

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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**HOUSE BILL 719
Committee Substitute Favorable 4/17/13**

Short Title: Education Improvement Act of 2013.

(Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED
AN ACT TO ENACT THE EDUCATION IMPROVEMENT ACT OF 2013.
The General Assembly of North Carolina enacts:

**PART I. TASK FORCE TO STUDY TEACHER AND SCHOOL ADMINISTRATOR
EFFECTIVENESS AND COMPENSATION**

SECTION 1.(a) Establishment. – The North Carolina Educator Effectiveness and Compensation Task Force is established.

SECTION 1.(b) Membership. – The Task Force shall be composed of 18 members as follows:

- (1) Nine members appointed by the Speaker of the House of Representatives as follows:
 - a. Four persons who are members of the House of Representatives at the time of appointment, at least two of whom represent the minority party.
 - b. A representative of the Department of Public Instruction.
 - c. A classroom teacher, as recommended by the North Carolina Association of Educators.
 - d. A school principal, as recommended by the North Carolina Association of School Administrators.
 - e. A representative of a North Carolina institution of higher education that offers a teacher education program and a master's degree program in education or school administration.
 - f. A representative from the Professional Educators of North Carolina.
- (2) Nine members appointed by the President Pro Tempore of the Senate as follows:
 - a. Four persons who are members of the Senate at the time of appointment, at least two of whom represent the minority party.
 - b. A representative of the State Board of Education.
 - c. A classroom teacher, as recommended by the North Carolina Association of Educators.
 - d. A school system superintendent, as recommended by the North Carolina Association of School Administrators.
 - e. A local school board member, as recommended by the North Carolina School Boards Association.
 - f. A representative from the Professional Educators of North Carolina.



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1 The Task Force shall have two cochairs, one designated by the President Pro
2 Tempore of the Senate and one designated by the Speaker of the House of Representatives
3 from among their appointees. The Task Force shall meet upon the call of the cochairs.
4 Vacancies shall be filled by the appointing authority. A quorum of the Task Force shall be a
5 majority of the members.

6 **SECTION 1.(c) Duties.** – The Task Force shall make recommendations on whether
7 to create a statewide model of incentives to encourage the recruitment and retention of highly
8 effective educators and to consider the transition to an alternative compensation system for
9 educators. In developing recommendations, the Task Force shall consider at least the following
10 factors:

- 11 (1) Alternatives to or simplification of the current teacher and school principal
12 salary schedules, including the need for "hold harmless" options or a choice
13 in compensation structure to avoid reduction in pay for current educators.
- 14 (2) Incorporating the feedback of educators in order to maximize buy-in.
- 15 (3) The integration of school-level performance measures in an alternative
16 compensation system.
- 17 (4) Whether local school administrative units may create their own customized
18 alternative compensation systems in lieu of or in addition to a statewide
19 system, including necessary parameters such as funding flexibility and
20 guidelines for local boards of education.
- 21 (5) The use of incentive pay to recruit and retain educators to teach in hard to
22 staff areas.
- 23 (6) The recognition of educator responsibilities and leadership roles such as
24 mentoring of beginning teachers and instructional coaching.
- 25 (7) Methods for identifying effective teaching and its relationship to an
26 alternative compensation system, including:
 - 27 a. The correlation of student outcomes with effective teaching.
 - 28 b. The use of multiple teacher evaluation measures and feedback
29 methods to recognize effective teaching such as classroom
30 observations, student surveys, video training for teachers, and
31 standard measures of student achievement.
 - 32 c. The use of multiple teacher observations, including at least one
33 observer from outside of the teacher's school.
 - 34 d. The correlation to annual student growth and performance data,
35 evaluations, effectiveness levels, and a three-year average of student
36 growth.
- 37 (8) Barriers to the implementation of alternative compensation systems.
- 38 (9) Educator compensation reform in other states and North Carolina pilot
39 programs currently utilizing alternative compensation.
- 40 (10) Effective strategies for retaining effective teachers.

41 **SECTION 1.(d) Compensation; Administration.** – Members of the Task Force
42 shall receive subsistence and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or
43 138-6, as appropriate. With the prior approval of the Legislative Services Commission, the
44 Legislative Services Officer shall assign professional and clerical staff to assist in the work of
45 the Task Force. With the prior approval of the Legislative Services Commission, the Task
46 Force may hold its meetings in the State Legislative Building or the Legislative Office
47 Building. The Task Force may also meet at various locations around the State in order to
48 promote greater public participation in its deliberations. The Task Force, while in the discharge
49 of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19
50 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents,
51 agencies, and departments of the State to provide any information, data, or documents within

1 their possession, ascertainable from their records or otherwise available to them, and the power
2 to subpoena witnesses.

3 **SECTION 1.(e)** Report. – The Task Force shall report its findings and
4 recommendations to the 2014 Regular Session of the 2013 General Assembly no later than
5 April 15, 2014. The Task Force shall terminate upon the filing of its final report.

6
7 **PART II. CAREER STATUS FOR EFFECTIVE TEACHERS**

8 **SECTION 2.(a)** G.S. 115C-325 reads as rewritten:

9 **"§ 115C-325. System of employment for public school teachers.**

10 (a) Definition of Terms. – As used in this section unless the context requires otherwise:

11 (1) Repealed by Session Laws 1997-221, s. 13(a).

12 (1a) "Career employee" as used in this section means:

- 13 a. An employee who has obtained career status with that local board as
14 a teacher as provided in G.S. 115C-325(c);
15 b. An employee who has obtained career status with that local board in
16 an administrative position as provided in G.S. 115C-325(d)(2);
17 c. A probationary teacher during the term of the contract as provided in
18 G.S. 115C-325(m); and
19 d. A school administrator during the term of a school administrator
20 contract as provided in G.S. 115C-287.1(c).

21 (1b) "Career school administrator" means a school administrator who has
22 obtained career status in an administrative position as provided in
23 G.S. 115C-325(d)(2).

24 (1c) "Career teacher" means a teacher who has obtained career status as provided
25 in G.S. 115C-325(c).

26 (1d) Repealed by Session Laws 2011-348, s. 1, effective July 1, 2011, and
27 applicable to persons recommended for dismissal or demotion on or after
28 that date.

29 (2) Repealed by Session Laws 1997, c. 221, s. 13(a).

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

32 (4) "Demote" means to reduce the salary of a person who is classified or paid by
33 the State Board of Education as a classroom teacher or as a school
34 administrator. The word "demote" does not include: (i) a suspension without
35 pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of
36 bonus payments, including merit-based supplements, or a systemwide
37 modification in the amount of any applicable local supplement; or (iii) any
38 reduction in salary that results from the elimination of a special duty, such as
39 the duty of an athletic coach or a choral director.

40 (4a) "Disciplinary suspension" means a final decision to suspend a teacher or
41 school administrator without pay for no more than 60 days under
42 G.S. 115C-325(f)(2).

43 (4b) "Exchange teacher" means a nonimmigrant alien teacher participating in an
44 exchange visitor program designated by the United States Department of
45 State pursuant to 22 C.F.R. Part 62 or by the United States Department of
46 Homeland Security pursuant to 8 C.F.R. Part 214.2(q).

47 (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).

48 (5) "Probationary teacher" means a licensed person, other than a superintendent,
49 associate superintendent, or assistant superintendent, who has not obtained
50 career-teacher status and whose major responsibility is to teach or to
51 supervise teaching.

- 1 (5a) [Expired.]
- 2 (5b) "School administrator" means a principal, assistant principal, supervisor, or
- 3 director whose major function includes the direct or indirect supervision of
- 4 teaching or any other part of the instructional program as provided in
- 5 G.S. 115C-287.1(a)(3).
- 6 (6) "Teacher" means a person who holds at least a current, not provisional or
- 7 expired, Class A license or a regular, not provisional or expired, vocational
- 8 license issued by the State Board of Education; whose major responsibility is
- 9 to teach or directly supervises teaching or who is classified by the State
- 10 Board of Education or is paid either as a classroom teacher or instructional
- 11 support personnel; and who is employed to fill a full-time, permanent
- 12 position.
- 13 (6a) "Teacher Performance Evaluation Standards" means the following
- 14 competencies:
- 15 a. Demonstration of leadership.
- 16 b. Establishment of a respectful environment for a diverse population of
- 17 students.
- 18 c. Content knowledge.
- 19 d. Facilitation of learning for students.
- 20 e. Reflection on teaching practice.
- 21 f. Contribution to the academic success of students.
- 22 (6b) "Teacher Performance Ratings" means the following ratings based on annual
- 23 evaluations of teacher performance evaluation standards:
- 24 a. Developing: Demonstration of adequate growth towards achieving
- 25 teacher performance evaluation standards during the performance
- 26 period but failure to demonstrate basic competence on teacher
- 27 performance evaluation standards.
- 28 b. Proficient: Demonstration of basic competence on teacher
- 29 performance evaluation standards.
- 30 c. Accomplished: Exceeding basic competence on teacher performance
- 31 evaluation standards most of the time.
- 32 d. Distinguished: Consistently and significantly exceeding basic
- 33 competence on teacher performance evaluation standards.
- 34 e. Not demonstrated: Failure to demonstrate basic competence on or
- 35 adequate growth on teacher performance evaluation standards.
- 36 f. Student growth that is indicated by one of the following: (i) meeting
- 37 expected student growth, (ii) exceeding expected student growth, or
- 38 (iii) failure to meet expected student growth.
- 39 (6c) "Teacher Status" means the following indicators based on a three-year
- 40 rolling average of student growth values used to populate the teacher
- 41 performance evaluation standard in sub-subdivision (a)(6a)f. of this section:
- 42 a. In need of improvement: A teacher who fails to receive a rating of at
- 43 least proficient on each of the teacher performance evaluation
- 44 standards or who does not meet expected student growth.
- 45 b. Effective: A teacher who receives a rating of at least proficient on
- 46 each of the teacher performance evaluation standards and who at
- 47 least meets expected student growth.
- 48 c. Highly effective: A teacher who receives a rating of at least
- 49 accomplished on each of the teacher evaluation standards and who
- 50 exceeds expected student growth.
- 51 (7) (See note) Redesignated.

1 (8) "Year" for purposes of computing time as a probationary teacher shall be not
2 less than 120 workdays performed as a probationary teacher in a full-time
3 permanent position in a school year. Workdays performed pending the
4 outcome of a criminal history check as provided in G.S. 115C-332 are
5 included in computing time as a probationary teacher.

6 ...
7 (c) (1) ~~Election of a Teacher Achievement to of Career Status. –~~

8 Except as otherwise provided in subdivision (3) of this subsection, when a
9 teacher has been employed by a North Carolina public school system for
10 four consecutive years, ~~the board, near the end of the fourth year, shall vote~~
11 ~~upon whether to grant the teacher career status.~~ the determination of a
12 teacher's career status shall be as follows:

13 a. If the probationary teacher has received a teacher status of "highly
14 effective" by the end of the fourth year of evaluations in accordance
15 with the State Board teacher evaluation process, the teacher shall
16 achieve career status.

17 b. If the probationary teacher has received a teacher status of "in need
18 of improvement" by the end of the fourth year of evaluations in
19 accordance with the State Board teacher evaluation process, the
20 teacher shall not achieve career status and the teacher shall not teach
21 beyond the school term.

22 c. If neither of the circumstances in sub-subdivisions a. and b. of this
23 subdivision apply, the board shall vote upon whether to grant the
24 teacher career status. The teacher has a right to notice and hearing
25 prior to the board's vote as provided in G.S. 115C-325(m)(3) and
26 G.S. 115C-325(m)(4). The board shall give the teacher written notice
27 of that decision by June 15 or such later date as provided in
28 G.S. 115C-325(m)(7). If a majority of the board votes to grant career
29 status to the teacher, and if it has notified the teacher of the decision,
30 it may not rescind that action but must proceed under the provisions
31 of this section for the demotion or dismissal of a teacher if it decides
32 to terminate the teacher's employment. If a majority of the board
33 votes against granting career status, the teacher shall not teach
34 beyond the current school term. If the board fails to vote on granting
35 career status, the teacher shall be entitled to an additional month's
36 pay for every 30 days or portion thereof after June 16 or such later
37 date as provided in G.S. 115C-325(m)(7) if a majority of the board
38 belatedly votes against granting career status.

39 (1a) Revocation of career status. – If, for two consecutive years, a teacher with
40 career status receives a teacher status rating of "in need of improvement" in
41 accordance with the State Board teacher evaluation process, the teacher shall
42 lose career status and may serve as a probationary teacher beginning with the
43 next school year. After two years, if the teacher has received a teacher status
44 rating of "highly effective" in accordance with the State Board teacher
45 evaluation process, the teacher shall achieve career status. At the end of the
46 two years, if the teacher has received a teacher status rating of "effective" in
47 accordance with the State Board teacher evaluation process, the teacher shall
48 be eligible for a vote by the local board of education on whether to grant the
49 teacher career status in accordance with sub-subdivision (c)(1)c. of this
50 section. At the end of the two years, if the teacher has received a teacher
51 performance rating of "in need of improvement" in accordance with the State

Board teacher evaluation process, the teacher shall not achieve career status and shall be an at-will employee.

- (2) Employment of a Career Teacher. – ~~A~~Except as otherwise provided in this section, a teacher who has obtained career status in any North Carolina public school system under sub-subdivision (c)(1)c. of this section need not serve another probationary period of more than one year. The board may grant career status immediately upon employing the teacher, or after the first year of employment. The teacher has a right to notice and hearing prior to the board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4). The board shall give the teacher written notice of that decision by June 15 or such later date as provided in G.S. 115C-325(m)(7). If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after one year of employment, the board fails to vote on the issue of granting career status, the teacher shall be entitled to one additional month's pay for every 30 days or portion thereof beyond June 16 or such later date as provided in G.S. 115C-325(m)(7) if a majority of the board belatedly voted against granting career status. A teacher who achieves career status under sub-subdivision (c)(1)a. and maintains a teacher status rating of highly effective in subsequent evaluation years shall not be required to serve another probationary period in any North Carolina public school system.

...
(m) Probationary Teacher.

- (1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career employee may be dismissed as set forth in subsections (e), (f), (f1), and (h) to (j3) above.
- (2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be for any of the following reasons:
- a. An arbitrary, capricious, or discriminatory ~~or~~ reason.
 - b. ~~for~~For personal or political reasons.
 - c. The teacher, in good faith, reported to a supervisor, school administrator, member of the local board of education, an appropriate law enforcement authority, or other appropriate authority, a violation of law or local board policy by the local board of education or by an employee of the board.
- (3) The superintendent shall provide written notice to a probationary teacher no later than May 15 of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to (i) request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal; and (ii) request a hearing for those teachers eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely request within the 10 days shall result in a waiver of the right to this information and any right to a hearing. If a teacher files a timely request, the superintendent shall provide the requested information and arrange for a hearing, if allowed, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board

1 making a decision or holding a hearing as provided in this section. The board
 2 shall adopt a policy to provide for the orderly exchange of information prior
 3 to the board's decision on the superintendent's recommendation for
 4 nonrenewal.

5 (4) If the probationary teacher is eligible for career status pursuant to
 6 ~~G.S. 115C-325(e)(1) and (e)(2)~~ sub-subdivision (c)(1)c. or subdivision
 7 (c)(1a) or subdivision (c)(2) of this section and the superintendent
 8 recommends not to give the probationary teacher career status, the
 9 probationary teacher has the right to a hearing before the board unless the
 10 reason is a justifiable board- or superintendent-approved decrease in the
 11 number of positions due to district reorganization, decreased enrollment, or
 12 decreased funding.

13 (5) For probationary contracts that are not in the final year before the
 14 probationary teacher is eligible for career status, the probationary teacher
 15 shall have the right to petition the local board of education for a hearing, and
 16 the local board may grant a hearing regarding the superintendent's
 17 recommendation for nonrenewal. The local board of education shall notify
 18 the probationary teacher making the petition of its decision whether to grant
 19 a hearing.

20 (6) Any hearing held according to this subsection shall be pursuant to the
 21 provisions of G.S. 115C-45(c).

22 (7) The board shall notify a probationary teacher whose contract will not be
 23 renewed for the next school year of its decision by June 15; provided,
 24 however, if a teacher submits a request for information or a hearing, the
 25 board shall provide the nonrenewal notification by July 1 or such later date
 26 upon the written consent of the superintendent and teacher.

27"

28 **SECTION 2.(b)** G.S. 115C-45(c) reads as rewritten:

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

- 31 (1) The discipline of a student under G.S. 115C-390.7, 115C-390.10, or
 32 115C-390.11;
- 33 (2) An alleged violation of a specified federal law, State law, State Board of
 34 Education policy, State rule, or local board policy, including policies
 35 regarding grade retention of students;
- 36 (3) The terms or conditions of employment or employment status of a school
 37 employee; and
- 38 (4) Any other decision that by statute specifically provides for a right of appeal
 39 to the local board of education and for which there is no other statutory
 40 appeal procedure.

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

43 Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this
 44 subsection shall have the right to appeal to the superintendent and thereafter shall have the right
 45 to petition the local board of education for a hearing, and the local board may grant a hearing
 46 regarding any final decision of school personnel within the local school administrative unit. A
 47 licensed employee of a local board of education shall have the right to petition the local board
 48 of education to grant a hearing regarding the results of the licensed employee's annual
 49 evaluation or implementation of a mandatory improvement plan under G.S. 115C-333 or
 50 G.S. 115C-333.1. The local board of education shall notify the person making the petition of its
 51 decision whether to grant a hearing.

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

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

7 An appeal of right brought before a local board of education under subdivision (1), (2), (3),
8 or (4) of this subsection may be further appealed to the superior court of the State on the
9 grounds that the local board's decision is in violation of constitutional provisions, is in excess of
10 the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected
11 by other error of law, is unsupported by substantial evidence in view of the entire record as
12 submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal
13 decisions of a local board under subdivision (3) of this subsection shall only apply to decisions
14 concerning the dismissal, demotion, or suspension without pay of the noncertified employee. A
15 noncertified employee may request and shall be entitled to receive written notice as to the
16 reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be
17 provided to the employee prior to any local board of education hearing on the issue. This
18 subsection shall not alter the employment status of a noncertified employee."

19 **SECTION 2.(c)** This section is effective when the act becomes law and applies
20 beginning with the 2014-2015 school year.

21 22 **PART III. PROFESSIONAL DEVELOPMENT REQUIRED FOR LICENSURE** 23 **RENEWAL AND STANDARDS FOR TEACHER EDUCATION PROGRAMS**

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

25 "(b) It is the policy of the State of North Carolina to maintain the highest quality teacher
26 education programs and school administrator programs in order to enhance the competence of
27 professional personnel licensed in North Carolina. To the end that teacher preparation programs
28 are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead
29 agency in coordination and cooperation with the University Board of Governors, the Board of
30 Community Colleges and such other public and private agencies as are necessary, shall
31 continue to refine the several licensure requirements, standards for approval of institutions of
32 teacher education, standards for institution-based innovative and experimental programs,
33 standards for implementing consortium-based teacher education, and standards for improved
34 efficiencies in the administration of the approved programs. The licensure program shall
35 provide for initial licensure after completion of preservice training, continuing licensure after
36 three years of teaching experience, and license renewal every five years thereafter, until the
37 retirement of the teacher. The last license renewal received prior to retirement shall remain in
38 effect for five years after retirement. The licensure program shall also provide for lifetime
39 licensure after 50 years of teaching.

40 The State Board of Education, as lead agency in coordination with the Board of Governors
41 of The University of North Carolina, the North Carolina Independent Colleges and
42 Universities, and any other public and private agencies as necessary, shall continue to raise
43 standards for entry into teacher education programs.

44 To further ensure that teacher preparation programs remain current and reflect a rigorous
45 course of study that is aligned to State and national standards, the State Board of Education, in
46 consultation with the Board of Governors of The University of North Carolina, shall ensure
47 students preparing to teach in elementary schools (i) have adequate coursework in the teaching
48 of reading and mathematics; (ii) are assessed prior to certification to determine that they
49 possess the requisite knowledge in scientifically based reading and mathematics instruction that
50 is aligned with the State Board's expectations; (iii) continue to receive preparation in applying
51 formative and summative assessments within the school and classroom setting through

1 technology-based assessment systems available in North Carolina schools that measure and
2 predict expected student improvement; and (iv) are prepared to integrate arts education across
3 the curriculum.

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

8 The State Board of Education, in consultation with the Board of Governors of The
9 University of North Carolina, shall evaluate and develop enhanced requirements for continuing
10 licensure. The new requirements shall reflect more rigorous standards for continuing licensure
11 and to the extent possible shall be aligned with quality professional development programs that
12 reflect State priorities for improving student achievement. Continuing licensure shall require at
13 least 10 continuing education credits, including competencies related to digital learning and
14 innovative and alternative methods of teaching.

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

21 The standards for approval of institutions of teacher education shall require that teacher
22 education programs for all students include demonstrated competencies in (i) the identification
23 and education of children with ~~disabilities and disabilities~~, (ii) positive management of student
24 behavior and effective communication techniques for defusing and deescalating disruptive or
25 dangerous ~~behavior~~-behavior, and (iii) creative teaching strategies, including digital learning
26 and innovative and alternative methods of teaching. The State Board of Education shall
27 incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals
28 under the School Administrator Training Program into its school administrator program
29 approval standards.

30 All North Carolina institutions of higher education that offer teacher education programs,
31 masters degree programs in education, or masters degree programs in school administration
32 shall provide performance reports to the State Board of Education. The performance reports
33 shall follow a common format, shall be submitted according to a plan developed by the State
34 Board, and shall include the information required under the plan developed by the State Board."

35 **SECTION 3.(b)** For teachers who are in their fourth or fifth year of their current
36 five-year license renewal cycle, the changes required by subsection (a) of this section shall
37 apply beginning with the first year of their next five-year license renewal cycle.

38 **PART IV. SCHOOL PERFORMANCE SCORES AND GRADES**

39 **SECTION 4.(a)** Section 7A.3(e) of S.L. 2012-142 is repealed.

40 **SECTION 4.(b)** Article 8 of Chapter 115C of the General Statutes is amended by
41 adding a new Part to read:

42 "Part 1B. School Performance.

43 **"§ 115C-83.11. School performance scores and grades.**

44 (a) The State Board of Education shall award school performance scores, grades, and an
45 indicator of student growth as required by G.S. 115C-12(9)c1., calculated as provided in this
46 section.

47 (b) For schools serving students in any combination of grades three through eight, the
48 school performance score shall be calculated based on the performance composite comprised of
49 the following:
50

- 1 (1) Percentage of students who score at or above proficient on annual
2 assessments for reading in grades three through eight.
- 3 (2) Percentage of students who score at or above proficient on annual
4 assessments for mathematics in grades three through eight.
- 5 (3) Percentage of students who score at or above proficient on annual
6 assessments for science in grades five and eight.
- 7 (4) Percentage of proficient scores in Algebra I/Integrated I, English II, and
8 Biology end-of-course tests.
- 9 (c) For schools serving students in any combination of ninth through 12th grade, the
10 school performance score shall be the average of the following five indicators:
- 11 (1) Percentage of proficient scores in Algebra I/Integrated I, English II, and
12 Biology end-of-course tests.
- 13 (2) Percentage of students who complete a higher level mathematics class with a
14 passing grade.
- 15 (3) Percentage of college readiness benchmarks met on a nationally normed test
16 of college readiness.
- 17 (4) Percentage of students who graduate within four years of entering high
18 school.
- 19 (5) Percentage of students who demonstrate workplace readiness on a nationally
20 normed test of workplace readiness.
- 21 (d) The State Board of Education shall calculate school performance scores using the
22 State mean to set the criteria for each indicator. Each indicator will be translated to a common
23 scale and averaged for the reporting of one school performance letter grade for each school.
- 24 (e) For schools that meet or exceed growth as determined by the Education
25 Value-Added Assessment System (EVAAS), the final letter grade shall be increased by one
26 grade.
- 27 (f) For schools serving students in third through eighth grade, their final letter grade
28 shall be increased by one letter grade if the performance composite, comprising of the percent
29 of proficient scores for reading, mathematics, and science, is at or above eighty percent (80%)
30 for the current year and the two prior school years.
- 31 (g) For schools serving students in ninth through 12th grade, their final letter grade shall
32 be increased by one letter grade if the performance composite, comprising of the percent of
33 proficient scores for Algebra I/Integrated I, English II, and Biology end-of-course tests, is at or
34 above eighty percent (80%) for the current year and the two prior school years.
- 35 (h) In calculating the overall school performance score earned by schools, the State
36 Board of Education shall proportionally adjust the scale to account for the absence of a school
37 performance element for award of scores to a school that does not have a measure of one of the
38 school performance elements annually assessed for the grades taught at that school.
- 39 (i) The State Board of Education shall report to the Joint Legislative Education
40 Oversight Committee annually by January 15 on any adjustments to the calculation and the
41 distribution of the school performance grades."

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

- 43 "c1. To issue an annual "report card" for the State and for each local
44 school administrative unit, assessing each unit's efforts to improve
45 student performance based on the growth in performance of the
46 students in each school and taking into account progress over the
47 previous years' level of performance and the State's performance in
48 comparison with other states. This assessment shall take into account
49 factors that have been shown to affect student performance and that
50 the State Board considers relevant to assess the State's efforts to
51 improve student performance. As a part of the annual "report card"

1 for each local school administrative unit, the State Board shall
2 ~~award~~ award, in accordance with G.S. 115C-83.11, an overall
3 numerical school performance score ~~on a scale of zero to 100~~ and a
4 corresponding letter grade of A, B, C, D, or F earned by each school
5 within the local school administrative unit. The school performance
6 score and grade shall reflect student performance on annual
7 subject-specific assessments, college and workplace readiness
8 measures, and graduation rates. For schools serving students in any
9 grade from kindergarten to eighth grade, separate performance scores
10 and grades shall also be awarded based on the school performance in
11 reading and mathematics respectively. The annual "report card" for
12 schools serving students in third grade also shall include the number
13 and percentage of third grade students who (i) take and pass the
14 alternative assessment of reading comprehension; (ii) were retained
15 in third grade for not demonstrating reading proficiency as indicated
16 in G.S. 115C-83.7(a); and (iii) were exempt from mandatory third
17 grade retention by category of exemption as listed in
18 G.S. 115C-83.7(b)."

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

20 "(58) To Inform the Public About the North Carolina School Report Cards Issued
21 by the State Board of Education. – Each local board of education shall
22 ensure that the report card issued for it by the State Board of Education
23 receives wide distribution to the local press or is otherwise provided to the
24 public. Each local board of education shall ensure that the overall school
25 performance score and grade calculated in accordance with G.S. 115C-83.11
26 and earned by each school in the local school administrative unit for the
27 current and previous four school years is prominently displayed on the Web
28 site of the local school administrative unit. If any school in the local school
29 administrative unit is awarded a grade of D or F, the local board of education
30 shall provide notice of the grade in writing to the parent or guardian of all
31 students enrolled in that school."

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

33 "(l) North Carolina School Report Cards. – A charter school shall ensure that the report
34 card issued for it by the State Board of Education receives wide distribution to the local press
35 or is otherwise provided to the public. A charter school shall ensure that the overall school
36 performance score and grade calculated in accordance with G.S. 115C-83.11 and earned by the
37 charter school for the current and previous four school years is prominently displayed on the
38 school Web site. If a charter school is awarded a grade of D or F, the charter school shall
39 provide notice of the grade in writing to the parent or guardian of all students enrolled in that
40 school."

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

42 "(11) North Carolina School Report Cards. – A regional school shall ensure that
43 the report card issued for it by the State Board of Education receives wide
44 distribution to the local press or is otherwise provided to the public. A
45 regional school shall ensure that the overall school performance score and
46 grade calculated in accordance with G.S. 115C-83.11 and earned by the
47 regional school for the current and previous four school years is prominently
48 displayed on the school Web site. If a regional school is awarded a grade of
49 D or F, the regional school shall provide notice of the grade in writing to the
50 parent or guardian of all students enrolled in that school."

51 **SECTION 4.(g)** G.S. 115C-12(24) reads as rewritten:

1 "(24) Duty to Develop Standards for Alternative Learning Programs, Provide
2 Technical Assistance on Implementation of Programs, and Evaluate
3 Programs. – The State Board of Education shall adopt standards for
4 assigning students to alternative learning programs. These standards shall
5 include (i) a description of the programs and services that are recommended
6 to be provided in alternative learning programs and (ii) a process for
7 ensuring that an assignment is appropriate for the student and that the
8 student's parents are involved in the decision. The State Board also shall
9 adopt policies that define what constitutes an alternative school and an
10 alternative learning program.

11 The State Board of Education shall also adopt standards to require that
12 local school administrative units shall use (i) the teachers allocated for
13 students assigned to alternative learning programs pursuant to the regular
14 teacher allotment and (ii) the teachers allocated for students assigned to
15 alternative learning programs only to serve the needs of these students.

16 The State Board of Education shall provide technical support to local
17 school administrative units to assist them in developing and implementing
18 plans and proposals for alternative learning programs.

19 The State Board shall evaluate the effectiveness of alternative learning
20 programs and, in its discretion, of any other programs funded from the
21 Alternative Schools/At-Risk Student allotment. Local school administrative
22 units shall report to the State Board of Education on how funds in the
23 Alternative Schools/At-Risk Student allotment are spent and shall otherwise
24 cooperate with the State Board of Education in evaluating the alternative
25 learning programs. As part of its evaluation of the effectiveness of these
26 programs, the State Board shall, through the application of the accountability
27 system developed under G.S. 115C-83.11 and G.S. 115C-105.35, measure
28 the educational performance and growth of students placed in alternative
29 schools and alternative programs. If appropriate, the Board may modify this
30 system to adapt to the specific characteristics of these schools. Also as part
31 of its evaluation, the State Board shall evaluate its standards adopted under
32 this subdivision and make any necessary changes to those standards based
33 on strategies that have been proven successful in improving student
34 achievement and shall report to the Joint Legislative Education Oversight
35 Committee by April 15, 2006 to determine if any changes are necessary to
36 improve the implementation of successful alternative learning programs and
37 alternative schools."

38 **SECTION 4.(h)** This section is effective when the act becomes law and applies
39 beginning with the 2013-2014 school year. The State Board of Education shall issue the first
40 annual report cards under G.S. 115C-12(9)c1., as amended by this act, no earlier than August 1,
41 2014.

42

43 **PART V. SCHOOL IMPROVEMENT TEAMS/ SCHOOL IMPROVEMENT PLANS**

44 **SECTION 5.(a)** G.S. 115C-105.27 reads as rewritten:

45 "**§ 115C-105.27. Development and approval of school improvement plans.**

46 (a) School Improvement Team. – In order to improve student performance, each school
47 ~~shall develop a school improvement plan that takes into consideration the annual performance~~
48 ~~goal for that school that is set by the State Board under G.S. 115C-105.35 and the goals set out~~
49 ~~in the mission statement for the public schools adopted by the State Board of Education. The~~
50 principal of each school, representatives of the assistant principals, instructional personnel,
51 instructional support personnel, and teacher assistants assigned to the school building, and

1 parents of children enrolled in the school shall constitute a school improvement ~~team to team.~~
2 The team shall develop a school improvement plan to improve student performance.

3 Representatives of the assistant principals, instructional personnel, instructional support
4 personnel, and teacher assistants shall be elected by their respective groups by secret ballot.

5 Unless the local board of education has adopted an election policy, parents shall be elected
6 by parents of children enrolled in the school in an election conducted by the parent and teacher
7 organization of the school or, if none exists, by the largest organization of parents formed for
8 this purpose. Parents serving on school improvement teams shall reflect the racial and
9 socioeconomic composition of the students enrolled in that school and shall not be members of
10 the building-level staff.

11 Parental involvement is a critical component of school success and positive student
12 achievement; therefore, it is the intent of the General Assembly that parents, along with
13 teachers, have a substantial role in developing school improvement plans. To this end, school
14 improvement team meetings shall be held at a convenient time to assure substantial parent
15 participation.

16 ~~All school improvement plans shall be, to the greatest extent possible, data driven. School
17 improvement teams shall use the Education Value Added Assessment System (EVAAS) or a
18 compatible and comparable system approved by the State Board of Education, to analyze
19 student data to identify root causes for problems, to determine actions to address them, and to
20 appropriately place students in courses such as Algebra I. School improvement plans shall
21 contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious
22 time frames for meeting the measurement standards.~~

23 (a1) Open Meetings. – School improvement team meetings are subject to the open
24 meetings requirements of Article 33C of Chapter 143 of the General Statutes. Deliberations on
25 the school safety components of the plan shall be in closed session in accordance with
26 G.S. 143-318.11(a)(8). The principal shall ensure that these requirements are met.

27 (a2) Public Records. – The school improvement plan, except for the school safety
28 components of the plan, is a public record subject to Chapter 132 of the General Statutes and
29 shall be posted on the school's Web site. The names of the members of the school improvement
30 team, their positions, and the date of their election to the school improvement team shall also be
31 posted on the Web site.

32 The school safety components of the plan are not public records subject to Chapter 132 of
33 the General Statutes.

34 (b) School Improvement Plan. – In order to improve student performance, the school
35 improvement team at each school shall develop a school improvement plan that takes into
36 consideration the annual performance goal for that school that is set by the State Board under
37 G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted
38 by the State Board of Education. All school improvement plans shall be, to the greatest extent
39 possible, data-driven. School improvement teams shall use the Education Value-Added
40 Assessment System (EVAAS) or a compatible and comparable system approved by the State
41 Board of Education to (i) analyze student data and identify root causes for problems, (ii)
42 determine actions to address them, and (iii) appropriately place students in courses such as
43 Algebra I. School improvement plans shall contain clear, unambiguous targets, explicit
44 indicators and actual measures, and expeditious time frames for meeting the measurement
45 standards.

46 The strategies for improving student performance:

- 47 (1) Shall include a plan for the use of staff development funds that may be made
48 available to the school by the local board of education to implement the
49 school improvement plan. The plan may provide that a portion of these

1 funds is used for mentor training and for release time and substitute teachers
2 while mentors and teachers mentored are meeting;

3 (1a) Repealed by Session Laws 2012-142, s. 7A.1(c), effective July 2, 2012.

4 (2) Shall include a plan to address school safety and discipline concerns;

5 (3) May include a decision to use State funds in accordance with
6 G.S. 115C-105.25;

7 (4) Shall include a plan that specifies the effective instructional practices and
8 methods to be used to improve the academic performance of students
9 identified as at risk of academic failure or at risk of dropping out of school;

10 (5) May include requests for waivers of State laws, rules, or policies for that
11 school. A request for a waiver shall meet the requirements of
12 G.S. 115C-105.26;

13 (6) Shall include a plan to provide a duty-free lunch period for every teacher on
14 a daily basis or as otherwise approved by the school improvement team; and

15 (7) Shall include a plan to provide duty-free instructional planning time for
16 every teacher under G.S. 115C-301.1, with the goal of providing an average
17 of at least five hours of planning time per week.

18 (c) School Vote on the Plan. – Support among affected staff members is essential to
19 successful implementation of a school improvement plan to address improved student
20 performance at that school. The principal of the school shall present the proposed school
21 improvement plan to all of the principals, assistant principals, instructional personnel,
22 instructional support personnel, and teacher assistants assigned to the school building for their
23 review and vote. The vote shall be by secret ballot. The principal shall submit the school
24 improvement plan to the local board of education only if the proposed school improvement
25 plan has the approval of a majority of the staff who voted on the plan.

26 (c1) Consideration of the School Safety Components of the Plan. – The superintendent
27 shall review the school safety components of the school improvement plans and make written
28 recommendations on them to the local board of education. Prior to a vote to accept a school's
29 improvement plan in accordance with G.S. 115C-105.25(d), the local board of education shall
30 review the school safety components of the plan for that school in closed session. The board
31 shall make findings on the safety components of the plan. Neither the safety components of the
32 plan nor the board's findings on the safety components of the plan shall be set out in the
33 minutes of the board.

34 (d) Adoption of the Plan. – The local board of education shall accept or reject the
35 school improvement plan. The local board shall not make any substantive changes in any
36 school improvement plan that it accepts. If the local board rejects a school improvement plan,
37 the local board shall state with specificity its reasons for rejecting the plan; the school
38 improvement team may then prepare another plan, present it to the principals, assistant
39 principals, instructional personnel, instructional support personnel, and teacher assistants
40 assigned to the school building for a vote, and submit it to the local board to accept or reject. If
41 no school improvement plan is accepted for a school within 60 days after its initial submission
42 to the local board, the school or the local board may ask to use the process to resolve
43 disagreements recommended in the guidelines developed by the State Board under
44 G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall
45 participate in the process to resolve disagreements. If there is no request to use that process,
46 then the local board may develop a school improvement plan for the school. The General
47 Assembly urges the local board to utilize the school's proposed school improvement plan to the
48 maximum extent possible when developing such a plan.

49 (e) Effective Period of the Plan. – A school improvement plan shall remain in effect for
50 no more than two years; however, the school improvement team may amend the plan as often
51 as is necessary or appropriate. If, at any time, any part of a school improvement plan becomes

1 unlawful or the local board finds that a school improvement plan is impeding student
2 performance at a school, the local board may vacate the relevant portion of the plan and may
3 direct the school to revise that portion. The procedures set out in this subsection shall apply to
4 amendments and revisions to school improvement plans.

5 (f) Elimination of Other Unnecessary Plans. – If a local board of education finds that a
6 school improvement plan adequately covers another plan that the local school administrative
7 unit is otherwise required to prepare, the local school administrative unit shall not be required
8 to prepare an additional plan on the matter.

9 (g) Compliance With Requirements. – Any employee, parent, or other interested
10 individual or organization is encouraged to notify the principal of any concerns regarding
11 compliance with this section. In addition, any employee, parent, or other interested individual
12 or organization may submit in writing to the superintendent concerns regarding compliance
13 with this section. The superintendent shall make a good faith effort to investigate the concern.
14 The superintendent shall, upon request, provide a written response to the concern."

15 **SECTION 5.(b)** G.S. 143-318.11(a)(8) reads as rewritten:

16 "(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held
17 only when required to permit a public body to act in the public interest as permitted in this
18 section. A public body may hold a closed session and exclude the public only when a closed
19 session is required:

20 ...

21 (8) To formulate plans by a local board of education relating to emergency
22 response to incidents of school violence or to formulate and adopt the school
23 safety components of school improvement plans by a local board of
24 education or a school improvement team."

25 26 **PART VI. ACADEMIC CREDIT FOR LEARNING EXPERIENCES OUTSIDE** 27 **SCHOOL**

28 **SECTION 6.** The State Board of Education shall establish standards and guidelines
29 under which schools may give academic credit to students for out-of-school learning
30 experiences that are academically relevant and are aligned with the new common core and
31 essential standards. These standards shall include (i) minimum contact hours, (ii) mentoring or
32 supervision requirements, and (iii) requirements that students produce project-based evidence
33 from their out-of-school learning experiences or otherwise demonstrate competencies to ensure
34 sufficient rigor and relevancy in that experience.

35 With the approval of the Board, local school administrative units may offer
36 academic credit to students under these standards and guidelines, beginning with the 2014-2015
37 school year.

38 39 **PART VII. MEDICAL CARE PROGRAM**

40 **SECTION 7.** G.S. 115C-375.1 reads as rewritten:

41 "**§ 115C-375.1. To provide some medical care to students.**

42 It is within the scope of duty of teachers, including substitute teachers, teacher assistants,
43 student teachers, or any other public school employee when authorized by the local board of
44 education or its designee, (i) to administer any drugs or medication prescribed by a doctor upon
45 written request of the parents, (ii) to give emergency health care when reasonably apparent
46 circumstances indicate that any delay would seriously worsen the physical condition or
47 endanger the life of the pupil, student, and (iii) to perform any other first aid or lifesaving
48 techniques in which the employee has been trained in a program approved by the State Board
49 of Education. No employee, however, shall be required to administer drugs or medication or
50 attend lifesaving techniques programs.

1 Any public school employee, authorized by the local board of education or its designee to
2 act under (i), (ii), or (iii) above, shall not be liable in civil damages for any authorized act or for
3 any omission relating to that act unless the act or omission amounts to gross negligence,
4 wanton conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the
5 request of or with the permission or consent of the local board of education or its designee, who
6 has been given the authority by the local board of education or its designee to act under (ii)
7 above shall not be liable in civil damages for any authorized act or for any omission relating to
8 the act unless the act amounts to gross negligence, wanton conduct, or intentional wrongdoing.

9 At the commencement of each school year, but before the beginning of classes, and
10 thereafter as circumstances require, the principal of each school shall determine which persons
11 will participate in the medical care program. The principal shall ensure that appropriate training
12 is provided to all individuals participating in the medical care program."
13

14 **PART VIII. EFFECTIVE DATE**

15 **SECTION 8.** Except as otherwise provided in this act, this act is effective when it
16 becomes law and applies beginning with the 2013-2014 school year.