

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE DRS35180-MK-6F (10/24)

Short Title: Excellent Public Schools Act of 2013. (Public)

Sponsors: Senators P. Berger, Tillman, and Soucek (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE LITERACY VOLUNTEER LEAVE TIME; MAXIMIZE  
3 INSTRUCTIONAL TIME; STRENGTHEN TEACHER EDUCATION PROGRAMS AND  
4 TEACHER LICENSURE REQUIREMENTS; ESTABLISH PLANS FOR PAY FOR  
5 EXCELLENCE; ASSIGN SCHOOL PERFORMANCE GRADES AND ADD STUDENT  
6 GROWTH COMPONENT; AND ESTABLISH TEACHER CONTRACTS.

7 The General Assembly of North Carolina enacts:

8  
9 **PART I. STATE EMPLOYEE LITERACY VOLUNTEER LEAVE TIME**

10 **SECTION 1.(a)** G.S. 126-4 reads as rewritten:

11 "**§ 126-4. Powers and duties of State Personnel Commission.**

12 Subject to the approval of the Governor, the State Personnel Commission shall establish  
13 policies and rules governing each of the following:

14 ...

15 (5b) A leave program that allows employees to volunteer in a literacy program in  
16 a public school for up to five hours each month.

17 ...."

18 **SECTION 1.(b)** This section is effective when it becomes law.

19  
20 **PART II. MAXIMIZE INSTRUCTIONAL TIME**

21 **SECTION 2.(a)** G.S. 115C-174.12(a) reads as rewritten:

22 "(a) The State Board of Education shall establish policies and guidelines necessary for  
23 minimizing the time students spend taking tests administered through State and local testing  
24 programs, for minimizing the frequency of field testing at any one school, and for otherwise  
25 carrying out the provisions of this Article. These policies and guidelines shall include the  
26 following:

- 27 (1) Schools shall devote no more than two days of instructional time per year to  
28 the taking of practice tests that do not have the primary purpose of assessing  
29 current student learning;
- 30 (2) Students in a school shall not be subject to field tests or national tests during  
31 the two-week period preceding the administration of end-of-grade tests,  
32 end-of-course tests, or the school's regularly scheduled final exams; and
- 33 (3) No school shall participate in more than two field tests at any one grade level  
34 during a school year unless that school volunteers, through a vote of its



1 school improvement team, to participate in an expanded number of field  
2 tests-year.

3 (4) All annual assessments of student achievement adopted by the State Board  
4 of Education pursuant to G.S. 115C-174.11(c)(1) and (3) and all final exams  
5 for courses shall be administered within the final 10 instructional days of the  
6 school year for year-long courses and within the final five instructional days  
7 of the semester for semester courses. Exceptions shall be permitted to  
8 accommodate a student's individualized education program and section 504  
9 (29 U.S.C. § 794) plans and for the administration of final exams for courses  
10 with national or international curriculae required to be held at designated  
11 times.

12 These policies shall reflect standard testing practices to insure reliability and validity of the  
13 sample testing. The results of the field tests shall be used in the final design of each test. The  
14 State Board of Education's policies regarding the testing of children with disabilities shall (i)  
15 provide broad accommodations and alternate methods of assessment that are consistent with a  
16 ~~child's~~ student's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii)  
17 prohibit the use of statewide tests as the sole determinant of decisions about a ~~child's~~ student's  
18 graduation or promotion, and (iii) provide parents with information about the Statewide Testing  
19 Program and options for ~~students~~ children with disabilities. The State Board shall report its  
20 proposed policies and proposed changes in policies to the Joint Legislative Education Oversight  
21 Committee prior to adoption.

22 The State Board of Education may appoint an Advisory Council on Testing to assist in  
23 carrying out its responsibilities under this Article."

24 **SECTION 2.(b)** Notwithstanding the provisions of G.S. 115C-174.11(c), the State  
25 Board of Education shall report to the Joint Legislative Education Oversight Committee prior  
26 to the purchase and implementation of a new assessment instrument to assess student  
27 achievement on the Common Core State Standards, including the Common Core Smarter  
28 Balance Consortium Assessments. The State Board shall not purchase such an assessment  
29 instrument without the enactment of legislation by the General Assembly authorizing the  
30 purchase.

31 **SECTION 2.(c)** This section is effective when it becomes law and applies  
32 beginning with the 2013-2014 school year.

### 33 **PART III. STRENGTHEN TEACHER LICENSURE**

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

35 **"§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor**  
36 **programs.**

37 ...

38 (b) It is the policy of the State of North Carolina to maintain the highest quality teacher  
39 education programs and school administrator programs in order to enhance the competence of  
40 professional personnel licensed in North Carolina. To the end that teacher preparation programs  
41 are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead  
42 agency in coordination and cooperation with the University Board of Governors, the Board of  
43 Community Colleges and such other public and private agencies as are necessary, shall  
44 continue to refine the several licensure requirements, standards for approval of institutions of  
45 teacher education, standards for institution-based innovative and experimental programs,  
46 standards for implementing consortium-based teacher education, and standards for improved  
47 efficiencies in the administration of the approved programs.

48 (1) Licensure Standards. –

49 a. The licensure program shall provide for initial licensure after  
50 completion of preservice training, continuing licensure after three  
51

1 years of teaching experience, and license renewal every five years  
 2 thereafter, until the retirement of the teacher. The last license renewal  
 3 received prior to retirement shall remain in effect for five years after  
 4 retirement. The licensure program shall also provide for lifetime  
 5 licensure after 50 years of teaching.

6 b. The State Board of Education, in consultation with the Board of  
 7 Governors of The University of North Carolina, shall evaluate and  
 8 develop enhanced requirements for continuing licensure. The new  
 9 requirements shall reflect more rigorous standards for continuing  
 10 licensure and shall be aligned with high quality professional  
 11 development programs that reflect State priorities for improving  
 12 student achievement. Standards for continuing licensure shall include  
 13 at least eight continuing education credits, with at least three credits  
 14 required in a teacher's academic subject area.

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

22 (2) Teacher education programs. –

23 a. The State Board of Education, as lead agency in coordination with  
 24 the Board of Governors of The University of North Carolina, the  
 25 North Carolina Independent Colleges and Universities, and any other  
 26 public and private agencies as necessary, shall continue to raise  
 27 standards for entry into teacher education programs.

28 b. To further ensure that teacher preparation programs remain current  
 29 and reflect a rigorous course of study that is aligned to State and  
 30 national standards, the State Board of Education, in consultation with  
 31 the Board of Governors of The University of North Carolina, shall do  
 32 all of the following to ensure that students preparing are prepared  
 33 to teach in elementary schools:

34 1. ~~(i) have~~ Provide students with adequate coursework in the  
 35 teaching of reading and ~~mathematics;~~ mathematics.

36 2. ~~(ii) are assessed~~ Assess students prior to ~~certification~~  
 37 licensure to determine that they possess the requisite  
 38 knowledge in scientifically based reading and mathematics  
 39 instruction that is aligned with the State Board's  
 40 ~~expectations;~~ expectations.

41 3. ~~(iii) continue to receive~~ Continue to provide students with  
 42 preparation in applying formative and summative assessments  
 43 within the school and classroom setting through  
 44 technology-based assessment systems available in North  
 45 Carolina schools that measure and predict expected student  
 46 improvement; and improvement.

47 4. ~~(iv) are prepared~~ Prepare students to integrate arts education  
 48 across the curriculum.

49 c. The State Board of Education, in consultation with local boards of  
 50 education and the Board of Governors of The University of North  
 51 Carolina, shall evaluate and modify, as necessary, the academic

1 requirements of teacher preparation programs for students preparing  
2 to teach science in middle and high schools to ensure that there is  
3 adequate preparation in issues related to science laboratory safety.

4 ~~The State Board of Education, in consultation with the Board of Governors of The~~  
5 ~~University of North Carolina, shall evaluate and develop enhanced requirements for continuing~~  
6 ~~licensure. The new requirements shall reflect more rigorous standards for continuing licensure~~  
7 ~~and to the extent possible shall be aligned with quality professional development programs that~~  
8 ~~reflect State priorities for improving student achievement.~~

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

15 d. The standards for approval of institutions of teacher education shall  
16 require that teacher education programs for all students include  
17 demonstrated competencies in (i) the identification and education of  
18 children with disabilities and (ii) positive management of student  
19 behavior and effective communication techniques for defusing and  
20 deescalating disruptive or dangerous behavior.

21 e. The State Board of Education shall incorporate the criteria developed  
22 in accordance with G.S. 116-74.21 for assessing proposals under the  
23 School Administrator Training Program into its school administrator  
24 program approval standards.

25 f. All North Carolina institutions of higher education that offer teacher  
26 education programs, masters degree programs in education, or  
27 masters degree programs in school administration shall provide  
28 annual performance reports to the State Board of Education.

29 ~~The performance reports shall follow a common format, shall be submitted according to a~~  
30 ~~plan developed by the State Board, and shall include the information required under the plan~~  
31 ~~developed by the State Board.~~

32 (b1) ~~The State Board of Education shall develop a plan to provide a focused review~~  
33 ~~of~~ require teacher education programs, master's degree programs in education, and  
34 master's degree programs in school administration to submit annual performance reports. The  
35 performance reports shall provide the State Board with a focused review of the programs and  
36 the current process of accrediting these programs in order to ensure that the programs produce  
37 graduates that are well prepared to teach. The plan shall include the development and  
38 implementation of a school of education performance report for each teacher education  
39 program in North Carolina.

40 (1) Teacher education program performance report. – The performance report  
41 for each teacher education program in North Carolina shall follow a  
42 common format and include at least the following elements:

43 a. (i) ~~quality~~ Quality of students entering the schools of education,  
44 including the average grade point average and average score on  
45 preprofessional skills tests that assess reading, writing, math and  
46 other ~~competencies;~~ competencies.

47 b. (ii) ~~graduation rates;~~ Graduation rates.

48 c. (iii) ~~time to graduation rates;~~ Time-to-graduation rates.

49 d. (iv) ~~average~~ Average scores of graduates on professional and content  
50 area examination for the purpose of ~~licensure;~~ licensure.

- 1 e. ~~(v) — percentage~~Percentage of graduates receiving initial  
2 ~~licenses;~~licenses.
- 3 f. ~~(vi) — percentage~~Percentage of graduates hired as ~~teachers;~~teachers.
- 4 g. ~~(vii) — percentage~~Percentage of graduates remaining in teaching for  
5 ~~four years;~~years.
- 6 h. ~~(viii) — graduate~~Graduate satisfaction based on a common survey;  
7 ~~and~~survey.
- 8 i. ~~(ix) — employer~~Employer satisfaction based on a common survey.
- 9 j. Teacher contribution to the academic success of students.

10 ~~The performance reports shall follow a common format. The performance reports shall be~~  
11 ~~submitted annually. The State Board of Education shall develop a plan to be implemented~~  
12 ~~beginning in the 1998-99 school year to reward and sanction approved teacher education~~  
13 ~~programs and masters of education programs and to revoke approval of those programs based~~  
14 ~~on the performance reports and other criteria established by the State Board of Education.~~

15 (2) Master's degree programs in education and school administration  
16 performance report. — The State Board also shall develop and implement a  
17 plan for require submission to the State Board of annual performance reports  
18 for from all masters degree programs in education and school administration  
19 in North Carolina. To the extent it is appropriated, the performance report  
20 shall include similar indicators to those developed required for the  
21 performance report for teacher education programs, programs as set forth in  
22 subdivision (1) of this subsection. The performance reports shall follow a  
23 common format.

24 (3) Educator preparation program report card. — The State Board shall create a  
25 higher education educator preparation program report card reflecting the  
26 information collected in the annual performance reports for each North  
27 Carolina institution offering teacher education programs and master of  
28 education programs. The report cards shall, at a minimum, summarize  
29 information reported on all of the performance indicators for the  
30 performance reports required by subdivision (1) of this subsection.

31 (4) Submission of annual performance reports. — Both plans for performance  
32 Performance reports also shall include a method to provide the annual  
33 performance reports be provided annually to the Board of Governors of The  
34 University of North Carolina, the State Board of Education, and the boards  
35 of trustees of the independent colleges. The State Board of Education shall  
36 review the schools of education performance reports and the performance  
37 reports for masters degree programs in education and school administration  
38 each year the performance reports are submitted. The State Board shall  
39 submit the performance report for the 1999-2000 school year to the Joint  
40 Legislative Education Oversight Committee by December 15, 2000.  
41 SubsequentThe performance reports and the educator preparation program  
42 report cards shall be submitted to the Joint Legislative Education Oversight  
43 Committee on an annual basis by October 1.

44 (5) State Board action based on performance. — The State Board of Education  
45 shall reward and sanction approved teacher education programs and master  
46 of education programs and revoke approval of those programs based on the  
47 performance reports and other criteria established by the State Board of  
48 Education.

49 (b2) An undergraduate student seeking a degree in teacher education must attain passing  
50 scores on a preprofessional skills test prior to admission to an approved teacher education  
51 program in a North Carolina college or university. The State Board of Education shall permit

1 students to fulfill this requirement by achieving the prescribed minimum scores set by the State  
2 Board of Education for the Praxis I tests or by achieving the appropriate required score, as  
3 determined by the State Board of Education, on the verbal and mathematics portions of the  
4 ~~SAT, SAT or ACT~~. The minimum combined verbal and mathematics score set by the State  
5 Board of Education for the SAT shall be between 900 and 1,200, 1,100 or greater. The  
6 minimum composite score set by the State Board of Education for the ACT shall be 24 or  
7 greater.

8 (c) It is the policy of the State of North Carolina to encourage lateral entry into the  
9 profession of teaching by skilled individuals from the private sector. To this end, before the  
10 1985-86 school year begins, the State Board of Education shall develop criteria and procedures  
11 to accomplish the employment of such individuals as classroom teachers. Beginning with the  
12 2006-2007 school year, the criteria and procedures shall include preservice training in (i) the  
13 identification and education of children with disabilities and (ii) positive management of  
14 student behavior, effective communication for defusing and deescalating disruptive or  
15 dangerous behavior, and safe and appropriate use of seclusion and restraint. Skilled individuals  
16 who choose to enter the profession of teaching laterally may be granted a ~~provisional~~ lateral  
17 entry teaching license for no more than three years and shall be required to obtain licensure  
18 before contracting for a fourth year of service with any local administrative unit in this State.

19 ...."

20 **SECTION 3.(b)** G.S. 115C-296, as rewritten by subsection (a) of this section,  
21 reads as rewritten:

22 "**§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor**  
23 **programs.**

24 (a) The State Board of Education shall have entire control of licensing all applicants for  
25 teaching positions in all public ~~elementary and high~~ schools of North Carolina; and it shall  
26 prescribe the rules and regulations for the renewal and extension of all licenses and shall  
27 determine and fix the salary for each grade and type of license which it authorizes.

28 The State Board of Education ~~may~~ shall require an applicant for an initial bachelors degree  
29 ~~certificate~~ license or graduate degree ~~certificate~~ license to demonstrate the applicant's academic  
30 and professional preparation by achieving a prescribed minimum score on a standard  
31 examination appropriate and adequate for that purpose. Elementary Education (K-6) and  
32 special education general curriculum teachers shall also achieve a prescribed minimum score  
33 on subtests or standard examinations specific to teaching reading and mathematics. The State  
34 Board of Education shall permit an applicant to fulfill any such testing requirement before or  
35 during the applicant's second year of teaching provided the applicant took the examination at  
36 least once during the first year of teaching. The State Board of Education shall make any  
37 required standard initial licensure exam ~~sufficiently~~ rigorous and raise the prescribed minimum  
38 score as necessary to ensure that each applicant has ~~adequate~~ received high quality academic  
39 and professional preparation to ~~teach~~ teach effectively.

40 (a1) The State Board shall adopt policies that establish the minimum scores for any  
41 required standard examinations and other measures necessary to assess the qualifications of  
42 professional personnel as required under subsection (a) of this section. For purposes of this  
43 subsection, the State Board shall not be subject to Article 2A of Chapter 150B of the General  
44 Statutes. At least 30 days prior to changing any policy adopted under this subsection, the State  
45 Board shall provide written notice to all North Carolina schools of education and to all local  
46 boards of education. The written notice shall include the proposed revised policy.

47 (a2) The State Board of Education shall impose the following schedule of fees for  
48 teacher licensure and administrative changes:

49 (1) Application for demographic or administrative changes to a license, \$30.00.

50 (2) Application for a duplicate license or for copies of documents in the  
51 licensure files, \$30.00.

- 1           (3)    Application for a renewal, extension, addition, upgrade, and variation to a  
2           license, \$55.00.  
3           (4)    Initial application for New, In-State Approved Program Graduate, \$55.00.  
4           (5)    Initial application for Out-of-State license, \$85.00.  
5           (6)    All other applications, \$85.00.

6           The applicant must pay the fee at the time the application is submitted.

7           (b)    It is the policy of the State of North Carolina to maintain the highest quality teacher  
8           education programs and school administrator programs in order to enhance the competence of  
9           professional personnel licensed in North Carolina. To the end that teacher preparation programs  
10          are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead  
11          agency in coordination and cooperation with the University Board of Governors, the Board of  
12          Community Colleges and such other public and private agencies as are necessary, shall  
13          continue to refine the several licensure requirements, standards for approval of institutions of  
14          teacher education, standards for institution-based innovative and experimental programs,  
15          standards for implementing consortium-based teacher education, and standards for improved  
16          efficiencies in the administration of the approved programs.

17          (1)    Licensure standards. –

18           a.    The licensure program shall provide for initial licensure after  
19           completion of preservice training, continuing licensure after three  
20           years of teaching experience, and license renewal every five years  
21           thereafter, until the retirement of the teacher. The last license renewal  
22           received prior to retirement shall remain in effect for five years after  
23           retirement. The licensure program shall also provide for lifetime  
24           licensure after 50 years of teaching.

25           b.    The State Board of Education, in consultation with the Board of  
26           Governors of The University of North Carolina, shall evaluate and  
27           develop enhanced requirements for continuing licensure. The new  
28           requirements shall reflect more rigorous standards for continuing  
29           licensure and shall be aligned with high quality professional  
30           development programs that reflect State priorities for improving  
31           student achievement. Standards for continuing licensure shall include  
32           at least eight continuing education credits, with at least three credits  
33           required in the teacher's academic subject areas. Standards for  
34           continuing licensure for elementary and middle school teachers shall  
35           include at least three continuing education credits related to literacy.  
36           Literacy renewal credits shall include evidence-based assessment,  
37           diagnosis, and intervention strategies for students not demonstrating  
38           reading proficiency. Oral language, phonemic and phonological  
39           awareness, phonics, vocabulary, fluency, and comprehension shall be  
40           addressed in literacy-related activities leading to license renewal for  
41           elementary school teachers.

42           c.    The State Board of Education, in consultation with local boards of  
43           education and the Board of Governors of The University of North  
44           Carolina, shall reevaluate and enhance the requirements for renewal  
45           of teacher licenses. The State Board shall consider modifications in  
46           the license renewal achievement and to make it a mechanism for  
47           teachers to renew continually their knowledge and professional  
48           skills.

49          (2)    Teacher education programs. –

50           a.    The State Board of Education, as lead agency in coordination with  
51           the Board of Governors of The University of North Carolina, the

- 1 North Carolina Independent Colleges and Universities, and any other  
2 public and private agencies as necessary, shall continue to raise  
3 standards for entry into teacher education programs.
- 4 b. To further ensure that teacher preparation programs remain current  
5 and reflect a rigorous course of study that is aligned to State and  
6 national standards, the State Board of Education, in consultation with  
7 the Board of Governors of The University of North Carolina, shall do  
8 all of the following to ensure that students are prepared to teach in  
9 elementary schools:
- 10 1. Provide students with adequate coursework in the teaching of  
11 reading and mathematics.
- 12 2. Assess students prior to licensure to determine that they  
13 possess the requisite knowledge in scientifically based  
14 reading and mathematics instruction that is aligned with the  
15 State Board's expectations.
- 16 3. Continue to provide students with preparation in applying  
17 formative and summative assessments within the school and  
18 classroom setting through technology-based assessment  
19 systems available in North Carolina schools that measure and  
20 predict expected student improvement.
- 21 4. Prepare students to integrate arts education across the  
22 curriculum.
- 23 c. The State Board of Education, in consultation with local boards of  
24 education and the Board of Governors of The University of North  
25 Carolina, shall evaluate and modify, as necessary, the academic  
26 requirements of teacher preparation programs for students preparing  
27 to teach science in middle and high schools to ensure that there is  
28 adequate preparation in issues related to science laboratory safety.
- 29 d. The standards for approval of institutions of teacher education shall  
30 require that teacher education programs for all students include the  
31 following demonstrated competencies:
- 32 1. All teacher education programs. –
- 33 I. (i) ~~the~~The identification and education of children  
34 with ~~disabilities and~~disabilities.
- 35 II. (ii) ~~positive~~Positive management of student behavior  
36 and effective communication techniques for defusing  
37 and deescalating disruptive or dangerous behavior.
- 38 2. Elementary and special education general curriculum teacher  
39 education programs. –
- 40 I. Teaching of reading, including a substantive  
41 understanding of reading as a process involving oral  
42 language, phonological and phonemic awareness,  
43 phonics, fluency, vocabulary, and comprehension.
- 44 II. Evidence-based assessment and diagnosis of specific  
45 areas of difficulty with reading development and of  
46 reading deficiencies.
- 47 III. Appropriate application of instructional supports and  
48 services and reading interventions to ensure reading  
49 proficiency for all students.
- 50 e. The State Board of Education shall incorporate the criteria developed  
51 in accordance with G.S. 116-74.21 for assessing proposals under the



1 School Administrator Training Program into its school administrator  
2 program approval standards.

- 3 f. All North Carolina institutions of higher education that offer teacher  
4 education programs, masters degree programs in education, or  
5 masters degree programs in school administration shall provide  
6 annual performance reports to the State Board of Education.

7 ...."

8 **SECTION 3.(c)** The State Board of Education shall develop a plan to require the  
9 schools of education to measure performance and provide an annual report on the demonstrated  
10 competencies included in their elementary and special education general curriculum teacher  
11 education programs on (i) teaching of reading, including a substantive understanding of reading  
12 as a process involving oral language, phonological and phonemic awareness, phonics, fluency,  
13 vocabulary, and comprehension; (ii) evidence-based assessment and diagnosis of specific areas  
14 of difficulty with reading development and of reading deficiencies; and (iii) appropriate  
15 application of instructional supports and services and reading interventions to ensure reading  
16 proficiency for all students. The plan shall address requiring this information to be included in  
17 the annual performance reports to the State Board and the higher education educator  
18 preparation program report cards required by G.S. 115C-296, as enacted by this act. The State  
19 Board shall report to the Joint Legislative Education Oversight Committee on or before March  
20 15, 2014, on the plan to include this information in the performance reports required for the  
21 2014-2015 school year.

22 **SECTION 3.(d)** This section is effective when the act becomes law. Subsection (a)  
23 of this section applies beginning with the 2013-2014 school year. Subsection (b) of this section  
24 applies beginning with the 2014-2015 school year.

25 For teachers who are in their fourth or fifth year of their current five-year license  
26 renewal cycle, the changes required by G.S. 115C-296(b)(1)b., as enacted by subsections (a)  
27 and (b) of this section, shall apply beginning with the first year of their next five-year license  
28 renewal cycle.

#### 29 **PART IV. SCHOOL PERFORMANCE GRADES**

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

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

33 "Part 1B. School Performance.

#### 34 "§ 115C-83.11. School performance scores, grades, and measure of student growth.

35 (a) The State Board of Education shall award school performance scores, grades, and a  
36 measure of student growth as required by G.S. 115C-12(9)c1., calculated as provided in this  
37 section.

38 (b) Performance Composite Calculation. – In calculating the overall school  
39 performance score earned by schools, the State Board of Education shall (i) utilize a  
40 performance composite approach to weigh the performance elements based on the number of  
41 students measured by any given performance element and (ii) proportionally adjust the scale to  
42 account for the absence of a school performance element for award of scores to a school that  
43 does not have a measure of one of the school performance elements annually assessed for the  
44 grades taught at that school.

45 (c) Elementary and Middle Schools Performance Elements. – For schools serving  
46 students in kindergarten through eighth grade, the overall school performance score shall be  
47 calculated based on the sum of three school performance elements that are weighted  
48 proportionally. The score shall be calculated as follows:

- 49 (1) One point for each percent of students who score at or above proficient on  
50 annual assessments for mathematics in grades three through eight.  
51

- 1           (2)    One point for each percent of students who score at or above proficient on  
2           annual assessments for reading in grades three through eight.
- 3           (3)    One point for each percent of students who score at or above proficient on  
4           annual assessments for science in grades five and eight.
- 5       (d)    High Schools Performance Elements. – The school performance score earned by  
6       schools serving students in ninth through twelfth grades shall be calculated based on the sum of  
7       seven school performance elements that are weighted proportionally and grouped into three  
8       categories in the calculation of the total performance grade. The scores in each category shall  
9       be calculated as follows:
- 10       (1)    Testing. –
- 11           a.    One point for each percent of students who score at or above  
12           proficient on annual assessments for mathematics.
- 13           b.    One point for each percent of students who score at or above  
14           proficient on annual assessments for English.
- 15           c.    One point for each percent of students who score at or above  
16           proficient on annual assessments for biology.
- 17       (2)    College/career readiness. –
- 18           a.    One point for each percent of students who complete a mathematics  
19           class beyond Algebra I with a passing grade.
- 20           b.    One point for each percent of students who meet all four benchmarks  
21           on a nationally normed test of college readiness.
- 22           c.    One point for each percent of students enrolled in the Career and  
23           Technical Education who meet the standard on a nationally normed  
24           test of workplace readiness.
- 25       (3)    Graduation rate. – One point for each percent of students who graduate  
26       within four years of entering high school.
- 27       (e)    Calculation of School Performance Scores and Grades. – The State Board of  
28       Education shall calculate school performance scores by totaling the sum of points, as provided  
29       in subsections (c) and (d) of this section, and weighted proportionally, as provided in  
30       subsection (b) of this section, earned by the school and converting the sum of points to a  
31       100-point scale. The school performance score shall be used to determine the school  
32       performance grade based on the following scale:
- 33           (1)    At least 90 performance grade points for an overall school performance  
34           grade of A.
- 35           (2)    At least 80 performance grade points for an overall school performance  
36           grade of B.
- 37           (3)    At least 70 performance grade points for an overall school performance  
38           grade of C.
- 39           (4)    At least 60 performance grade points for an overall school performance  
40           grade of D.
- 41           (5)    A school that accumulates fewer than 60 points shall be assigned an overall  
42           school performance grade of F.
- 43       (f)    Measure of Student Growth. – Using the Education Value-Added Assessment  
44       System (EVAAS), the State Board shall include as a part of the annual school report card a  
45       separate indicator reflecting a measure of student growth for performance on annual  
46       assessments for reading, mathematics, and science in grades three through eight and on annual  
47       assessments for mathematics, English, and biology in grades nine through twelve. Based on this  
48       measure, the State Board shall designate that a school has (i) met, (ii) failed to meet, or (iii)  
49       exceeded expected student growth. This measure shall not be used to alter or adjust school  
50       performance scores or the school performance grade awarded to a school. The student growth

1 measure shall be clearly displayed in the annual school report card provided under  
2 G.S. 115C-12(9)c1., 115C-238.29F, and 115C-238.66.

3 (g) Elementary and Middle School Reading and Math Scores. – For schools serving  
4 students in kindergarten through eighth grade, the school performance scores in reading and  
5 mathematics, respectively, shall be reported separately on the annual school report card  
6 provided under G.S. 115C-12(9)c1., 115C-238.29F, and 115C-238.66."

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

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

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

37 "(58) To Inform the Public About the North Carolina School Report Cards Issued  
38 by the State Board of Education. – Each local board of education shall  
39 ensure that the report card issued for it by the State Board of Education  
40 receives wide distribution to the local press or is otherwise provided to the  
41 public. Each local board of education shall ensure that the overall school  
42 ~~performance score and grade score, grade, and a measure of student growth~~  
43 earned by each school in the local school administrative unit for the current  
44 and previous four school years is prominently displayed on the Web site of  
45 the local school administrative unit. If any school in the local school  
46 administrative unit is awarded a grade of D or F, the local board of education  
47 shall provide notice of the grade in writing to the parent or guardian of all  
48 students enrolled in that school."

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

50 "(1) North Carolina School Report Cards. – A charter school shall ensure that the report  
51 card issued for it by the State Board of Education receives wide distribution to the local press

1 or is otherwise provided to the public. A charter school shall ensure that the overall school  
2 performance ~~score and grade score~~, grade, and a measure of student growth earned by the  
3 charter school for the current and previous four school years is prominently displayed on the  
4 school Web site. If a charter school is awarded a grade of D or F, the charter school shall  
5 provide notice of the grade in writing to the parent or guardian of all students enrolled in that  
6 school."

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

8 "(11) North Carolina School Report Cards. – A regional school shall ensure that  
9 the report card issued for it by the State Board of Education receives wide  
10 distribution to the local press or is otherwise provided to the public. A  
11 regional school shall ensure that the overall school performance ~~score and~~  
12 ~~grade score~~, grade, and a measure of student growth earned by the regional  
13 school for the current and previous four school years is prominently  
14 displayed on the school Web site. If a regional school is awarded a grade of  
15 D or F, the regional school shall provide notice of the grade in writing to the  
16 parent or guardian of all students enrolled in that school."

17 **SECTION 4.(g)** This section is effective when it becomes law and applies  
18 beginning with the 2012-2013 school year.

## 19 **PART V. PAY FOR EXCELLENCE**

20 **SECTION 5.(a)** When a robust evaluation instrument and process that accurately  
21 assesses and evaluates the effectiveness of teachers, especially in the area of student growth, is  
22 wholly implemented in North Carolina, it is the intent of the General Assembly that the  
23 evaluation instrument and process be utilized in the implementation of a plan of performance  
24 pay for teachers in this State.

25 **SECTION 5.(b)** This section is effective when it becomes law.

## 26 **PART VI. TEACHER CONTRACTS**

27 **SECTION 6.(a)** G.S. 115C-325 is repealed.

28 **SECTION 6.(b)** Part 3 of Article 22 of Chapter 115C of the General Statutes is  
29 amended by adding new sections to read:

### 30 **§ 115C-325.1. Definitions.**

31 As used in this Part, the following definitions apply:

- 32 (1) "Day" means calendar day. In computing any period of time, Rule 6 of the  
33 North Carolina Rules of Civil Procedure shall apply.
- 34 (2) "Demote" means to reduce the salary of a person who is classified or paid by  
35 the State Board of Education as a classroom teacher or as a school  
36 administrator. The word "demote" does not include (i) a suspension without  
37 pay pursuant to G.S. 115C-325.5(a); (ii) the elimination or reduction of  
38 bonus payments, including merit-based supplements, or a systemwide  
39 modification in the amount of any applicable local supplement; or (iii) any  
40 reduction in salary that results from the elimination of a special duty, such as  
41 the duty of an athletic coach or a choral director.
- 42 (3) "Disciplinary suspension" means a final decision to suspend a teacher or  
43 school administrator without pay for no more than 60 days under  
44 G.S. 115C-325.5(b).
- 45 (4) "School administrator" means a principal, assistant principal, supervisor, or  
46 director whose major function includes the direct or indirect supervision of  
47 teaching or any other part of the instructional program, as provided in  
48 G.S. 115C-287.1(a)(3).
- 49 (5) "Teacher" means a person meeting each of the following requirements:  
50  
51

- 1           a.     Who holds at least one of the following licenses issued by the State  
2           Board of Education:  
3           1.     A current standard professional educator's license.  
4           2.     A current lateral entry teaching license.  
5           3.     A regular, not expired, vocational license.  
6           b.     Whose major responsibility is to teach or directly supervise teaching  
7           or who is classified by the State Board of Education or is paid either  
8           as a classroom teacher or instructional support personnel.  
9           c.     Who is employed to fill a full-time, permanent position.

10 **"§ 115C-325.2. Personnel files.**

11       (a)     Maintenance of Personnel File. – The superintendent shall maintain in his or her  
12       office a personnel file for each teacher that contains any complaint, commendation, or  
13       suggestion for correction or improvement about the teacher's professional conduct, except that  
14       the superintendent may elect not to place in a teacher's file (i) a letter of complaint that contains  
15       invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no  
16       documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion  
17       shall be signed by the person who makes it and shall be placed in the teacher's file only after  
18       five days' notice to the teacher. Any denial or explanation relating to such complaint,  
19       commendation, or suggestion that the teacher desires to make shall be placed in the file. Any  
20       teacher may petition the local board of education to remove any information from the teacher's  
21       personnel file that the teacher deems invalid, irrelevant, or outdated. The board may order the  
22       superintendent to remove said information if it finds the information is invalid, irrelevant, or  
23       outdated.

24       (b)     Inspection of Personnel Files. – The personnel file shall be open for the teacher's  
25       inspection at all reasonable times but shall be open to other persons only in accordance with  
26       such rules and regulations as the board adopts. Any preemployment data or other information  
27       obtained about a teacher before the teacher's employment by the board may be kept in a file  
28       separate from the teacher's personnel file and need not be made available to the teacher. No  
29       data placed in the preemployment file may be introduced as evidence at a hearing on the  
30       dismissal or demotion of a teacher, except the data may be used to substantiate  
31       G.S. 115C-325.4(a)(7) or G.S. 115C-325.4(a)(14) as grounds for dismissal or demotion.

32 **"§ 115C-325.3. Teacher contracts.**

33       (a)     Length of Contract. – A contract between the local board of education and a teacher  
34       who has been employed by the local board of education for less than three years shall be for a  
35       term of one school year. A contract or renewal of contract between the local board of education  
36       and a teacher who has been employed by the local board of education for three years or more  
37       shall be for a term of one, two, three, or four school years.

38       (b)     Superintendent Recommendation to Local Board. – Local boards of education shall  
39       employ teachers upon the recommendation of the superintendent. If a superintendent intends to  
40       recommend to the local board of education that a teacher be offered a new or renewed contract,  
41       the superintendent shall submit the recommendation to the local board for action and shall  
42       include in the recommendation the length of the term of contract. A superintendent shall only  
43       recommend a teacher for a contract of a term longer than one school year if the teacher has  
44       shown effectiveness as demonstrated on the teacher evaluation instrument. The local board may  
45       approve the superintendent's recommendation, may decide not to offer the teacher a new or  
46       renewed contract, or may decide to offer the teacher a renewed contract for a different term  
47       than recommended by the superintendent.

48       (c)     Dismissal During Term of Contract. A teacher shall not be dismissed or demoted  
49       during the term of the contract except for the grounds and by the procedure set forth in  
50       G.S. 115C-325.4.

1       (d) Recommendation on Nonrenewal. – If a superintendent decides not to recommend  
2 that the local board of education offer a renewed contract to a teacher, the superintendent shall  
3 give the teacher written notice of the decision no later than May 15.

4       (e) Right to Petition for Hearing. – A teacher shall have the right to petition the local  
5 board of education for a hearing no later than June 1. The local board may, in its discretion,  
6 grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board  
7 of education shall notify the teacher making the petition of its decision whether to grant a  
8 hearing. If the request for a hearing is granted, the local board shall conduct a hearing pursuant  
9 to the provisions of G.S. 115C-45(c) and make a final decision on whether to offer the teacher a  
10 renewed contract. The board shall notify a teacher whose contract will not be renewed for the  
11 next school year of its decision by June 15; provided, however, if a teacher submits a request  
12 for a hearing, the board shall provide the nonrenewal notification by July 1 or such later date  
13 upon the written consent of the superintendent and teacher. A decision not to offer a teacher a  
14 renewed contract shall not be on any basis prohibited by State or federal law.

15       (f) Local boards of education and teachers employed by the local board may mutually  
16 modify the terms of the contract to permit part-time employment.

17 **"§ 115C-325.4. Dismissal or demotion for cause.**

18       (a) Grounds. – No teacher shall be dismissed or demoted or reduced to employment on  
19 a part-time basis for disciplinary reasons during the term of the contract except for one or more  
20 of the following:

21           (1) Inadequate performance. In determining whether the professional  
22 performance of a teacher is adequate, consideration shall be given to regular  
23 and special evaluation reports prepared in accordance with the published  
24 policy of the employing local school administrative unit and to any  
25 published standards of performance which shall have been adopted by the  
26 board. Inadequate performance for a teacher shall mean (i) the failure to  
27 perform at a proficient level on any standard of the evaluation instrument or  
28 (ii) otherwise performing in a manner that is below standard.

29           (2) Immorality.

30           (3) Insubordination.

31           (4) Neglect of duty.

32           (5) Physical or mental incapacity.

33           (6) Habitual or excessive use of alcohol or nonmedical use of a controlled  
34 substance as defined in Article 5 of Chapter 90 of the General Statutes.

35           (7) Conviction of a felony or a crime involving moral turpitude.

36           (8) Advocating the overthrow of the government of the United States or of the  
37 State of North Carolina by force, violence, or other unlawful means.

38           (9) Failure to fulfill the duties and responsibilities imposed upon teachers or  
39 school administrators by the General Statutes of this State.

40           (10) Failure to comply with such reasonable requirements as the board may  
41 prescribe.

42           (11) Any cause which constitutes grounds for the revocation of the teacher's  
43 teaching license or the school administrator's administrator license.

44           (12) Failure to maintain his or her license in a current status.

45           (13) Failure to repay money owed to the State in accordance with the provisions  
46 of Article 60 of Chapter 143 of the General Statutes.

47           (14) Providing false information or knowingly omitting a material fact on an  
48 application for employment or in response to a preemployment inquiry.

49       (b) Dismissal Procedure. – The procedures provided in G.S. 115C-325.6 shall be  
50 followed for dismissals, demotions, or reductions to part-time employment for disciplinary  
51 reasons for any reason specified in subsection (a) of this section.

**"§ 115C-325.5. Teacher suspension.**

(a) Immediate Suspension Without Pay. – If a superintendent believes that cause exists for dismissing a teacher for any reason specified in G.S. 115C-325.4 and that immediate suspension of the teacher is necessary, the superintendent may suspend the teacher without pay. Before suspending a teacher without pay, the superintendent shall meet with the teacher and give him or her written notice of the charges against the teacher, an explanation of the basis for the charges, and an opportunity to respond. Within five days after a suspension under this paragraph, the superintendent shall initiate a dismissal, demotion, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the teacher shall be reinstated immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the teacher's personnel file.

(b) Disciplinary Suspension Without Pay. – A teacher recommended for disciplinary suspension without pay may request a hearing before the board. If no request is made within 15 days, the superintendent may file his or her recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such suspension.

(1) Board hearing for disciplinary suspensions for more than 10 days or for certain types of intentional misconduct. – The procedures for a board hearing under G.S. 115C-325.8 shall apply if any of the following circumstances exist:

a. The recommended disciplinary suspension without pay is for more than 10 days; or

b. The disciplinary suspension is for intentional misconduct, such as inappropriate sexual or physical conduct, immorality, insubordination, habitual or excessive alcohol or nonmedical use of a controlled substance, as defined in Article 5 of Chapter 90 of the General Statutes, any cause that constitutes grounds for the revocation of the teacher's or school administrator's license, or providing false information.

(2) Board hearing for disciplinary suspensions of no more than 10 days. – The procedures for a board hearing under G.S. 115C-325.7 shall apply to all disciplinary suspensions of no more than 10 days that are not for intentional misconduct as specified in G.S. 115C-325.5(b)(1).

(c) Suspension With Pay. – If a superintendent believes that cause may exist for dismissing or demoting a teacher for any reasons specified in G.S. 115C-325.4 but that additional investigation of the facts is necessary and circumstances are such that the teacher should be removed immediately from the teacher's duties, the superintendent may suspend the teacher with pay for a reasonable period of time, not to exceed 90 days. The superintendent shall notify the board of education within two days of the superintendent's action and shall notify the teacher within two days of the action and the reasons for it. If the superintendent has not initiated dismissal or demotion proceedings against the teacher within the 90-day period, the teacher shall be reinstated to the teacher's duties immediately and all records of the suspension with pay shall be removed from the teacher's personnel file at the teacher's request. However, if the superintendent and the teacher agree to extend the 90-day period, the superintendent may initiate dismissal or demotion proceedings against the teacher at any time during the period of the extension.

**"§ 115C-325.6. Procedure for dismissal or demotion of a teacher for cause.**

1       (a) Recommendation of Dismissal or Demotion. – A teacher may not be dismissed,  
2 demoted, or reduced to part-time employment for disciplinary reasons during the term of the  
3 contract except upon the superintendent's recommendation based on one or more of the grounds  
4 in G.S. 115C-325.4.

5       (b) Notice of Recommendation. – Before recommending to a board the dismissal or  
6 demotion of a teacher, the superintendent shall give written notice to the teacher by certified  
7 mail or personal delivery of the superintendent's intention to make such recommendation and  
8 shall set forth as part of the superintendent's recommendation the grounds upon which he or she  
9 believes such dismissal or demotion is justified. The superintendent also shall meet with the  
10 teacher and provide written notice of the charges against the teacher, an explanation of the basis  
11 for the charges, and an opportunity to respond if the teacher has not done so under  
12 G.S. 115C-325.5(a). The notice shall include a statement to the effect that the teacher, within  
13 14 days after the date of receipt of the notice, may request a hearing before the board on the  
14 superintendent's recommendation. A copy of Part 3 of Article 22 of Chapter 115C of the  
15 General Statutes shall also be sent to the teacher.

16       (c) Request for Hearing. – Within 14 days after receipt of the notice of  
17 recommendation, the teacher may file with the superintendent a written request for a hearing  
18 before the board on the superintendent's recommendation. The superintendent shall submit his  
19 or her recommendation to the board. Within five days after receiving the superintendent's  
20 recommendation and before taking any formal action, the board shall set a time and place for  
21 the hearing and shall notify the teacher by certified mail or personal delivery of the date, time,  
22 and place of the hearing. The time specified shall not be less than 10 nor more than 30 days  
23 after the board has notified the teacher, unless both parties agree to an extension. The hearing  
24 shall be conducted as provided in G.S. 115C-325.7.

25       (d) No Request for Hearing. – If the teacher does not request a hearing before the board  
26 within the 14 days provided, the superintendent may submit his or her recommendation to the  
27 board. The board, if it sees fit, may by resolution (i) reject the superintendent's recommendation  
28 or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or  
29 suspend the teacher without pay.

30 **"§ 115C-325.7. Hearing before board.**

31       (a) Board Hearing. – The following procedures shall apply to a hearing conducted by  
32 the board:

33           (1) The hearing shall be private.

34           (2) The board shall receive the following:

35               a. Any documentary evidence the superintendent intends to use to  
36 support the recommendation. The superintendent shall provide the  
37 documentary evidence to the teacher seven days before the hearing.

38               b. Any documentary evidence the teacher intends to use to rebut the  
39 superintendent's recommendation. The teacher shall provide the  
40 superintendent with the documentary evidence three days before the  
41 hearing.

42               c. The superintendent's recommendation and the grounds for the  
43 recommendation.

44           (3) The superintendent and teacher may submit a written statement not less than  
45 three days before the hearing.

46           (4) The superintendent and teacher shall be permitted to make oral arguments to  
47 the board based on the record before the board.

48           (5) The board shall make findings of fact based upon a preponderance of the  
49 evidence.

50           (6) Within two days following the hearing, the board shall send a written copy  
51 of its findings and determination to the teacher and the superintendent.



1           (7) If the board elects to make a transcript, the teacher may request and shall  
2           receive at no charge a transcript of the proceedings. A teacher may have the  
3           hearing transcribed by a court reporter at the teacher's expense.

4           (b) The procedures of this section shall not apply to board hearings for disciplinary  
5           suspensions without pay under G.S. 115C-325.5(b)(1). Board hearings for  
6           G.S. 115C-325.5(b)(1) shall be conducted as provided in G.S. 115C-325.8.

7           **"§ 115C-325.8. Board hearing for certain disciplinary suspensions.**

8           (a) The following procedures shall apply for a board hearing under G.S. 115C-325.5(b),  
9           disciplinary suspensions without pay:

10          (1) The hearing shall be private.

11          (2) The hearing shall be conducted in accordance with reasonable rules adopted  
12          by the State Board of Education to govern such hearings.

13          (3) At the hearing, the teacher and the superintendent shall have the right to be  
14          present and to be heard, to be represented by counsel, and to present through  
15          witnesses any competent testimony relevant to the issue of whether grounds  
16          exist for a disciplinary suspension without pay.

17          (4) Rules of evidence shall not apply to a hearing under this subsection and the  
18          board may give probative effect to evidence that is of a kind commonly  
19          relied on by reasonably prudent persons in the conduct of serious affairs.

20          (5) At least eight days before the hearing, the superintendent shall provide to the  
21          teacher a list of witnesses the superintendent intends to present, a brief  
22          statement of the nature of the testimony of each witness, and a copy of any  
23          documentary evidence the superintendent intends to present.

24          (6) At least six days before the hearing, the teacher shall provide the  
25          superintendent a list of witnesses the teacher intends to present, a brief  
26          statement of the nature of the testimony of each witness, and a copy of any  
27          documentary evidence the teacher intends to present.

28          (7) No new evidence may be presented at the hearing except upon a finding by  
29          the board that the new evidence is critical to the matter at issue and the party  
30          making the request could not, with reasonable diligence, have discovered  
31          and produced the evidence according to the schedule provided in this  
32          section.

33          (8) The board may subpoena and swear witnesses and may require them to give  
34          testimony and to produce records and documents relevant to the grounds for  
35          suspension without pay.

36          (9) The board shall decide all procedural issues, including limiting cumulative  
37          evidence, necessary for a fair and efficient hearing.

38          (10) The superintendent shall provide for making a transcript of the hearing. The  
39          teacher may request and shall receive at no charge a transcript of the  
40          proceedings.

41           **"§ 115C-325.9. Teacher resignation.**

42           (a) Teacher Resignation Following Recommendation for Dismissal. – If a teacher has  
43           been recommended for dismissal under G.S. 115C-325.4 and the teacher chooses to resign  
44           without the written agreement of the superintendent, then:

45           (1) The superintendent shall report the matter to the State Board of Education.

46           (2) The teacher shall be deemed to have consented to (i) the placement in the  
47           teacher's personnel file of the written notice of the superintendent's intention  
48           to recommend dismissal and (ii) the release of the fact that the  
49           superintendent has reported this teacher to the State Board of Education to  
50           prospective employers, upon request. The provisions of G.S. 115C-321 shall  
51           not apply to the release of this particular information.

1           (3)    The teacher shall be deemed to have voluntarily surrendered his or her  
2           license pending an investigation by the State Board of Education in a  
3           determination whether or not to seek action against the teacher's license.  
4           This license surrender shall not exceed 45 days from the date of resignation.  
5           Provided further that the cessation of the license surrender shall not prevent  
6           the State Board of Education from taking any further action it deems  
7           appropriate. The State Board of Education shall initiate investigation within  
8           five working days of the written notice from the superintendent and shall  
9           make a final decision as to whether to revoke or suspend the teacher's license  
10          within 45 days from the date of resignation.

11          (b)    30 Days' Notice Resignation Requirement. – A teacher who is not recommended for  
12          dismissal should not resign during the term of the contract without the consent of the  
13          superintendent unless he or she has given at least 30 days' notice. If a teacher who is not  
14          recommended for dismissal does resign during the term of the contract without giving at least  
15          30 days' notice, the board may request that the State Board of Education revoke the teacher's  
16          license for the remainder of that school year. A copy of the request shall be placed in the  
17          teacher's personnel file.

18          **"§ 115C-325.10. Application to certain institutions.**

19          Notwithstanding any law or regulation to the contrary, this Part shall apply to all persons  
20          employed in teaching and related educational classes in the schools and institutions of the  
21          Departments of Health and Human Services, Public Instruction, and the Divisions of Juvenile  
22          Justice and Adult Correction of the Department of Public Safety, regardless of the age of the  
23          students.

24          **"§ 115C-325.11. Dismissal of school administrators and teachers employed in**  
25          **low-performing residential schools.**

26          (a)    Notwithstanding any other provision of this section or any other law, this section  
27          shall govern the dismissal by the State Board of Education of teachers, principals, assistant  
28          principals, directors, supervisors, and other licensed personnel assigned to a residential school  
29          that the State Board has identified as low-performing and to which the State Board has assigned  
30          an assistance team. The State Board shall dismiss a teacher, principal, assistant principal,  
31          director, supervisor, or other licensed personnel when the State Board receives two consecutive  
32          evaluations that include written findings and recommendations regarding that person's  
33          inadequate performance from the assistance team. These findings and recommendations shall  
34          be substantial evidence of the inadequate performance of the teacher or school administrator.

35          (b)    The State Board may dismiss a teacher, principal, assistant principal, director,  
36          supervisor, or other licensed personnel when:

37               (1)    The State Board determines that the school has failed to make satisfactory  
38               improvement after the State Board assigned an assistance team to that  
39               school.

40               (2)    That assistance team makes the recommendation to dismiss the teacher,  
41               principal, assistant principal, director, supervisor, or other licensed personnel  
42               for one or more grounds established in G.S. 115C-325.4 for dismissal or  
43               demotion of a teacher.

44          Within 30 days of any dismissal under this subsection, a teacher, principal, assistant  
45          principal, director, supervisor, or other licensed personnel may request a hearing before a panel  
46          of three members designated by the State Board. The State Board shall adopt procedures to  
47          ensure that due process rights are afforded to persons recommended for dismissal under this  
48          subsection. Decisions of the panel may be appealed on the record to the State Board.

49          (c)    Notwithstanding any other provision of this section or any other law, this subsection  
50          shall govern the dismissal by the State Board of licensed staff members who have engaged in a  
51          remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general

1 knowledge standard set by the State Board. The failure to meet the general knowledge standard  
2 after one retest shall be substantial evidence of the inadequate performance of the licensed staff  
3 member.

4 Within 30 days of any dismissal under this subsection, a licensed staff member may request  
5 a hearing before a panel of three members designated by the State Board. The State Board shall  
6 adopt procedures to ensure that due process rights are afforded to licensed staff members  
7 recommended for dismissal under this subsection. Decisions of the panel may be appealed on  
8 the record to the State Board.

9 (d) The State Board or the superintendent of a residential school may terminate the  
10 contract of a school administrator dismissed under this section. Nothing in this section shall  
11 prevent the State Board from refusing to renew the contract of any person employed in a school  
12 identified as low-performing.

13 (e) Neither party to a school administrator or teacher contract is entitled to damages  
14 under this section.

15 (f) The State Board shall have the right to subpoena witnesses and documents on behalf  
16 of any party to the proceedings under this section.

17 **"§ 115C-325.12. Procedure for dismissal of principals employed in low-performing**  
18 **schools.**

19 (a) Dismissal of Principals Assigned to Low-Performing Schools With Assistance  
20 Teams. – Notwithstanding any other provision of this Part or any other law, this section  
21 governs the State Board's dismissal of principals assigned to low-performing schools to which  
22 the State Board has assigned an assistance team.

23 (b) Authority of State Board to Dismiss Principal. – The State Board through its  
24 designee may, at any time, recommend the dismissal of any principal who is assigned to a  
25 low-performing school to which an assistance team has been assigned. The State Board through  
26 its designee shall recommend the dismissal of any principal when the State Board receives from  
27 the assistance team assigned to that principal's school two consecutive evaluations that include  
28 written findings and recommendations regarding the principal's inadequate performance.

29 (c) Procedures for Dismissal of Principal. –

30 (1) If the State Board through its designee recommends the dismissal of a  
31 principal under this section, the principal shall be suspended with pay  
32 pending a hearing before a panel of three members of the State Board. The  
33 purpose of this hearing, which shall be held within 60 days after the  
34 principal is suspended, is to determine whether the principal shall be  
35 dismissed.

36 (2) The panel shall order the dismissal of the principal if it determines from  
37 available information, including the findings of the assistance team, that the  
38 low performance of the school is due to the principal's inadequate  
39 performance.

40 (3) The panel may order the dismissal of the principal if (i) it determines that the  
41 school has not made satisfactory improvement after the State Board assigned  
42 an assistance team to that school and (ii) the assistance team makes the  
43 recommendation to dismiss the principal for one or more grounds  
44 established in G.S. 115C-325.4 for dismissal or demotion of a teacher.

45 (4) If the State Board or its designee recommends the dismissal of a principal  
46 before the assistance team assigned to the principal's school has evaluated  
47 that principal, the panel may order the dismissal of the principal if the panel  
48 determines from other available information that the low performance of the  
49 school is due to the principal's inadequate performance.

50 (5) In all hearings under this section, the burden of proof is on the principal to  
51 establish that the factors leading to the school's low performance were not

1 due to the principal's inadequate performance. In all hearings under this  
2 section, the burden of proof is on the State Board to establish that the school  
3 failed to make satisfactory improvement after an assistance team was  
4 assigned to the school and to establish one or more of the grounds  
5 established for dismissal or demotion of a teacher under G.S. 115C-325.4.

6 (6) In all hearings under this section, two consecutive evaluations that include  
7 written findings and recommendations regarding that principal's inadequate  
8 performance from the assistance team are substantial evidence of the  
9 inadequate performance of the principal.

10 (7) The State Board shall adopt procedures to ensure that due process rights are  
11 afforded to principals under this section. Decisions of the panel may be  
12 appealed on the record to the State Board.

13 (d) The State Board of Education or a local board may terminate the contract of a  
14 principal dismissed under this section.

15 (e) Neither party to a school administrator contract is entitled to damages under this  
16 section.

17 (f) The State Board shall have the right to subpoena witnesses and documents on behalf  
18 of any party to the proceedings under this section.

19 **"§ 115C-325.13. Procedure for dismissal of teachers employed in low-performing schools.**

20 (a) Notwithstanding any other provision of this Part or any other law, this section shall  
21 govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors  
22 assigned to schools that the State Board has identified as low-performing and to which the State  
23 Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall  
24 dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two  
25 consecutive evaluations that include written findings and recommendations regarding that  
26 person's inadequate performance from the assistance team. These findings and  
27 recommendations shall be substantial evidence of the inadequate performance of the teacher,  
28 assistant principal, director, or supervisor.

29 (b) The State Board may dismiss a teacher, assistant principal, director, or supervisor  
30 when:

31 (1) The State Board determines that the school has failed to make satisfactory  
32 improvement after the State Board assigned an assistance team to that school  
33 under G.S. 115C-105.38; and

34 (2) That assistance team makes the recommendation to dismiss the teacher,  
35 assistant principal, director, or supervisor for one or more grounds  
36 established in G.S. 115C-325.4 for dismissal or demotion for cause.

37 A teacher, assistant principal, director, or supervisor may request a hearing before a panel  
38 of three members of the State Board within 30 days of any dismissal under this section. The  
39 State Board shall adopt procedures to ensure that due process rights are afforded to persons  
40 recommended for dismissal under this section. Decisions of the panel may be appealed on the  
41 record to the State Board.

42 (c) Notwithstanding any other provision of this Part or any other law, this section shall  
43 govern the State Board's dismissal of licensed staff members who have engaged in a  
44 remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general  
45 knowledge standard set by the State Board. The failure to meet the general knowledge standard  
46 after one retest shall be substantial evidence of the inadequate performance of the licensed staff  
47 member.

48 (d) A licensed staff member may request a hearing before a panel of three members of  
49 the State Board within 30 days of any dismissal under this section. The State Board shall adopt  
50 procedures to ensure that due process rights are afforded to licensed staff members

1 recommended for dismissal under this section. Decisions of the panel may be appealed on the  
2 record to the State Board.

3 (e) The State Board of Education or a local board may terminate the contract of a  
4 teacher, assistant principal, director, or supervisor dismissed under this section.

5 (f) Neither party to a school administrator or teacher contract is entitled to damages  
6 under this section.

7 (g) The State Board shall have the right to subpoena witnesses and documents on behalf  
8 of any party to the proceedings under this section."

9 **SECTION 6.(c)** G.S. 115C-45(c) reads as rewritten:

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

- 12 (1) The discipline of a student under G.S. 115C-390.7, 115C-390.10, or  
13 115C-390.11;
- 14 (2) An alleged violation of a specified federal law, State law, State Board of  
15 Education policy, State rule, or local board policy, including policies  
16 regarding grade retention of students;
- 17 (3) The terms or conditions of employment or employment status of a school  
18 employee; and
- 19 (4) Any other decision that by statute specifically provides for a right of appeal  
20 to the local board of education and for which there is no other statutory  
21 appeal procedure.

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

24 Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this  
25 subsection shall have the right to appeal to the superintendent and thereafter shall have the right  
26 to petition the local board of education for a hearing, and the local board may grant a hearing  
27 regarding any final decision of school personnel within the local school administrative unit.  
28 The local board of education shall notify the person making the petition of its decision whether  
29 to grant a hearing.

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

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

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

48 **SECTION 6.(d)** G.S. 115C-105.26(b)(2) reads as rewritten:

- 49 "(2) State rules and policies, except those pertaining to public school State salary  
50 schedules and employee benefits for school employees, the instructional  
51 program that must be offered under the Basic Education Program, the system

1 of employment for public school teachers and administrators set out in  
 2 G.S. 115C-287.1 and ~~G.S. 115C-325~~, in Part 3 of Article 22 of this Chapter,  
 3 health and safety codes, compulsory attendance, the minimum lengths of the  
 4 school day and year, and the Uniform Education Reporting System."

5 **SECTION 6.(e)** G.S. 115C-105.37B(a)(2) reads as rewritten:

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

15 **SECTION 6.(f)** G.S. 115C-105.38A reads as rewritten:

16 **"§ 115C-105.38A. Teacher competency assurance.**

17 ...

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

23 ...

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

26 (1) The dismissal of a principal under ~~G.S. 115C-325(q)(1)~~; G.S. 115C-325.12.

27 (2) The dismissal of a teacher, assistant principal, director, or supervisor under  
 28 ~~G.S. 115C-325(q)(2)~~; G.S. 115C-325.13.

29 (3) The dismissal or demotion of ~~a career~~an employee for any of the grounds  
 30 listed under ~~G.S. 115C-325(e)~~; G.S. 115C-325.4.

31 (4) The nonrenewal of a school administrator's or ~~probationary~~teacher's contract  
 32 of ~~employment~~; employment.

33 (5) ~~The decision to grant career status.~~

34 ...."

35 **SECTION 6.(g)** G.S. 115C-105.39 reads as rewritten:

36 **"§ 115C-105.39. Dismissal or removal of personnel; appointment of interim  
 37 superintendent.**

38 (a) Within 30 days of the initial identification of a school as low-performing, whether  
 39 by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under  
 40 G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the  
 41 school's principal: (i) recommend to the local board that the principal be retained in the same  
 42 position, (ii) recommend to the local board that the principal be retained in the same position  
 43 and a plan of remediation should be developed, (iii) recommend to the local board that the  
 44 principal be transferred, or (iv) proceed under ~~G.S. 115C-325~~G.S. 115C-325.4 to dismiss or  
 45 demote the principal. The principal may be retained in the same position without a plan for  
 46 remediation only if the principal was in that position for no more than two years before the  
 47 school is identified as low-performing. The principal shall not be transferred to another  
 48 principal position unless (i) it is in a school classification in which the principal previously  
 49 demonstrated at least 2 years of success, (ii) there is a plan to evaluate and provide remediation  
 50 to the principal for at least one year following the transfer to assure the principal does not  
 51 impede student performance at the school to which the principal is being transferred; and (iii)

1 the parents of the students at the school to which the principal is being transferred are notified.  
2 The principal shall not be transferred to another low-performing school in the local school  
3 administrative unit. If the superintendent intends to recommend demotion or dismissal, the  
4 superintendent shall notify the local board. Within 15 days of (i) receiving notification that the  
5 superintendent intends to proceed under ~~G.S. 115C-325~~, G.S. 115C-325.4 or (ii) its decision  
6 concerning the superintendent's recommendation, but no later than September 30, the local  
7 board shall submit to the State Board a written notice of the action taken and the basis for that  
8 action. If the State Board does not assign an assistance team to that school or if the State Board  
9 assigns an assistance team to that school and the superintendent proceeds under  
10 ~~G.S. 115C-325~~, G.S. 115C-325.4 to dismiss or demote the principal, then the State Board shall  
11 take no further action. If the State Board assigns an assistance team to the school and the  
12 superintendent is not proceeding under ~~G.S. 115C-325~~, G.S. 115C-325.4 to dismiss or demote  
13 the principal, then the State Board shall vote to accept, reject, or modify the local board's  
14 recommendations. The State Board shall notify the local board of its action within five days. If  
15 the State Board rejects or modifies the local board's recommendations and does not recommend  
16 dismissal of the principal, the State Board's notification shall include recommended action  
17 concerning the principal's assignment or terms of employment. Upon receipt of the State  
18 Board's notification, the local board shall implement the State Board's recommended action  
19 concerning the principal's assignment or terms of employment unless the local board asks the  
20 State Board to reconsider that recommendation. The State Board shall provide an opportunity  
21 for the local board to be heard before the State Board acts on the local board's request for a  
22 reconsideration. The State Board shall vote to affirm or modify its original recommended  
23 action and shall notify the local board of its action within five days. Upon receipt of the State  
24 Board's notification, the local board shall implement the State Board's final recommended  
25 action concerning the principal's assignment or terms of employment. If the State Board rejects  
26 or modifies the local board's action and recommends dismissal of the principal, the State Board  
27 shall proceed under ~~G.S. 115C-325(e)(1)~~, G.S. 115C-325.12.

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

31 ...."

32 **SECTION 6.(h)** G.S. 115C-238.29F(e)(3) reads as rewritten:

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

shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2)."

**SECTION 6.(i)** G.S. 115C-238.68(3) reads as rewritten:

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

**SECTION 6.(j)** G.S. 115C-276(l) reads as rewritten:

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

**SECTION 6.(k)** G.S. 115C-285(7) reads as rewritten:

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

**SECTION 6.(l)** G.S. 115C-287.1 reads as rewritten:

**"§ 115C-287.1. Method of employment of principals, assistant principals, supervisors, and directors.**

(a) (1) ~~Beginning July 1, 1995, all~~ All persons employed as school administrators shall be employed pursuant to this section.

(2) ~~Notwithstanding G.S. 115C-287.1(a)(1), the following school administrators shall be employed pursuant to G.S. 115C-325:~~

a. ~~School administrators who, as of July 1, 1995, are serving in a principal or supervisor position with career status in that position; and~~

b. ~~School administrators who, as of July 1, 1995, are serving in a principal or supervisor position and who are eligible to achieve career status on or before June 30, 1997.~~

~~A school administrator shall cease to be employed pursuant to G.S. 115C-325 if the school administrator: (i) voluntarily relinquishes career status or the opportunity to achieve career status through promotion,~~



1                    ~~resignation, or otherwise; or (ii) is dismissed or demoted or whose contract~~  
2                    ~~is not renewed pursuant to G.S. 115C-325.~~

3                    (3) For purposes of this section, school administrator means a:

- 4                    a. Principal;  
5                    b. Assistant principal;  
6                    c. Supervisor; or  
7                    d. Director,

8                    whose major function includes the direct or indirect supervision of teaching  
9                    or of any other part of the instructional program.

10                  (4) ~~Nothing in this section shall be construed to confer career status on any~~  
11                  ~~assistant principal or director, or to make an assistant principal eligible for~~  
12                  ~~career status as an assistant principal or a director eligible for career status as~~  
13                  ~~a director.~~

14                  (b) Local boards of education shall employ school administrators ~~who are ineligible for~~  
15 ~~career status as provided in G.S. 115C-325(e)(3),~~ upon the recommendation of the  
16 superintendent. The initial contract between a school administrator and a local board of  
17 education shall be for two to four years, ending on June 30 of the final 12 months of the  
18 contract. In the case of a subsequent contract between a principal or assistant principal and a  
19 local board of education, the contract ~~shall be for~~ may be for up to a term of four years. In the  
20 case of an initial contract between a school administrator and a local board of education, the  
21 first year of the contract may be for a period of less than 12 months provided the contract  
22 becomes effective on or before September 1. A local board of education may, with the written  
23 consent of the school administrator, extend, renew, or offer a new school administrator's  
24 contract at any time after the first 12 months of the contract so long as the term of the new,  
25 renewed, or extended contract does not exceed four years. Rolling annual contract renewals are  
26 not allowed. Nothing in this section shall be construed to prohibit the filling of an  
27 administrative position on an interim or temporary basis.

28                  (c) The term of employment shall be stated in a written contract that shall be entered  
29 into between the local board of education and the school administrator. The school  
30 administrator shall not be dismissed or demoted during the term of the contract except for the  
31 grounds and by the procedure by which a ~~career~~ teacher may be dismissed or demoted for cause  
32 as set forth in ~~G.S. 115C-325.~~ G.S. 115C-325.4.

33                  (d) If a superintendent intends to recommend to the local board of education that the  
34 school administrator be offered a new, renewed, or extended contract, the superintendent shall  
35 submit the recommendation to the local board for action. The local board may approve the  
36 superintendent's recommendation or decide not to offer the school administrator a new,  
37 renewed, or extended school administrator's contract.

38                  If a superintendent decides not to recommend that the local board of education offer a new,  
39 renewed, or extended school administrator's contract to the school administrator, the  
40 superintendent shall give the school administrator written notice of his or her decision ~~and the~~  
41 ~~reasons for his or her decision~~ no later than May 1 of the final year of the contract. ~~The~~  
42 ~~superintendent's reasons may not be arbitrary, capricious, discriminatory, personal, or political.~~  
43 No action by the local board or further notice to the school administrator shall be necessary  
44 unless the school administrator files with the superintendent a written request, within 10 days  
45 of receipt of the superintendent's decision, for a hearing before the local board. ~~Failure to file a~~  
46 ~~timely request for a hearing shall result in a waiver of the right to appeal the superintendent's~~  
47 ~~decision.~~ If a school administrator files a timely request for a hearing, the local board shall  
48 conduct a hearing pursuant to the provisions of G.S. 115C-45(c) and make a final decision on  
49 whether to offer the school administrator a new, renewed, or extended school administrator's  
50 contract.

1 If the local board decides not to offer the school administrator a new, renewed, or extended  
2 school administrator's contract, the local board shall notify the school administrator of its  
3 decision by June 1 of the final year of the contract. A decision not to offer the school  
4 administrator a new, renewed, or extended contract may not be for any cause ~~that is not~~  
5 ~~arbitrary, capricious, discriminatory, personal, or political prohibited by State or federal law.~~  
6 ~~The local board's decision not to offer the school administrator a new, renewed, or extended~~  
7 ~~school administrator's contract is subject to judicial review in accordance with Article 4 of~~  
8 ~~Chapter 150B of the General Statutes.~~

9 (e) Repealed by Session Laws 1995, c. 369, s. 1.

10 (f) If the superintendent or the local board of education fails to notify a school  
11 administrator by June 1 of the final year of the contract that the school administrator will not be  
12 offered a new school administrator's contract, the school administrator shall be entitled to 30  
13 days of additional employment or severance pay beyond the date the school administrator  
14 receives written notice that a new contract will not be offered.

15 (g) ~~If, prior to appointment as a school administrator, the school administrator held~~  
16 ~~career status as a teacher in the local school administrative unit in which he or she is employed~~  
17 ~~as a school administrator, a school administrator shall retain career status as a teacher if the~~  
18 ~~school administrator is not offered a new, renewed, or extended contract by the local board of~~  
19 ~~education, unless the school administrator voluntarily relinquished that right or is dismissed or~~  
20 ~~demoted pursuant to G.S. 115C-325.~~

21 (h) An individual who holds a provisional assistant principal's certificate license and  
22 who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school  
23 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a  
24 local board may enter into one-year contracts with a school administrator who holds a  
25 provisional assistant principal's certificate license. ~~If the school administrator held career status~~  
26 ~~as a teacher in the local school administrative unit prior to being employed as an assistant~~  
27 ~~principal and the State Board for any reason does not extend the school administrator's~~  
28 ~~provisional assistant principal's certificate, the school administrator shall retain career status as~~  
29 ~~a teacher unless the school administrator voluntarily relinquished that right or is dismissed or~~  
30 ~~demoted under G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be~~  
31 ~~construed to require a local board to extend or renew the contract of a school administrator who~~  
32 ~~holds a provisional assistant principal's certificate license."~~

33 **SECTION 6.(m)** G.S. 115C-304 is repealed.

34 **SECTION 6.(n)** G.S. 115C-333 reads as rewritten:

35 "**§ 115C-333. Evaluation of licensed employees including certain superintendents;**  
36 **mandatory improvement plans; State board notification upon dismissal of**  
37 **employees.**

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

48 All teachers in low-performing schools who have ~~not attained career status~~ been employed  
49 for less than three consecutive years shall be observed at least three times annually by the  
50 principal or the principal's designee and at least once annually by a teacher and shall be  
51 evaluated at least once annually by a principal. This section shall not be construed to limit the

1 duties and authority of an assistance team assigned to a low-performing school under  
2 G.S. 115C-105.38.

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

6 (b) Mandatory Improvement Plans. –

7 (1) Repealed by Session Laws 2011-348, s. 2, effective July 1, 2011, and  
8 applicable to persons recommended for dismissal or demotion on or after  
9 that date.

10 (1a) A mandatory improvement plan is an instrument designed to improve a  
11 teacher's performance or the performance of any licensed employee in a  
12 low-performing school by providing the individual with notice of specific  
13 performance areas that have substantial deficiencies and a set of strategies,  
14 including the specific support to be provided to the individual, so that the  
15 individual, within a reasonable period of time, should satisfactorily resolve  
16 such deficiencies.

17 (2) Repealed by Session Laws 2011-348, s. 2, effective July 1, 2011, and  
18 applicable to persons recommended for dismissal or demotion on or after  
19 that date.

20 (2a) If a licensed employee in a low-performing school receives a rating on any  
21 standard on an evaluation that is below proficient or otherwise represents  
22 unsatisfactory or below standard performance in an area that the licensed  
23 employee was expected to demonstrate, the individual or team that  
24 conducted the evaluation shall recommend to the superintendent that (i) the  
25 employee receive a mandatory improvement plan designed to improve the  
26 employee's ~~performance or performance~~, (ii) the superintendent recommend  
27 to the local board that the ~~employee be dismissed or demoted~~ employee's  
28 contract not be recommended for renewal, or (iii) if the employee engaged in  
29 inappropriate conduct or performed inadequately to such a degree that such  
30 conduct or performance causes substantial harm to the educational  
31 environment that a proceeding for immediate dismissal or demotion be  
32 instituted. If the individual or team that conducted the evaluation elects not  
33 to make ~~either any~~ of the above recommendations, the said individual or  
34 team shall notify the superintendent of this decision. The superintendent  
35 shall determine whether to develop a mandatory improvement ~~plan~~ plan, to  
36 not recommend renewal of the employee's contract, or to recommend a  
37 dismissal proceeding.

38 (3) If at any time a licensed employee engages in inappropriate conduct or  
39 performs inadequately to such a degree that such conduct or performance  
40 causes substantial harm to the educational environment, and immediate  
41 dismissal or demotion is not appropriate, then the principal may immediately  
42 institute a mandatory improvement plan regardless of any ratings on  
43 previous evaluations. The principal shall document the exigent reason for  
44 immediately instituting such a plan.

45 (4) Mandatory improvement plans shall be developed by the person who  
46 evaluated the licensed employee or the employee's supervisor unless the  
47 evaluation was conducted by an assistance team. If the evaluation was  
48 conducted by an assistance team, that team shall develop the mandatory  
49 improvement plan in collaboration with the employee's supervisor.  
50 Mandatory improvement plans shall be designed to be completed within 90  
51 instructional days or before the beginning of the next school year. The State

1 Board shall develop guidelines that include strategies to assist local boards  
2 in evaluating licensed employees and developing effective mandatory  
3 improvement plans within the time allotted under this section. Local boards  
4 may adopt policies for the development and implementation of mandatory  
5 improvement plans and policies for the implementation of monitored and  
6 directed growth plans.

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

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

39 ...."

40 **SECTION 6.(o)** G.S. 115C-333.1 reads as rewritten:

41 "**§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;**  
42 **mandatory improvement plans; State Board notification upon dismissal of**  
43 **teachers.**

44 (a) Annual Evaluations. – All teachers who are assigned to schools that are not  
45 designated as low-performing and who have not ~~attained career status~~ been employed for at  
46 least three consecutive years shall be observed at least three times annually by the principal or  
47 the principal's designee and at least once annually by a teacher and shall be evaluated at least  
48 once annually by a principal. All teachers ~~with career status~~ who have been employed for three  
49 or more years who are assigned to schools that are not designated as low-performing shall be  
50 evaluated annually unless a local board adopts rules that allow teachers ~~with career~~  
51 ~~status~~ employed for three or more years to be evaluated more or less frequently, provided that

1 such rules are not inconsistent with State or federal requirements. Local boards also may adopt  
2 rules requiring the annual evaluation of nonlicensed employees. A local board shall use the  
3 performance standards and criteria adopted by the State Board and may adopt additional  
4 evaluation criteria and standards. All other provisions of this section shall apply if a local board  
5 uses an evaluation other than one adopted by the State Board.

6 (b) Mandatory Improvement Plans for Teachers. – If, in an observation report or  
7 year-end evaluation, a teacher receives a rating that is below proficient or otherwise represents  
8 unsatisfactory or below standard performance on any standard that the teacher was expected to  
9 demonstrate, the principal may place the teacher on a mandatory improvement plan as defined  
10 in G.S. 115C-333(b)(1a). The mandatory improvement plan shall be utilized only if the  
11 superintendent or superintendent's designee determines that an individual, monitored, or  
12 directed growth plan will not satisfactorily address the deficiencies.

13 If at any time a teacher engages in inappropriate conduct or performs inadequately to such a  
14 degree that such conduct or performance causes substantial harm to the educational  
15 environment, and immediate dismissal or demotion is not appropriate, then the principal may  
16 immediately institute a mandatory improvement plan regardless of any ratings on previous  
17 evaluations. The principal shall document the exigent reason for immediately instituting such a  
18 plan. The mandatory improvement plan shall be developed by the principal in consultation with  
19 the teacher. The teacher shall have five instructional days from receipt of the proposed  
20 mandatory improvement plan to request a modification of such plan before it is implemented,  
21 and the principal shall consider such suggested modifications before finalizing the plan. The  
22 teacher shall have at least 60 instructional days to complete the mandatory improvement plan.  
23 The State Board shall develop guidelines that include strategies to assist local boards in  
24 evaluating teachers and developing effective mandatory improvement plans. Local boards may  
25 adopt policies for the implementation of mandatory improvement plans under this section.

26 (c) Observation by a Qualified Observer. –

- 27 (1) The term "qualified observer" as used in this section is any administrator or  
28 teacher who is licensed by the State Board of Education and working in  
29 North Carolina; any employee of the North Carolina Department of Public  
30 Instruction who is trained in evaluating licensed employees; or any instructor  
31 or professor who teaches in an accredited North Carolina school of  
32 education and holds an educator's license.
- 33 (2) The local board of education shall create a list of qualified observers who are  
34 employed by that board and available to do observations of employees on  
35 mandatory improvement plans. This list shall be limited to names of  
36 administrators and teachers selected by the local board of education. The  
37 local board of education shall strive to select administrators and teachers  
38 with excellent reputations for competence and fairness.
- 39 (3) Any teacher, other than a teacher assigned to a school designated as  
40 low-performing, who has been placed on a mandatory improvement plan  
41 shall have a right to be observed by a qualified observer in the area or areas  
42 of concern identified in the mandatory improvement plan. The affected  
43 teacher and the principal shall jointly choose the qualified observer within  
44 20 instructional days after the commencement of the mandatory  
45 improvement plan. If the teacher and the principal cannot agree on a  
46 qualified observer within this time period, they each shall designate a person  
47 from the list of qualified observers created pursuant to subdivision (2) of this  
48 subsection, and these two designated persons shall choose a qualified  
49 observer within five instructional days of their designation. The qualified  
50 observer shall draft a written report assessing the teacher in the areas of  
51 concern identified in the mandatory improvement plan. The report shall be

1 submitted to the principal before the end of the mandatory improvement plan  
2 period. If a teacher or administrator from the same local school  
3 administrative unit is selected to serve as the qualified observer, the  
4 administration of the local school administrative unit shall provide such  
5 qualified observer with the time necessary to conduct the observation and  
6 prepare a report. If someone who is not employed by the same local school  
7 administrative unit is selected to serve as the qualified observer, the teacher  
8 who is the subject of the mandatory improvement plan will be responsible  
9 for any expenses related to the observations and reports prepared by the  
10 qualified observer. The qualified observer shall not unduly disrupt the  
11 classroom when conducting an observation.

- 12 (4) No local board of education or employee of a local board of education shall  
13 discharge, threaten, or otherwise retaliate against another employee of the  
14 board regarding that employee's compensation, terms, conditions, location,  
15 or privileges of employment because of the employee's service or  
16 completion of a report as an objective observer pursuant to this subsection,  
17 unless the employee's report contained material information that the  
18 employee knew was false.

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

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

40 (f) State Board Notification. – If a local board dismisses a teacher ~~for any reason except~~  
41 ~~a reduction in force under G.S. 115C-325(e)(1)),~~ for cause or elects to not renew an employee's  
42 contract as a result of a superintendent's recommendation under subsection (d) of this section, it  
43 shall notify the State Board of the action, and the State Board annually shall provide to all local  
44 boards the names of those teachers. If a local board hires one of these teachers, within 60 days  
45 the superintendent or the superintendent's designee shall observe the teacher, develop a  
46 mandatory improvement plan to assist the teacher, and submit the plan to the State Board. The  
47 State Board shall review the mandatory improvement plan and may provide comments and  
48 suggestions to the superintendent. If on the next evaluation the teacher receives a rating on any  
49 standard that was an area of concern on the mandatory improvement plan that is again below  
50 proficient or a rating that otherwise represents unsatisfactory or below standard performance,  
51 the local board shall notify the State Board, and the State Board shall initiate a proceeding to

1 revoke the teacher's license under G.S. 115C-296(d). If on the next evaluation the teacher  
2 receives at least a proficient rating on all of the overall performance standards that were areas  
3 of concern on the mandatory improvement plan, the local board shall notify the State Board  
4 that the teacher is in good standing, and the State Board shall not continue to provide the  
5 teacher's name to local boards under this subsection unless the teacher is subsequently  
6 dismissed under ~~G.S. 115C-325 except for a reduction in force.~~ G.S. 115C-325.4. If, however,  
7 on this next evaluation the teacher receives a developing rating on any standards that were  
8 areas of concern on the mandatory improvement plan, ~~the teacher shall have one more year to~~  
9 ~~bring the rating to proficient.~~ If, if the local board elects to renew the teacher's contract and by  
10 the end of this second year, the teacher is not proficient in all standards that were areas of  
11 concern on the mandatory improvement plan, the local board shall notify the State Board, and  
12 the State Board shall initiate a proceeding to revoke the teacher's license under  
13 G.S. 115C-296(d).

14 ...."

15 **SECTION 6.(p)** G.S. 115C-335(b) reads as rewritten:

16 "(b) Training. – The State Board, in collaboration with the Board of Governors of The  
17 University of North Carolina, shall develop programs designed to train principals and  
18 superintendents in the proper administration of the employee evaluations developed by the  
19 State Board. The Board of Governors shall use the professional development programs for  
20 public school employees that are under its authority to make this training available to all  
21 principals and superintendents at locations that are geographically convenient to local school  
22 administrative units. The programs shall include methods to determine whether an employee's  
23 performance has improved student learning, the development and implementation of  
24 appropriate professional growth and mandatory improvement plans, the process for contract  
25 nonrenewal, and the dismissal process under ~~G.S. 115C-325.~~ Part 3 of Article 22 of this  
26 Chapter. The Board of Governors shall ensure that the subject matter of the training programs  
27 is incorporated into the masters in school administration programs offered by the constituent  
28 institutions. The State Board, in collaboration with the Board of Governors, also shall develop  
29 in-service programs for licensed public school employees that may be included in a mandatory  
30 improvement plan created under G.S. 115C-333(b) or G.S. 115C-333.1(b). The Board of  
31 Governors shall use the professional development programs for public school employees that  
32 are under its authority to make this training available at locations that are geographically  
33 convenient to local school administrative units."

34 **SECTION 6.(q)** Article 23 of Chapter 115C of the General Statutes is amended by  
35 adding a new section to read:

36 "**§ 115C-344. Employment benefits for exchange teachers.**

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

46 **SECTION 6.(r)** G.S. 115C-404(b) reads as rewritten:

47 "(b) Documents received under this section shall be used only to protect the safety of or  
48 to improve the education opportunities for the student or others. Information gained in  
49 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a  
50 student. Upon receipt of each document, the principal shall share the document with those  
51 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,

1 and (ii) a specific need to know in order to protect the safety of the student or others. Those  
2 individuals shall indicate in writing that they have read the document and that they agree to  
3 maintain its confidentiality. Failure to maintain the confidentiality of these documents as  
4 required by this section is grounds for the dismissal ~~of an employee who is not a career~~  
5 ~~employee and is grounds for dismissal of an employee who is a career employee,~~ in accordance  
6 with ~~G.S. 115C-325(e)(1)~~G.S. 115C-325.4(a)(9)."

7 **SECTION 6.(s)** G.S. 143B-146.7(b) reads as rewritten:

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

11 **SECTION 6.(t)** G.S. 143B-146.8 reads as rewritten:

12 **"§ 143B-146.8. Evaluation of ~~certificated-licensed~~ personnel and principals; action plans;**  
13 **State Board notification.**

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

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

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

38 (b) Action Plans. – If a ~~certificated-licensed~~ employee in a participating school that has  
39 been identified as low-performing receives an unsatisfactory or below standard rating on any  
40 function of the evaluation that is related to the employee's instructional duties, the individual or  
41 team that conducted the evaluation shall recommend to the principal that: (i) the employee  
42 receive an action plan designed to improve the employee's performance; ~~or (ii) the principal~~  
43 ~~recommend to the Secretary that the employee be dismissed or demoted.~~(ii) the employee's  
44 contract not be recommended for renewal; or (iii) if the employee engages in inappropriate  
45 conduct or performs inadequately to such a degree that such conduct or performance causes  
46 substantial harm to the educational environment that a proceeding for immediate dismissal or  
47 demotion be instituted. The principal shall determine whether to develop an action ~~plan~~plan, to  
48 not recommend renewal of the employee's contract, or to recommend a dismissal proceeding.  
49 The person who evaluated the employee or the employee's supervisor shall develop the action  
50 plan unless an assistance team or assessment team conducted the evaluation. If an assistance  
51 team or assessment team conducted the evaluation, that team shall develop the action plan in



1 collaboration with the employee's supervisor. Action plans shall be designed to be completed  
2 within 90 instructional days or before the beginning of the next school year. The State Board, in  
3 consultation with the Secretary, shall develop guidelines that include strategies to assist in  
4 evaluating ~~certificated-licensed~~ personnel and developing effective action plans within the time  
5 allotted under this section. The Secretary may adopt policies for the development and  
6 implementation of action plans or professional development plans for personnel who do not  
7 require action plans under this section.

8 (c) Reevaluation. – Upon completion of an action plan under subsection (b) of this  
9 section, the principal or the assessment team shall evaluate the employee a second time. If on  
10 the second evaluation the employee receives one unsatisfactory or more than one below  
11 standard rating on any function that is related to the employee's instructional duties, the  
12 principal shall recommend that the employee's contract not be renewed, or if the employee  
13 engages in inappropriate conduct or performs inadequately to such a degree that such conduct  
14 or performance causes substantial harm to the educational environment, that the employee be  
15 dismissed or demoted under G.S. 115C-325.4. The results of the second  
16 evaluation shall constitute substantial evidence of the employee's inadequate performance.

17 (d) State Board Notification. – If the Secretary dismisses an employee for ~~any reason~~  
18 ~~except a reduction in force under G.S. 115C-325(e)(1)~~, cause or elects to not renew an  
19 employee's contract as a result of a superintendent's recommendation under subsection (b) or  
20 (c) of this section, the Secretary shall notify the State Board of the action, and the State Board  
21 annually shall provide to all local boards of education the names of those individuals. If a local  
22 board hires one of these individuals, that local board shall proceed under G.S. 115C-333(d).

23 ...."

24 **SECTION 6.(u)** G.S. 115C-325(c)(1) is repealed effective July 1, 2013.  
25 Individuals who have not received career status prior to the 2012-2013 school year shall not be  
26 granted career status.

27 **SECTION 6.(v)** From July 1, 2013, to December 31, 2013, all local boards of  
28 education shall review the performance and evaluations of all teachers who have been  
29 employed by the local board for at least three years. Based on these reviews, the local board of  
30 education shall determine which teachers should be awarded four-year contracts, and may offer  
31 teachers who have been employed by the local board for at least three years a contract for a  
32 term of four school years, beginning with the 2014-2015 school year. Contract offers shall be  
33 made and accepted no later than December 31, 2013.

34 **SECTION 6.(w)** Section 6(a) becomes effective June 30, 2014. Section 6(b)  
35 through Section 6(t) become effective July 1, 2014. Except as otherwise provided, the  
36 remainder of this section is effective when it becomes law.

37 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes  
38 law.