developing effective action plans within the time allotted
38 under this section. The ~~Secretary~~ State Board may adopt policies for the development and
39 implementation of action plans or professional development plans for personnel who do not
40 require action plans under this section.

41 (c) Reevaluation. – Upon completion of an action plan under subsection (b) of this
42 section, the principal or the assessment team shall evaluate the employee a second time. If on
43 the second evaluation the employee receives one unsatisfactory or more than one below

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1 standard rating on any function that is related to the employee's instructional duties, the
2 principal shall recommend that the employee with career status be dismissed or demoted under
3 G.S. 115C-325, or that an employee's contract not be renewed or if the employee engages in
4 inappropriate conduct or performs inadequately to such a degree that such conduct or
5 performance causes substantial harm to the educational environment, that the employee be
6 dismissed or demoted under G.S. 115C-325.4. The results of the second
7 evaluation shall constitute substantial evidence of the employee's inadequate performance.

8 (d) State Board Notification. – ~~If the Secretary dismisses an employee is dismissed for~~
9 ~~any reason except a reduction in force under G.S. 115C-325(e)(1).~~ cause or an employee's
10 contract is not renewed as a result of a superintendent's recommendation under subsection (b)
11 or (c) of this section, the Secretary shall notify the State Board shall be notified of the action,
12 and the State Board annually shall provide to all local boards of education the names of those
13 individuals. If a local board hires one of these individuals, that local board shall proceed under
14 G.S. 115C-333(d).

15"

16 **SECTION 9.7.(o)** G.S. 115C-105.38A, as amended by subsection (c) of this
17 section, reads as rewritten:

18 "**§ 115C-105.38A. Teacher competency assurance.**

19 ...
20 (d) Retesting; Dismissal. – Upon completion of the remediation plan required under
21 subsection (c) of this section, the licensed staff member shall take the general knowledge test a
22 second time. If the licensed staff member fails to acquire a passing score on the second test, the
23 State Board shall begin a dismissal proceeding under ~~G.S. 115C-325(q)(2a)~~ or
24 G.S. 115C-325.13.

25 ...
26 (f) Other Actions Not Precluded. – Nothing in this section shall be construed to restrict
27 or postpone the following actions:

- 28 (1) The dismissal of a principal under G.S. 115C-325.12.
- 29 (2) The dismissal of a teacher, assistant principal, director, or supervisor under
30 ~~G.S. 115C-325(q)(2)~~ or G.S. 115C-325.13.
- 31 (3) The dismissal or demotion of an employee for any of the grounds listed
32 under ~~G.S. 115C-325(e)~~ or G.S. 115C-325.4.
- 33 (4) The nonrenewal of a school administrator's or teacher's contract of
34 employment.

35"

36 **SECTION 9.7.(p)** G.S. 115C-105.39(b), as amended by subsection (d) of this
37 section, reads as rewritten:

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

41"

42 **SECTION 9.7.(q)** G.S. 115C-238.29F(e)(3) reads as rewritten:

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1 "(3) If a teacher employed by a local school administrative unit makes a written
2 request for a leave of absence to teach at a charter school, the local school
3 administrative unit shall grant the leave for one year. For the initial year of a
4 charter school's operation, the local school administrative unit may require
5 that the request for a leave of absence be made up to 45 days before the
6 teacher would otherwise have to report for duty. After the initial year of a
7 charter school's operation, the local school administrative unit may require
8 that the request for a leave of absence be made up to 90 days before the
9 teacher would otherwise have to report for duty. A local board of education
10 is not required to grant a request for a leave of absence or a request to extend
11 or renew a leave of absence for a teacher who previously has received a
12 leave of absence from that school board under this subdivision. A teacher
13 who has ~~career status under G.S. 115C-325 prior to receiving~~received a
14 leave of absence to teach at a charter school may return to a public school in
15 the local school administrative unit ~~with career status at the end of the leave~~
16 of absence or upon the end of employment at the charter school if an
17 appropriate position is available.~~If an appropriate position is unavailable, the~~
18 ~~teacher's name shall be placed on a list of available teachers and that teacher~~
19 ~~shall have priority on all positions for which that teacher is qualified in~~
20 ~~accordance with G.S. 115C-325(e)(2)."~~

21 **SECTION 9.7.(r)** G.S. 115C-238.68(3), as amended by subsection (e) of this
22 section, reads as rewritten:

23 "(3) Leave of absence from local school administrative unit. – If a teacher
24 employed by a local school administrative unit makes a written request for a
25 leave of absence to teach at the regional school, the local school
26 administrative unit shall grant the leave for one year. For the initial year of
27 the regional school's operation, the local school administrative unit may
28 require that the request for a leave of absence be made up to 45 days before
29 the teacher would otherwise have to report for duty. After the initial year of
30 the regional school's operation, the local school administrative unit may
31 require that the request for a leave of absence be made up to 90 days before
32 the teacher would otherwise have to report for duty. A local board of
33 education is not required to grant a request for a leave of absence or a
34 request to extend or renew a leave of absence for a teacher who previously
35 has received a leave of absence from that school board under this
36 subdivision. A teacher who has ~~career status under G.S. 115C-325 prior to~~
37 ~~receiving~~received a leave of absence to teach at the regional school may
38 return to a public school in the local school administrative unit ~~with career~~
39 ~~status at the end of the leave of absence or upon the end of employment at~~
40 the regional school if an appropriate position is available.~~If an appropriate~~
41 ~~position is unavailable, the teacher's name shall be placed on a list of~~
42 ~~available teachers in accordance with G.S. 115C-325(e)(2)."~~

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1 **SECTION 9.7.(s)** G.S. 115C-333, as amended by subsection (i) of this section,
2 reads as rewritten:

3 **"§ 115C-333. Evaluation of licensed employees including certain superintendents;**
4 **mandatory improvement plans; State board notification upon dismissal of**
5 **employees.**

6 (a) Annual Evaluations; Low-Performing Schools. – Local school administrative units
7 shall evaluate at least once each year all licensed employees assigned to a school that has been
8 identified as low-performing. The evaluation shall occur early enough during the school year to
9 provide adequate time for the development and implementation of a mandatory improvement
10 plan if one is recommended under subsection (b) of this section. If the employee is a teacher
11 ~~with career status as defined under G.S. 115C-325(a)(6), or a teacher as defined under~~
12 G.S. 115C-325.1(5), either the principal, the assistant principal who supervises the teacher, or
13 an assistance team assigned under G.S. 115C-105.38 shall conduct the evaluation. If the
14 employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the
15 superintendent or the superintendent's designee shall conduct the evaluation.

16 All teachers in low-performing schools who have been employed for less than three
17 consecutive years shall be observed at least three times annually by the principal or the
18 principal's designee and at least once annually by a teacher and shall be evaluated at least once
19 annually by a principal. This section shall not be construed to limit the duties and authority of
20 an assistance team assigned to a low-performing school under G.S. 115C-105.38.

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

24 (b) Mandatory Improvement Plans. –

25 ...

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, (ii) the superintendent recommend to the local
33 board that ~~if the employee is a career status teacher the employee be~~
34 ~~dismissed or demoted and if the employee is a teacher on contract the~~
35 ~~teacher's employee's contract not be recommended for renewal, or (iii) if the~~
36 employee engaged in inappropriate conduct or performed inadequately to
37 such a degree that such conduct or performance causes substantial harm to
38 the educational environment that a proceeding for immediate dismissal or
39 demotion be instituted. If the individual or team that conducted the
40 evaluation elects not to make any of the above recommendations, the said
41 individual or team shall notify the superintendent of this decision. The
42 superintendent shall determine whether to develop a mandatory

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1 improvement plan, to not recommend renewal of the employee's contract, or
2 to recommend a dismissal proceeding.

3 ...

4 (c) Reassessment of Employee in a Low-Performing School. – After the expiration of
5 the time period for the mandatory improvement plan under subdivision (2a) of subsection (b) of
6 this section, the superintendent, the superintendent's designee, or the assistance team shall
7 assess the performance of the employee of the low-performing school a second time. If the
8 superintendent, superintendent's designee, or assistance team determines that the employee has
9 failed to become proficient in any of the performance standards articulated in the mandatory
10 improvement plan or demonstrate sufficient improvement toward such standards, the
11 superintendent shall recommend that if ~~the employee is a teacher with career status the teacher~~
12 ~~be dismissed or demoted under G.S. 115C-325, or if the employee is a teacher on contract the~~
13 ~~employee's contract not be renewed or if the employee has engaged in inappropriate conduct or~~
14 ~~performed inadequately to such a degree that such conduct or performance causes substantial~~
15 ~~harm to the educational environment, that the employee be immediately dismissed or demoted~~
16 ~~under G.S. 115C-325.4. The results of the second assessment shall constitute substantial~~
17 ~~evidence of the employee's inadequate performance.~~

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

39"

40 **SECTION 9.7.(t)** G.S. 115C-333.1, as amended by subsection (j) of this section,
41 reads as rewritten:

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

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

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

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

(f) State Board Notification. – If a local board dismisses a teacher ~~with career status for any reason except a reduction in force under G.S. 115C-325(e)(1)l.~~, or dismisses a teacher ~~on contract~~ for cause or elects to not renew a teacher's contract as a result of a superintendent's recommendation under subsection (d) of this section, it shall notify the State Board of the

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

23"

24 **SECTION 9.7.(u)** Article 23 of Chapter 115C of the General Statutes is amended
25 by adding a new section to read:

26 **"§ 115C-344. Employment benefits for exchange teachers.**

27 An exchange teacher is a nonimmigrant alien teacher participating in an exchange visitor
28 program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or
29 by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q). For
30 purposes of determining eligibility to receive employment benefits under this Chapter,
31 including personal leave, annual vacation leave, and sick leave, an exchange teacher shall be
32 considered a permanent teacher if employed with the expectation of at least six full consecutive
33 monthly pay periods of employment and if employed at least 20 hours per week. An exchange
34 teacher is not a teacher for purposes of the Teachers' and State Employees' Retirement System
35 of North Carolina as provided in G.S. 135-1(25)."

36 **SECTION 9.7.(v)** G.S. 115C-404(b), as amended by subsection (n) of this section,
37 reads as rewritten:

38 "(b) Documents received under this section shall be used only to protect the safety of or
39 to improve the education opportunities for the student or others. Information gained in
40 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
41 student. Upon receipt of each document, the principal shall share the document with those
42 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
43 and (ii) a specific need to know in order to protect the safety of the student or others. Those

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1 individuals shall indicate in writing that they have read the document and that they agree to
2 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
3 required by this section is grounds for the dismissal of an employee who is not employed on
4 ~~contract~~, contract and grounds for dismissal of an employee on contract in accordance with
5 G.S. 115C-325.4(a)(9), ~~G.S. 115C-325.4(a)(9)~~, and grounds for dismissal of an employee who
6 ~~is a career teacher in accordance with G.S. 115C-325(e)(1)i."~~

7 **SECTION 9.7.(w)** G.S. 143B-146.7(b), as amended by subsection (m) of this
8 section, reads as rewritten:

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

12 **SECTION 9.7.(x)** G.S. 143B-146.8, as amended by subsection (n) of this section,
13 reads as rewritten:

14 **"§ 143B-146.8. Evaluation of licensed personnel and principals; action plans; State Board**
15 **notification.**

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

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

38 (b) Action Plans. – If a licensed employee in a participating school that has been
39 identified as low-performing receives an unsatisfactory or below standard rating on any
40 function of the evaluation that is related to the employee's instructional duties, the individual or
41 team that conducted the evaluation shall recommend to the principal that: (i) the employee
42 receive an action plan designed to improve the employee's performance; or (ii) ~~the principal~~
43 ~~recommend that the employee who is a career teacher be dismissed or demoted as provided in~~

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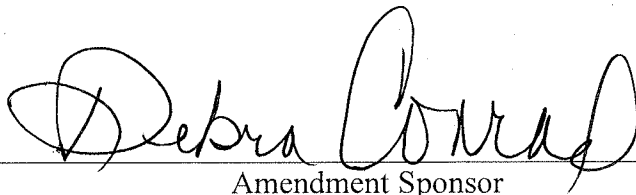
1 ~~G.S. 115C-325 or the employee who is a teacher on contract~~the employee's contract not be
2 recommended for renewal; or (iii) if the employee who is a teacher on contract engages in
3 inappropriate conduct or performs inadequately to such a degree that such conduct or
4 performance causes substantial harm to the educational environment that a proceeding for
5 immediate dismissal or demotion under G.S. 115C-325.4 be instituted. The principal shall
6 determine whether to develop an action plan, to not recommend renewal of the employee's
7 contract, or to recommend a dismissal proceeding. The person who evaluated the employee or
8 the employee's supervisor shall develop the action plan unless an assistance team or assessment
9 team conducted the evaluation. If an assistance team or assessment team conducted the
10 evaluation, that team shall develop the action plan in collaboration with the employee's
11 supervisor. Action plans shall be designed to be completed within 90 instructional days or
12 before the beginning of the next school year. The State Board shall develop guidelines that
13 include strategies to assist in evaluating licensed personnel and developing effective action
14 plans within the time allotted under this section. The State Board may adopt policies for the
15 development and implementation of action plans or professional development plans for
16 personnel who do not require action plans under this section.

17 (c) Reevaluation. – Upon completion of an action plan under subsection (b) of this
18 section, the principal or the assessment team shall evaluate the employee a second time. If on
19 the second evaluation the employee receives one unsatisfactory or more than one below
20 standard rating on any function that is related to the employee's instructional duties, the
21 principal shall recommend that the ~~employee with career status be dismissed or demoted under~~
22 ~~G.S. 115C-325, or that an employee on~~employee's contract not be ~~renewed~~renewed, or if the
23 employee engages in inappropriate conduct or performs inadequately to such a degree that such
24 conduct or performance causes substantial harm to the educational environment, that the
25 employee be dismissed or demoted under G.S. 115C-325.4. The results of the second
26 evaluation shall constitute substantial evidence of the employee's inadequate performance.

27"

28 **SECTION 9.7.(y)** Subsections (a) through (n) of this section become effective July
29 1, 2014. Subsections (o) through (x) become effective June 30, 2018."

30
31
32
33
SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED



TABLED



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Comm. Sub. [NO]
Amends Title [NO]
Committee Report

Date June 7, 2013

Representative Elmore

1 moves to amend the money report on page F3, item 17, by deleting the item; and

2
3 on page F4, by adding a new item after item 25 to read:

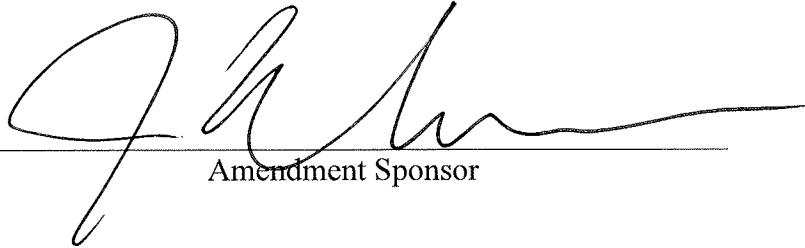
4
5 **"Liability Insurance for Public School Personnel (\$3,045,000 R)";**

6 Deletes funding to secure the statewide liability insurance
7 policy for school personnel for the 2014-2015 school year."

8
9 on page F3, item 13, by increasing the cut for FY 2014-15 by \$15,855,000 in recurring funds;
10 and

11
12 moves to amend the special provision report on page 29, by deleting the special provision.

13
SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

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Comm. Sub. [NO]
Amends Title [NO]
Committee Report

Date June 7, 2013

Representative Conrad

moves to amend the money report on page F4, item 26, by increasing the amount for FY 2013-2014 by \$2,219,222 and the amount for FY 2014-15 by \$3,219,222; and

on page F4, by adding a new item after item 28 to read:

" North Carolina Center for the Advancement of
Teaching (NCCAT) (\$2,219,222) R (\$3,219,222) R
Eliminates State support for the ongoing operations
of this teacher professional development provider.
\$1 million will remain available in FY 2013-14 for
upkeep of the two NCCAT facilities until they are
otherwise conveyed as well as anticipated severance
costs."; and

moves to amend the special provisions report on page 64, by adding a new provision to read:

" CLOSE NC CENTER FOR THE ADVANCEMENT OF TEACHING

SECTION 8.10.(a) G.S. 115C-296.5 is repealed.

SECTION 8.10.(b) G.S. 115C-296.6 is repealed.

SECTION 8.10.(c) G.S. 126-5(c1)(29) is repealed.

SECTION 8.10.(d) The ownership, possession, and control of all property of The North Carolina Center for the Advancement of Teaching located at Cullowhee, including buildings, grounds, personal property, vehicles, and equipment, shall be transferred to Western Carolina University. Notwithstanding Chapters 143 and 146 of the General Statutes, these transfers may be made without gubernatorial or Council of State approval and without consultation with the Joint Legislative Commission on Governmental Operations.

SECTION 8.10.(e) The Department of Administration shall determine the best use for all property of The North Carolina Center for the Advancement of Teaching located at Ocracoke, consistent with the terms of the conveyance of that property to the State. Any transfer or reallocation of that property shall be in accordance with applicable law.

SECTION 8.10.(f) This section becomes effective June 30, 2013."



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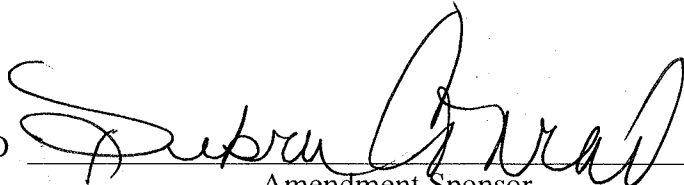
AMENDMENT NO. 16
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1
2

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Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

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AMENDMENT NO. 11
(to be filled in by
Principal Clerk)

S402-ALE-20 [v.1]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Committee Report

Date June 7, 2013

Representative Elmore

1 moves to amend the money report on page F3, item 17, by decreasing the cut by \$13,900,000;
2 and

3
4 on page F3, item 17, by rewriting the item to read:

5 **"17. Education-Based Salary Supplements**

6 Phases out education-based salary supplements in FY 2014-15 for
7 certain education personnel not compensated for such supplements in
8 FY 2013-14, as directed in Section 8.22."; and

9
10 on page F3, item 13, by increasing the cut for FY 2014-15 by \$13,900,000 in recurring funds;
11 and

12
13 moves to amend the special provision report on page 29, by rewriting the special provision to
14 read:

15 **"SECTION 8.22.** Notwithstanding Section 35.11 of this act, no teachers or
16 instructional support personnel, except for instructional support personnel in positions for
17 which a master's degree is required for licensure, shall be paid on the "M" salary schedule or
18 receive a salary supplement for academic preparation at the six-year degree level or at the
19 doctoral degree level for the 2014-2015 school year, unless they were paid on that salary
20 schedule or received that salary supplement prior to the 2014-2015 school year or were in
21 enrolled in a masters' level, six-year degree level or doctoral degree program as of the fall
22 semester of 2013."
23



* S 4 0 2 - A L E - 2 0 - V - 1 *

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SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

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Withdrawn



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AMENDMENT NO. 12
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S402-ALE-21 [v.2]

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Comm. Sub. [NO]
Amends Title [NO]
Subcommittee Report

Date June 7, 2013

Representative Glazier

1 moves to amend the money report on page F3, item #18, by decreasing the amount for each
2 fiscal year by \$4,000,000 in recurring funds;

3
4 on Page F4, by deleting the description of item 22 and substituting the following:

5 "Provides \$10 million in recurring support for School Resource
6 Officers in elementary and middle schools, \$2 million for installing
7 and maintaining panic alarms in public schools, and \$4 million
8 for school psychologists, school counselors, and social workers.

9 Section x.xx describes the rules related to the distribution of this
10 funding." and

11
12 on page F5, item 22, by increasing the amount for each fiscal year by \$4,000,000; and

13
14 further moves to amend the special provision report on pages 40-45, by deleting the provision;
15 and

16
17 on page __, line __, by inserting a new section to read;

18 **"SCHOOL PSYCHOLOGISTS, SCHOOL COUNSELORS, AND SOCIAL WORKERS**

19 **SECTION #.(a)** Grants to local school administrative units, regional schools, and
20 charter schools for additional school psychologists, school counselors, and social workers. shall
21 be matched on the basis of one dollar (\$1.00) in State funds for every one dollar (\$1.00) in local
22 funds and shall be used to supplement and not to supplant State, local, and federal funds
23 expended for school psychologists, school counselors, and social workers.

24 The State Board of Education shall include need-based considerations in its criteria
25 for awarding these grants to local school administrative units, regional schools, and charter
26 schools. The State Board shall also give lower priority to local school administrative units,
27 regional schools, and charter schools that have received a grant for school resource officers
28 pursuant to Section __ of this act.

29 **SECTION #.(b)** Article 21 of Chapter 115C of the General Statutes is amended by
30 adding a new section to read:

31 **"§ 115C-316.1. Duties of school counselors.**



* S 4 0 2 - A L E - 2 1 - V - 2 *

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1 (a) School counselors shall implement a comprehensive developmental school
2 counseling program in their schools. Counselors shall spend at least eighty percent (80%) of
3 their work time providing direct services to students. Direct services do not include the
4 coordination of standardized testing. Direct services shall consist of:

- 5 (1) Delivering the school guidance curriculum through large-group guidance,
6 interdisciplinary curriculum development, group activities, and parent
7 workshops;
8 (2) Guiding individual student planning through individual or small-group
9 assistance and individual or small-group advisement;
10 (3) Providing responsive services through consultation with students, families,
11 and staff; individual and small-group counseling; crisis counseling; referrals;
12 and peer facilitation; and
13 (4) Performing other student services listed in the Department of Public
14 Instruction school counselor job description that has been approved by the
15 State Board of Education.

16 (b) During the remainder of their work time, counselors shall spend adequate time on
17 school counseling program support activities that consist of professional development;
18 consultation, collaboration, and training; and program management and operations. School
19 counseling program support activities do not include the coordination of standardized testing.
20 However, school counselors may assist other staff with the coordination of standardized
21 testing."

22 **SECTION #.(c)** Prior to the 2013-2014 school year, each local board of education
23 shall develop a transition plan for implementing subsection (b) of this section within existing
24 resources by reassigning duties within its schools.

25 The State Board of Education shall distribute guidelines to all local school
26 administrative units on the implementation of subsection (b) of this section."
27
28
29
30

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED ✓

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AMENDMENT NO. 13
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Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee Report

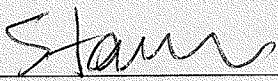
Date June 7, 2013

Representative Stam

1 moves to amend the special provision report on page 63, by adding immediately after that page
2 the following:

3
4 **"PILOT PROGRAM/SPORTS FOR STUDENTS WITH DISABILITIES"**

5 **SECTION #.** Of the funds appropriated to the Department of Public Instruction or
6 State Aid for Public Schools for the 2013-2015 fiscal biennium, the Department may use up to
7 three hundred thousand dollars (\$300,000) each fiscal year to develop and implement a pilot
8 program for an integrated community-based adapted sports program for students with
9 disabilities in grades kindergarten through 12. If the Department uses funds for this purpose,
10 the pilot program shall be consistent with the "Dear Colleague" letter addressing equal access
11 to extracurricular athletics for students with disabilities released by the U.S. Department of
12 Education, Office for Civil Rights, on January 25, 2013. The pilot program shall also include
13 specific strategies to overcome barriers to the participation of students with disabilities in
14 extracurricular athletics and incorporate a philosophy of personal empowerment for those
15 students. The pilot program may be conducted in one or more local school administrative units
16 and provide for collaboration with universities and community colleges and other community
17 organizations to achieve the purposes of the program."

SIGNED 
Amendment Sponsor

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Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



* S 4 0 2 - A M K - 6 - V - 2 *



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AMENDMENT NO. 14
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Comm. Sub. [NO]
Amends Title [NO]
Subcommittee Report

Date June 7, 2013

Representative Michaux

1 moves to amend the money report on page F3, item 18, by decreasing the amount for FY
2 2014-2015 by \$5,000,000; and

3
4 on page F4, item 23, by decreasing the amount for FY 2014-2015 by \$5,708,987 and by
5 rewriting the description of that item to read:

6
7 **"23 Career Technology Education Test Fees**

8 Provides support to defray student fees for examinations leading
9 to industry certifications and credentials. Test fees will be supported in
10 both years of the biennium, governed by the guidelines found in Section x.xx."; and

11
12 on page F3, item 17, by increasing the amount for FY 2014-2015 by \$10,708,987; and

13
14 moves to amend the special provision report on page 29, by deleting the provision and
15 substituting the following:

16 **"PHASE OUT CERTAIN TEACHER SALARY SUPPLEMENTS**

17 **SECTION 8.22.** Notwithstanding Section 35.11 of this act, no teachers or
18 instructional support personnel, except for (i) instructional support personnel in positions for
19 which a master's degree is required for licensure and STEM teachers, shall be paid on the "M"
20 salary schedule or receive a salary supplement for academic preparation at the six-year degree
21 level or at the doctoral degree level for the 2014-2015 school year, unless they were paid on
22 that salary schedule or received that salary supplement prior to the 2014-2015 school year";
23 and

24
25 on page 38, line 21, through page 39, line 42 by rewriting those lines to read:

26 "(2) Each school year, at such time as agreed to by the Department of Commerce
27 and the State Board of Education, the Department of Commerce shall
28 provide the State Board of Education with a list of those occupations in high
29 need of additional skilled employees. If the occupations identified in such
30 list are not substantially the same as those occupations identified in the list
31 from the prior year, reasonable notice of such changes shall be provided to
32 local school administrative units.



* S 4 0 2 - A M K - 8 - V - 5 *

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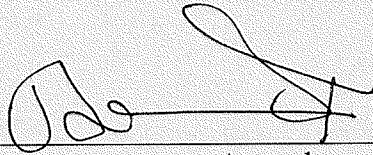
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- 1 (3) Local school administrative units shall consult with their local industries,
2 employers, and workforce development boards to identify industry
3 certification and credentials that the local school administrative unit may
4 offer to best meet State and local workforce needs.
5 (b) Beginning in 2014, the State Board of Education shall report to the Joint Legislative
6 Education Oversight Committee by September 1 of each year on the number of students in
7 career and technical education courses who earned (i) community college credit and (ii) related
8 industry certifications and credentials."

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED



TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 15
(to be filled in by
Principal Clerk)

S402-AMK-12 [v.1]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee report

Date June 7, 2013

Representative Stam

1 moves to amend the special provision report on page 63, by adding immediately after that page
2 the following:

3
4 **"STUDY VIRTUAL CHARTER SCHOOLS**

5 **SECTION #.** The State Board of Education shall study and determine needed
6 modifications for authorization and oversight of virtual charter schools, including application
7 requirements, enrollment growth, and funding allocations, and shall prepare these
8 recommendations in the form of draft rules and proposed statutory changes. The State Board
9 shall present the draft rules and the proposed statutory changes to the Joint Legislative
10 Education Oversight Committee by February 1, 2014.

11 This section shall not be construed to affect litigation pending as of the date of the
12 enactment of this section."

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

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★ S 4 0 2 - A M K - 1 2 - V - 1 ★



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 16
(to be filled in by
Principal Clerk)

S402-AMK-13 [v.1]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
EDUC subcommittee report

Date June 7, 2013

Representative Elmore

- 1 moves to amend the special provision report, on page 64, by deleting that page.

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____



* S 4 0 2 - A M K - 1 3 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 17
(to be filled in by
Principal Clerk)

S402-AMK-14 [v.1]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee report

Date June 7, 2013

Representative Whitmire

1 moves to amend the money report on page F-2, Item 12, by increasing the reduction for fiscal
2 year 2013-2014 by \$171,860 in recurring funds and by increasing the reduction for fiscal year
3 2014-2015 by \$20,857 in recurring funds and by rewriting the description for that item to read:

4
5 "Restructures this allotment to restrict eligibility to only those counties
6 with ADM of 3,900 or less and provides per-pupil funding on a sliding
7 scale based on the size of the school district. LEAs made ineligible
8 under this formula will have their allotment phased-out over a five-year
9 period. A related provision, Section x.xx, provides additional details on
10 this change. \$44.8 million will remain in this allotment in FY 2013-14
11 and \$42.4 million will remain in FY 2014-15."; and
12

13 on page F-3, Item 13, by increasing the amount for fiscal year 2013-2014 by \$171,860 in
14 recurring funds and by increasing the amount for fiscal year 2014-2015 by \$20,857 in recurring
15 funds and by rewriting the description for that item to read:

16
17 "Slightly increases funding for this allotment over the biennium. The
18 General Fund recurring reduction is fully offset by \$4.2 million in
19 Lottery receipts in FY 2013-14 and \$1.6 million in Lottery receipts in FY
20 2014-15 and nonrecurring General Fund monies. \$50.9 million will be
21 available in this allotment in FY 2013-14; \$51.7 million will be available
22 in FY 2014-15."; and
23

24 moves to amend the special provision report on page 7, line 3, by rewriting that line to read:
25 "school administrative units located in the county is less than 3,900, the county school"; and
26

27 on page 7, line 16, by rewriting that line to read:
28 "dollars per student shall be one thousand six hundred twenty-five dollars (\$1,625)."



* S 4 0 2 - A M K - 1 4 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 17
(to be filled in by
Principal Clerk)

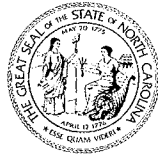
S402-AMK-14 [v.1]

Page 2 of 2

SIGNED Chris Whitmore
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 18
(to be filled in by
Principal Clerk)

S402-ALE-14 [v.3]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Subcommittee Report

Date June 7, 2013

Representative

moves to amend the money report on page F8, item 49, by deleting the item and substituting the following:

"49. Audit Services	(\$551,572) R	(\$551,572) R
Eliminates recurring funding and positions	\$551,572 NR	\$551,572 NR

for the Audit Services division of the System
Office. Restoration of recurring funding is
subject to the results of a study by the State
Board of Community Colleges in accordance
with Section xx.x of this act.; and

on page F6, item 31, reducing the recurring amount for each fiscal year by \$551,572; and

moves to amend the special provision report on page 78, by deleting the provision and substituting the following:

"CLARIFY COMMUNITY COLLEGE AUDITS

SECTION #.(a) Effective July 1, 2015, G.S. 115D-5(m) is repealed.

SECTION #.(b) Effective July 1, 2015, G.S. 115D-58.16 reads as rewritten:

"§ 115D-58.16. Audits.

(a) Each community college shall be ~~audited~~ subject to a financial audit a minimum of once every two years. Community colleges may use State funds to contract with the State Auditor or with a certified public accountant to perform the audits. The colleges shall submit the results of the audits to the State Board of Community Colleges.

The State Board of Community Colleges shall ensure that all colleges are audited in accordance with this section.

(b) Notwithstanding the provisions of Chapter 143D of the General Statutes, a community college shall not be subject to the EAGLE program administered by the Office of the State Controller unless (i) there is a finding of internal control problems in the most recent financial audit of the college or (ii) the State Board of Community Colleges determines that a college should be subject to the program."



* S 4 0 2 - A L E - 1 4 - V - 3 *

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 402

AMENDMENT NO. 18

(to be filled in by


Principal Clerk)

S402-ALE-14 [v.3]

Page 2 of 2

1 **SECTION #.(c)** The Community Colleges System Office, in consultation with the
2 constituent institutions, shall develop procedures for streamlining community college audits to
3 minimize the administrative burden on the institutions being audited. The System Office shall
4 report the results of its study to the Joint Legislative Education Oversight Committee by
5 January 1, 2015.
6
7
8
9
10

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. ~~18~~ 19
(to be filled in by
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S402-ALE-18 [v.2]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
Committee Report

Date June 7, 2013

Representative Lucas

- 1 moves to amend the money report on page F8, item 46, by deleting the item and substituting
2 the following:
3 **"46 Botanical Laboratory** (\$132,000) R (\$132,000) R
4 Reduces support for the categorical allotment
5 for the botanical laboratory at Fayetteville
6 Technical Community College, leaving \$132,000
7 remaining in the allotment for this program. The
8 college will also continue to receive regular FTE
9 formula funding for enrollment at the botanical
10 laboratory, and may use other State funding allocated
11 to it to continue the program."; and
12
13 on page F8, by adding a new item to read:
14 **"50. State Board Reserve** (\$132,000) R (\$132,000) R
15 Reduces funding for the State Board reserve,
16 leaving \$368,000 in this reserve."
17
18

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 20
(to be filled in by
Principal Clerk)

Page 1 of 1

S402-ALH-29 [v.2]

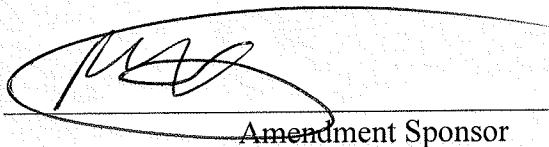
Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee Report

Date June 7, 2013

Representative Glazier

- 1 moves to amend the EDUC special provisions report on page 85, line 10,
- 2 by deleting the phrase "by line item and"; and
- 3
- 4 further moves to amend the EDUC special provisions report on page 85, line 12,
- 5 by deleting the phrase "line item".
- 6
- 7

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 21
(to be filled in by
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Page 1 of 1

S402-ALH-32 [v.3]

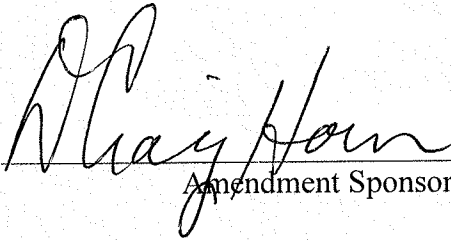
Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee Report

Date June 7, 2013

Representative Horn

1 moves to amend the EDUC money report on page F-13, Item #65
2 by deleting the phrase "\$12 million" in the descriptive language for the item and substituting
3 "\$5 million".
4
5
6
7

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 22
(to be filled in by
Principal Clerk)

S402-ALH-30 [v.2]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
EDUC Subcommittee Report

Date June 7, 2013

Representative Glazier

1 moves to amend the EDUC special provisions report on page 83, lines 2-6,
2 by rewriting those lines to read:

3 " **SECTION 11.4.(a)** G.S. 116-143.7 reads as rewritten:

4 '**§ 116-143.7. Tuition surcharge.**

5 (a) The Board of Governors of The University of North Carolina shall impose a fifty
6 percent (50%) tuition surcharge on students who take more than 140 degree credit hours to
7 complete a baccalaureate degree in a four-year program or more than one hundred ten percent
8 (110%) of the credit hours necessary to complete a baccalaureate degree in any program
9 officially designated by the Board of Governors as a five-year program. ~~Courses and credit~~
10 ~~hours taken include those taken at that constituent institution or accepted for transfer. Courses~~
11 ~~and credit hours that count toward the surcharge include those taken at that constituent~~
12 ~~institution and those taken at either another constituent institution or a community college~~
13 ~~established pursuant to G.S. 115D-4 and accepted for transfer. In calculating the number of~~
14 ~~degree credit hours taken:~~

15 (1) Included are courses that a student:

16 a. Fails.

17 b. Does not complete unless the course was officially dropped by the
18 student pursuant to the academic policy of the appropriate constituent
19 institution.

20 (2) Excluded are credit hours earned through:

21 a. The College Board's Advanced Placement Program, CLEP
22 examinations, or similar programs.

23 b. Institutional advanced placement, course validation, or any similar
24 procedure for awarding course credit.

25 c. Summer term or extension programs.

26 d. Courses and credit hours transferred and accepted for credit from an
27 institution of higher education that is not a constituent institution or a
28 community college established pursuant to G.S. 115D-4.

29 (b) No surcharge shall be imposed on any student who exceeds the degree credit hour
30 limits within the equivalent of four academic years of regular term enrollment or within five
31 academic years of regular term enrollment in a degree program officially designated by the
32 Board of Governors as a five-year program.



* S 4 0 2 - A L H - 3 0 - V - 2 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 402

AMENDMENT NO. 22
(to be filled in by
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S402-ALH-30 [v.2]

Page 2 of 2

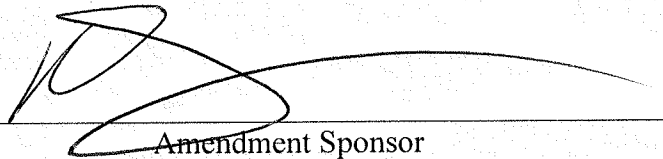
1 (c) Upon application by a student, the tuition surcharge shall be waived if the student
2 demonstrates that any of the following have substantially disrupted or interrupted the student's
3 pursuit of a degree: (i) a military service obligation, (ii) serious medical debilitation, (iii) a
4 short-term or long-term disability, or (iv) other extraordinary hardship. The Board of Governors
5 shall establish the appropriate procedures to implement the waiver provided by this subsection.

6 (d) Each constituent institution shall implement procedures to notify students and
7 parents regarding the tuition surcharge and to provide appropriate advance notice to a student
8 when the student is approaching the credit hour limit regarding the tuition surcharge. The
9 procedures shall comply with the tuition surcharge notification principles established by the
10 Board of Governors."; and

11
12 On page 83, line 10,

13 By inserting immediately after "students" the phrase "and parents".
14
15
16
17
18

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED

Withdrawn