

GENERAL ASSEMBLY OF NORTH CAROLINA
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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.



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

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

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

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

1 agencies, and departments of the State to provide any information, data, or documents within
2 their possession, ascertainable from their records or otherwise available to them, and the power
3 to subpoena witnesses.

4 **SECTION 1.(e)** Report. – The Task Force shall report its findings and
5 recommendations to the 2014 Regular Session of the 2013 General Assembly no later than
6 April 15, 2014. The Task Force shall terminate upon the filing of its final report.
7

8 **PART II. CAREER STATUS FOR EFFECTIVE TEACHERS**

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

10 **"§ 115C-325. System of employment for public school teachers.**

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

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

13 (1a) "Career employee" as used in this section means:

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

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

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

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

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

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

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

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

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

48 (4c) "Hearing officer" means a person selected under G.S. 115C-325(h)(7).

49 (5) "Probationary teacher" means a licensed person, other than a superintendent,
50 associate superintendent, or assistant superintendent, who has not ~~obtained~~

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

- 1 c. Highly effective: A teacher who receives a rating of at least
2 accomplished on each of the teacher evaluation standards and who
3 exceeds expected student growth.
- 4 (7) (See note) Redesignated.
- 5 (8) "Year" for purposes of computing time as a probationary teacher shall be not
6 less than 120 workdays performed as a probationary teacher in a full-time
7 permanent position in a school year. Workdays performed pending the
8 outcome of a criminal history check as provided in G.S. 115C-332 are
9 included in computing time as a probationary teacher.
- 10 ...
- 11 (c) (1) ~~Election of a Teacher Achievement~~ to of Career Status. –
12 Except as otherwise provided in subdivision (3) of this subsection, when a
13 teacher has been employed by a North Carolina public school system for
14 four consecutive years, ~~the board, near the end of the fourth year, shall vote~~
15 ~~upon whether to grant the teacher career status.~~ the determination of a
16 teacher's career status shall be as follows:
- 17 a. If a probationary teacher is (i) evaluated using the State Board
18 teacher evaluation process, and (ii) has received a teacher status of
19 "highly effective" by the end of the fourth year of evaluations, the
20 teacher shall achieve career status.
- 21 b. If a probationary teacher is (i) evaluated using the State Board
22 teacher evaluation process, and (ii) has received a teacher status of
23 "in need of improvement" by the end of the fourth year of
24 evaluations, the teacher shall not achieve career status and the
25 teacher shall not teach beyond the school term.
- 26 c. If neither of the circumstances in sub-subdivisions a. and b. of this
27 subdivision apply to a teacher or if a teacher is not evaluated using
28 the State Board teacher evaluation process, the board shall vote upon
29 whether to grant the teacher career status. The teacher has a right to
30 notice and hearing prior to the board's vote as provided in
31 G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4). The board shall
32 give the teacher written notice of that decision by June 15 or such
33 later date as provided in G.S. 115C-325(m)(7). If a majority of the
34 board votes to grant career status to the teacher, and if it has notified
35 the teacher of the decision, it may not rescind that action but must
36 proceed under the provisions of this section for the demotion or
37 dismissal of a teacher if it decides to terminate the teacher's
38 employment. If a majority of the board votes against granting career
39 status, the teacher shall not teach beyond the current school term. If
40 the board fails to vote on granting career status, the teacher shall be
41 entitled to an additional month's pay for every 30 days or portion
42 thereof after June 16 or such later date as provided in
43 G.S. 115C-325(m)(7) if a majority of the board belatedly votes
44 against granting career status.
- 45 (1a) Revocation of career status. – If, for two consecutive years, a teacher with
46 career status who is evaluated using the State Board teacher evaluation
47 process receives a teacher status rating of "in need of improvement," the
48 teacher shall lose career status and may serve as a probationary teacher
49 beginning with the next school year. A local board of education may dismiss
50 or demote the teacher as provided in subsection (e) of this section. If the
51 teacher remains employed by the local board of education as a probationary

1 teacher for two years, at the end of those two years one of the following shall
 2 apply:

3 a. If the teacher receives a teacher status rating of "highly effective,"
 4 the teacher shall achieve career status.

5 b. If the teacher has received a teacher status rating of "effective," the
 6 teacher shall be eligible for a vote by the local board of education on
 7 whether to grant the teacher career status in accordance with
 8 sub-subdivision (c)(1)c. of this section.

9 c. If the teacher has received a teacher performance rating of "in need
 10 of improvement," the teacher shall not achieve career status and shall
 11 be an at-will employee. The teacher shall not be entitled to the
 12 employment protections provided a career employee or probationary
 13 teacher.

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

33 (3) Ineligible for Career Status. – No employee of a local board of education
 34 except a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain
 35 achieve career status or continue in a career status as a teacher if he no
 36 longer performs the responsibilities of a teacher as defined in G.S.
 37 115C-325(a)(6). No person who is employed as a school administrator who
 38 did not acquire career status as a school administrator by June 30, 1997,
 39 shall have career status as an administrator. Further, no director or assistant
 40 principal is eligible to obtain career status as a school administrator unless he
 41 or she has already been conferred that status by the local board of education.

42 ...

43 (m) Probationary Teacher.

44 (1) The board of any local school administrative unit may not discharge a
 45 probationary teacher during the school year except for the reasons for and by
 46 the procedures by which a career employee may be dismissed as set forth in
 47 subsections (e), (f), (f1), and (h) to (j3) above.

48 (2) The board, upon recommendation of the superintendent, may refuse to renew
 49 the contract of any probationary teacher or to reemploy any teacher who is
 50 not under contract for any cause it deems sufficient: Provided, however, that
 51 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 making a decision or holding a hearing as provided in this section. The board shall adopt a policy to provide for the orderly exchange of information prior to the board's decision on the superintendent's recommendation for nonrenewal.

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

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

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

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

...."

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

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

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

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

13 Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this
14 subsection shall have the right to appeal to the superintendent and thereafter shall have the right
15 to petition the local board of education for a hearing, and the local board may grant a hearing
16 regarding any final decision of school personnel within the local school administrative unit. A
17 licensed employee of a local board of education shall have the right to petition the local board
18 of education to grant a hearing regarding the results of the licensed employee's annual
19 evaluation or implementation of a mandatory improvement plan under G.S. 115C-333 or
20 G.S. 115C-333.1. The local board of education shall notify the person making the petition of its
21 decision whether to grant a hearing.

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

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

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

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

42

43 **PART III. PROFESSIONAL DEVELOPMENT REQUIRED FOR LICENSURE**

44 **RENEWAL AND STANDARDS FOR TEACHER EDUCATION PROGRAMS**

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

46 "(b) It is the policy of the State of North Carolina to maintain the highest quality teacher
47 education programs and school administrator programs in order to enhance the competence of
48 professional personnel licensed in North Carolina. To the end that teacher preparation programs
49 are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead
50 agency in coordination and cooperation with the University Board of Governors, the Board of
51 Community Colleges and such other public and private agencies as are necessary, shall

1 continue to refine the several licensure requirements, standards for approval of institutions of
2 teacher education, standards for institution-based innovative and experimental programs,
3 standards for implementing consortium-based teacher education, and standards for improved
4 efficiencies in the administration of the approved programs. The licensure program shall
5 provide for initial licensure after completion of preservice training, continuing licensure after
6 three years of teaching experience, and license renewal every five years thereafter, until the
7 retirement of the teacher. The last license renewal received prior to retirement shall remain in
8 effect for five years after retirement. The licensure program shall also provide for lifetime
9 licensure after 50 years of teaching.

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

14 To further ensure that teacher preparation programs remain current and reflect a rigorous
15 course of study that is aligned to State and national standards, the State Board of Education, in
16 consultation with the Board of Governors of The University of North Carolina, shall ensure
17 students preparing to teach in elementary schools (i) have adequate coursework in the teaching
18 of reading and mathematics; (ii) are assessed prior to certification to determine that they
19 possess the requisite knowledge in scientifically based reading and mathematics instruction that
20 is aligned with the State Board's expectations; (iii) continue to receive preparation in applying
21 formative and summative assessments within the school and classroom setting through
22 technology-based assessment systems available in North Carolina schools that measure and
23 predict expected student improvement; and (iv) are prepared to integrate arts education across
24 the curriculum.

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

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

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

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

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

6 **SECTION 3.(b)** For teachers who are in their fourth or fifth year of their current
7 five-year license renewal cycle, the changes required by subsection (a) of this section shall
8 apply beginning with the first year of their next five-year license renewal cycle.
9

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

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

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

14 "Part 1B. School Performance.

15 **"§ 115C-83.11. School performance scores and grades.**

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

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

22 (1) Percentage of students who score at or above proficient on annual
23 assessments for reading in grades three through eight.

24 (2) Percentage of students who score at or above proficient on annual
25 assessments for mathematics in grades three through eight.

26 (3) Percentage of students who score at or above proficient on annual
27 assessments for science in grades five and eight.

28 (4) Percentage of proficient scores in Algebra I/Integrated I, English II, and
29 Biology end-of-course tests.

30 (c) For schools serving students in any combination of ninth through 12th grade, the
31 school performance score shall be the average of the following five indicators:

32 (1) Percentage of proficient scores in Algebra I/Integrated I, English II, and
33 Biology end-of-course tests.

34 (2) Percentage of students who complete a higher level mathematics class with a
35 passing grade.

36 (3) Percentage of college readiness benchmarks met on a nationally normed test
37 of college readiness.

38 (4) Percentage of students who graduate within four years of entering high
39 school.

40 (5) Percentage of students who demonstrate workplace readiness on a nationally
41 normed test of workplace readiness.

42 (d) The State Board of Education shall calculate school performance scores using the
43 State mean to set the criteria for each indicator. Each indicator will be translated to a common
44 scale and averaged for the reporting of one school performance letter grade for each school.

45 (e) For schools that meet or exceed growth as determined by the Education
46 Value-Added Assessment System (EVAAS), the final letter grade shall be increased by one
47 grade.

48 (f) For schools serving students in third through eighth grade, their final letter grade
49 shall be increased by one letter grade if the performance composite, comprising of the percent
50 of proficient scores for reading, mathematics, and science, is at or above eighty percent (80%)
51 for the current year and the two prior school years.

1 (g) For schools serving students in ninth through 12th grade, their final letter grade shall
2 be increased by one letter grade if the performance composite, comprising of the percent of
3 proficient scores for Algebra I/Integrated I, English II, and Biology end-of-course tests, is at or
4 above eighty percent (80%) for the current year and the two prior school years.

5 (h) In calculating the overall school performance score earned by schools, the State
6 Board of Education shall proportionally adjust the scale to account for the absence of a school
7 performance element for award of scores to a school that does not have a measure of one of the
8 school performance elements annually assessed for the grades taught at that school.

9 (i) The State Board of Education shall report to the Joint Legislative Education
10 Oversight Committee annually by January 15 on any adjustments to the calculation and the
11 distribution of the school performance grades."

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

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

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

41 "(58) To Inform the Public About the North Carolina School Report Cards Issued
42 by the State Board of Education. – Each local board of education shall
43 ensure that the report card issued for it by the State Board of Education
44 receives wide distribution to the local press or is otherwise provided to the
45 public. Each local board of education shall ensure that the overall school
46 performance score and grade calculated in accordance with G.S. 115C-83.11
47 and earned by each school in the local school administrative unit for the
48 current and previous four school years is prominently displayed on the Web
49 site of the local school administrative unit. If any school in the local school
50 administrative unit is awarded a grade of D or F, the local board of education

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

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

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

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

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

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

23 "(24) Duty to Develop Standards for Alternative Learning Programs, Provide
24 Technical Assistance on Implementation of Programs, and Evaluate
25 Programs. – The State Board of Education shall adopt standards for
26 assigning students to alternative learning programs. These standards shall
27 include (i) a description of the programs and services that are recommended
28 to be provided in alternative learning programs and (ii) a process for
29 ensuring that an assignment is appropriate for the student and that the
30 student's parents are involved in the decision. The State Board also shall
31 adopt policies that define what constitutes an alternative school and an
32 alternative learning program.

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

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

41 The State Board shall evaluate the effectiveness of alternative learning
42 programs and, in its discretion, of any other programs funded from the
43 Alternative Schools/At-Risk Student allotment. Local school administrative
44 units shall report to the State Board of Education on how funds in the
45 Alternative Schools/At-Risk Student allotment are spent and shall otherwise
46 cooperate with the State Board of Education in evaluating the alternative
47 learning programs. As part of its evaluation of the effectiveness of these
48 programs, the State Board shall, through the application of the accountability
49 system developed under G.S. 115C-83.11 and G.S. 115C-105.35, measure
50 the educational performance and growth of students placed in alternative
51 schools and alternative programs. If appropriate, the Board may modify this

1 system to adapt to the specific characteristics of these schools. Also as part
2 of its evaluation, the State Board shall evaluate its standards adopted under
3 this subdivision and make any necessary changes to those standards based
4 on strategies that have been proven successful in improving student
5 achievement and shall report to the Joint Legislative Education Oversight
6 Committee by April 15, 2006 to determine if any changes are necessary to
7 improve the implementation of successful alternative learning programs and
8 alternative schools."

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

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

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

15 **"§ 115C-105.27. Development and approval of school improvement plans.**

16 (a) School Improvement Team. – In order to improve student performance, each school
17 shall develop a school improvement plan that takes into consideration the annual performance
18 goal for that school that is set by the State Board under G.S. 115C-105.35 and the goals set out
19 in the mission statement for the public schools adopted by the State Board of Education. The
20 principal of each school, representatives of the assistant principals, instructional personnel,
21 instructional support personnel, and teacher assistants assigned to the school building, and
22 parents of children enrolled in the school shall constitute a school improvement team to team.
23 The team shall develop a school improvement plan to improve student performance.

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

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

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

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

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

48 (a2) Public Records. – The school improvement plan, except for the school safety
49 components of the plan, is a public record subject to Chapter 132 of the General Statutes and
50 shall be posted on the school's Web site. The names of the members of the school improvement
51 team shall be posted on the school's Web site.

1 team, their positions, and the date of their election to the school improvement team shall also be
2 posted on the Web site.

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

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

17 The strategies for improving student performance:

- 18 (1) Shall include a plan for the use of staff development funds that may be made
19 available to the school by the local board of education to implement the
20 school improvement plan. The plan may provide that a portion of these
21 funds is used for mentor training and for release time and substitute teachers
22 while mentors and teachers mentored are meeting;
- 23 (1a) Repealed by Session Laws 2012-142, s. 7A.1(c), effective July 2, 2012.
- 24 (2) Shall include a plan to address school safety and discipline concerns;
- 25 (3) May include a decision to use State funds in accordance with
26 G.S. 115C-105.25;
- 27 (4) Shall include a plan that specifies the effective instructional practices and
28 methods to be used to improve the academic performance of students
29 identified as at risk of academic failure or at risk of dropping out of school;
- 30 (5) May include requests for waivers of State laws, rules, or policies for that
31 school. A request for a waiver shall meet the requirements of
32 G.S. 115C-105.26;
- 33 (6) Shall include a plan to provide a duty-free lunch period for every teacher on
34 a daily basis or as otherwise approved by the school improvement team; and
- 35 (7) Shall include a plan to provide duty-free instructional planning time for
36 every teacher under G.S. 115C-301.1, with the goal of providing an average
37 of at least five hours of planning time per week.

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

46 (c1) Consideration of the School Safety Components of the Plan. – The superintendent
47 shall review the school safety components of the school improvement plans and make written
48 recommendations on them to the local board of education. Prior to a vote to accept a school's
49 improvement plan in accordance with G.S. 115C-105.25(d), the local board of education shall
50 review the school safety components of the plan for that school in closed session. The board

1 shall make findings on the safety components of the plan. Neither the safety components of the
2 plan nor the board's findings on the safety components of the plan shall be set out in the
3 minutes of the board.

4 (d) Adoption of the Plan. – The local board of education shall accept or reject the
5 school improvement plan. The local board shall not make any substantive changes in any
6 school improvement plan that it accepts. If the local board rejects a school improvement plan,
7 the local board shall state with specificity its reasons for rejecting the plan; the school
8 improvement team may then prepare another plan, present it to the principals, assistant
9 principals, instructional personnel, instructional support personnel, and teacher assistants
10 assigned to the school building for a vote, and submit it to the local board to accept or reject. If
11 no school improvement plan is accepted for a school within 60 days after its initial submission
12 to the local board, the school or the local board may ask to use the process to resolve
13 disagreements recommended in the guidelines developed by the State Board under
14 G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall
15 participate in the process to resolve disagreements. If there is no request to use that process,
16 then the local board may develop a school improvement plan for the school. The General
17 Assembly urges the local board to utilize the school's proposed school improvement plan to the
18 maximum extent possible when developing such a plan.

19 (e) Effective Period of the Plan. – A school improvement plan shall remain in effect for
20 no more than two years; however, the school improvement team may amend the plan as often
21 as is necessary or appropriate. If, at any time, any part of a school improvement plan becomes
22 unlawful or the local board finds that a school improvement plan is impeding student
23 performance at a school, the local board may vacate the relevant portion of the plan and may
24 direct the school to revise that portion. The procedures set out in this subsection shall apply to
25 amendments and revisions to school improvement plans.

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

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

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

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

41 ...

42 (8) To formulate plans by a local board of education relating to emergency
43 response to incidents of school violence or to formulate and adopt the school
44 safety components of school improvement plans by a local board of
45 education or a school improvement team."

47 **PART VI. ACADEMIC CREDIT FOR LEARNING EXPERIENCES OUTSIDE** 48 **SCHOOL**

49 **SECTION 6.** The State Board of Education shall establish standards and guidelines
50 under which schools may give academic credit to students for out-of-school learning
51 experiences that are academically relevant and are aligned with the new common core and

1 essential standards. These standards shall include (i) minimum contact hours, (ii) mentoring or
2 supervision requirements, and (iii) requirements that students produce project-based evidence
3 from their out-of-school learning experiences or otherwise demonstrate competencies to ensure
4 sufficient rigor and relevancy in that experience.

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

8 9 **PART VII. MEDICAL CARE PROGRAM**

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

11 "**§ 115C-375.1. To provide some medical care to students.**

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

21 Any public school employee, authorized by the local board of education or its designee to
22 act under (i), (ii), or (iii) above, shall not be liable in civil damages for any authorized act or for
23 any omission relating to that act unless the act or omission amounts to gross negligence,
24 wanton conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the
25 request of or with the permission or consent of the local board of education or its designee, who
26 has been given the authority by the local board of education or its designee to act under (ii)
27 above shall not be liable in civil damages for any authorized act or for any omission relating to
28 the act unless the act amounts to gross negligence, wanton conduct, or intentional wrongdoing.

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

33 34 **PART VIII. EFFECTIVE DATE**

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