

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 361  
Education/Higher Education Committee Substitute Adopted 4/11/13

Short Title: Excellent Public Schools Act of 2013.

(Public)

Sponsors:

Referred to:

March 20, 2013

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~~  
35 ~~school improvement team, to participate in an expanded number of field~~  
36 ~~tests-year.~~



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

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

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

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

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

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

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

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

...

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

(1) Licensure Standards. –

a. The licensure program shall provide for initial licensure after completion of preservice training, continuing licensure after three years of teaching experience, and license renewal every five years thereafter, until the retirement of the teacher. The last license renewal

- 1 received prior to retirement shall remain in effect for five years after  
2 retirement. The licensure program shall also provide for lifetime  
3 licensure after 50 years of teaching.
- 4 b. The State Board of Education, in consultation with the Board of  
5 Governors of The University of North Carolina, shall evaluate and  
6 develop enhanced requirements for continuing licensure. The new  
7 requirements shall reflect more rigorous standards for continuing  
8 licensure and shall be aligned with high quality professional  
9 development programs that reflect State priorities for improving  
10 student achievement. Standards for continuing licensure shall include  
11 at least eight continuing education credits with at least three credits  
12 required in a teacher's academic subject area.
- 13 c. The State Board of Education, in consultation with local boards of  
14 education and the Board of Governors of The University of North  
15 Carolina, shall reevaluate and enhance the requirements for renewal  
16 of teacher licenses. The State Board shall consider modifications in  
17 the license renewal achievement and to make it a mechanism for  
18 teachers to renew continually their knowledge and professional  
19 skills.
- 20 (2) Teacher education programs. –
- 21 a. The State Board of Education, as lead agency in coordination with  
22 the Board of Governors of The University of North Carolina, the  
23 North Carolina Independent Colleges and Universities, and any other  
24 public and private agencies as necessary, shall continue to raise  
25 standards for entry into teacher education programs.
- 26 b. To further ensure that teacher preparation programs remain current  
27 and reflect a rigorous course of study that is aligned to State and  
28 national standards, the State Board of Education, in consultation with  
29 the Board of Governors of The University of North Carolina, shall do  
30 all of the following to ensure that students preparing are prepared to  
31 teach in elementary schools:
- 32 1. ~~(i) have~~ Provide students with adequate coursework in the  
33 teaching of reading and ~~mathematics;~~ mathematics.
- 34 2. ~~(ii) are assessed~~ Assess students prior to ~~certification~~  
35 licensure to determine that they possess the requisite  
36 knowledge in scientifically based reading and mathematics  
37 instruction that is aligned with the State Board's  
38 ~~expectations;~~ expectations.
- 39 3. ~~(iii) continue to receive~~ Continue to provide students with  
40 preparation in applying formative and summative assessments  
41 within the school and classroom setting through  
42 technology-based assessment systems available in North  
43 Carolina schools that measure and predict expected student  
44 ~~improvement;~~ and improvement.
- 45 4. ~~(iv) are prepared~~ Prepare students to integrate arts education  
46 across the curriculum.
- 47 c. The State Board of Education, in consultation with local boards of  
48 education and the Board of Governors of The University of North  
49 Carolina, shall evaluate and modify, as necessary, the academic  
50 requirements of teacher preparation programs for students preparing

1 to teach science in middle and high schools to ensure that there is  
2 adequate preparation in issues related to science laboratory safety.

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

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

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

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

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

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

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

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

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

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

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

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

50 e. (v) ~~percentage~~Percentage of graduates receiving initial  
51 ~~licenses~~;licenses.

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

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

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

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

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

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

47       (b2)   An undergraduate student seeking a degree in teacher education must attain passing  
 48       scores on a preprofessional skills test prior to admission to an approved teacher education  
 49       program in a North Carolina college or university. The State Board of Education shall permit  
 50       students to fulfill this requirement by achieving the prescribed minimum scores set by the State  
 51       Board of Education for the Praxis I tests or by achieving the appropriate required score, as

1 determined by the State Board of Education, on the verbal and mathematics portions of the  
2 ~~SAT, SAT or ACT.~~ The minimum combined verbal and mathematics score set by the State  
3 Board of Education for the SAT shall be between 900 and 1,200, 1,100 or greater. The  
4 minimum composite score set by the State Board of Education for the ACT shall be 24 or  
5 greater.

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

17 ...."

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

20 "**§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor**  
21 **programs.**

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

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

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

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

- 47 (1) Application for demographic or administrative changes to a license, \$30.00.
- 48 (2) Application for a duplicate license or for copies of documents in the  
49 licensure files, \$30.00.
- 50 (3) Application for a renewal, extension, addition, upgrade, and variation to a  
51 license, \$55.00.

1 (4) Initial application for New, In-State Approved Program Graduate, \$55.00.

2 (5) Initial application for Out-of-State license, \$85.00.

3 (6) All other applications, \$85.00.

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

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

15 (1) Licensure standards. –

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

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

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

47 (2) Teacher education programs. –

48 a. The State Board of Education, as lead agency in coordination with  
49 the Board of Governors of The University of North Carolina, the  
50 North Carolina Independent Colleges and Universities, and any other

- 1 public and private agencies as necessary, shall continue to raise  
2 standards for entry into teacher education programs.
- 3 b. To further ensure that teacher preparation programs remain current  
4 and reflect a rigorous course of study that is aligned to State and  
5 national standards, the State Board of Education, in consultation with  
6 the Board of Governors of The University of North Carolina, shall do  
7 all of the following to ensure that students are prepared to teach in  
8 elementary schools:
- 9 1. Provide students with adequate coursework in the teaching of  
10 reading and mathematics.
- 11 2. Assess students prior to licensure to determine that they  
12 possess the requisite knowledge in scientifically based  
13 reading and mathematics instruction that is aligned with the  
14 State Board's expectations.
- 15 3. Continue to provide students with preparation in applying  
16 formative and summative assessments within the school and  
17 classroom setting through technology-based assessment  
18 systems available in North Carolina schools that measure and  
19 predict expected student improvement.
- 20 4. Prepare students to integrate arts education across the  
21 curriculum.
- 22 c. The State Board of Education, in consultation with local boards of  
23 education and the Board of Governors of The University of North  
24 Carolina, shall evaluate and modify, as necessary, the academic  
25 requirements of teacher preparation programs for students preparing  
26 to teach science in middle and high schools to ensure that there is  
27 adequate preparation in issues related to science laboratory safety.
- 28 d. The standards for approval of institutions of teacher education shall  
29 require that teacher education programs for all students include the  
30 following demonstrated competencies:
- 31 1. ~~in~~ All teacher education programs. –
- 32 I. ~~(i) the~~ The identification and education of children  
33 with disabilities and disabilities.
- 34 II. ~~(ii) positive~~ Positive management of student behavior  
35 and effective communication techniques for defusing  
36 and deescalating disruptive or dangerous behavior.
- 37 2. Elementary and special education general curriculum teacher  
38 education programs. –
- 39 I. Teaching of reading, including a substantive  
40 understanding of reading as a process involving oral  
41 language, phonological and phonemic awareness,  
42 phonics, fluency, vocabulary, and comprehension.
- 43 II. Evidence-based assessment and diagnosis of specific  
44 areas of difficulty with reading development and of  
45 reading deficiencies.
- 46 III. Appropriate application of instructional supports and  
47 services and reading interventions to ensure reading  
48 proficiency for all students.
- 49 e. The State Board of Education shall incorporate the criteria developed  
50 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. Section 3.(a)  
23 applies beginning with the 2013-2014 school year. Section 3.(b) applies beginning with the  
24 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 Section 3.(a) and  
27 Section 3.(b), shall apply beginning with the first year of their next five-year license renewal  
28 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 the following 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           (4)    One point for each percent of students who score at or above proficient in  
6           Algebra I/Integrated Math I, English II, and Biology end-of-course tests.
- 7        (d)    High Schools Performance Elements. – The school performance score earned by  
8        schools serving students in ninth through 12th grades shall be calculated based on the sum of  
9        seven school performance elements that are weighted proportionally and grouped into three  
10       categories in the calculation of the total performance grade. The scores in each category shall  
11       be calculated as follows:
- 12           (1)    Testing. –
- 13           a.    One point for each percent of students who score at or above  
14           proficient on annual assessments for mathematics.
- 15           b.    One point for each percent of students who score at or above  
16           proficient on annual assessments for English.
- 17           c.    One point for each percent of students who score at or above  
18           proficient on annual assessments for biology.
- 19           (2)    College/career readiness. –
- 20           a.    One point for each percent of students who complete a mathematics  
21           class beyond Algebra I/Integrated Math II with a passing grade.
- 22           b.    One point for each percent of students who meet benchmarks in  
23           reading and in mathematics on a nationally normed test of college  
24           readiness.
- 25           c.    One point for each percent of students enrolled in Career and  
26           Technical Education courses who meet the standard when scoring at  
27           Silver, Gold, or Platinum levels on a nationally normed test of  
28           workplace readiness.
- 29           (3)    Graduation rate. – One point for each percent of students who graduate  
30           within four years of entering high school.
- 31        (e)    Calculation of School Performance Scores and Grades. – The State Board of  
32        Education shall calculate school performance scores by totaling the sum of points, as provided  
33        in subsections (c) and (d) of this section, and weighted proportionally, as provided in  
34        subsection (b) of this section, earned by the school and converting the sum of points to a  
35        100-point scale. The school performance score shall be used to determine the school  
36        performance grade based on the following scale:
- 37           (1)    At least 90 performance grade points for an overall school performance  
38           grade of A.
- 39           (2)    At least 80 performance grade points for an overall school performance  
40           grade of B.
- 41           (3)    At least 70 performance grade points for an overall school performance  
42           grade of C.
- 43           (4)    At least 60 performance grade points for an overall school performance  
44           grade of D.
- 45           (5)    A school that accumulates fewer than 60 points shall be assigned an overall  
46           school performance grade of F.
- 47        (f)    Measure of Student Growth. – Using the Education Value-Added Assessment  
48        System (EVAAS), the State Board shall include as a part of the annual school report card a  
49        separate indicator reflecting a measure of student growth for performance on annual  
50        assessments for reading, mathematics, and science in grades three through eight and on annual  
51        assessments for mathematics, English, and biology in grades nine through 12. Based on this

1 measure, the State Board shall designate that a school has (i) met, (ii) failed to meet, or (iii)  
2 exceeded expected student growth. This measure shall not be used to alter or adjust school  
3 performance scores or the school performance grade earned by a school. The student growth  
4 measure shall be clearly displayed in the annual school report card provided under  
5 G.S. 115C-12(9)c1., 115C-238.29F, and 115C-238.66.

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

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

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

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

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

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

2           "(l) North Carolina School Report Cards. – A charter school shall ensure that the report  
3 card issued for it by the State Board of Education receives wide distribution to the local press  
4 or is otherwise provided to the public. A charter school shall ensure that the overall school  
5 performance ~~score and grade score~~, grade, and a separate indicator reflecting a measure of  
6 student growth earned by the charter school for the current and previous four school years is  
7 prominently displayed on the school Web site. If a charter school is awarded a grade of D or F,  
8 the charter school shall provide notice of the grade in writing to the parent or guardian of all  
9 students enrolled in that school."

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

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

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

## 23 24 **PART V. PAY FOR EXCELLENCE**

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

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

## 31 32 **PART VI. TEACHER CONTRACTS**

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

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

### 36 **"§ 115C-325.1. Definitions.**

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

- 38           (1) "Day" means calendar day. In computing any period of time, Rule 6 of the  
39 North Carolina Rules of Civil Procedure shall apply.  
40           (2) "Demote" means to reduce the salary of a person who is classified or paid by  
41 the State Board of Education as a classroom teacher or as a school  
42 administrator during the time of the contract. The word "demote" does not  
43 include (i) a suspension without pay pursuant to G.S. 115C-325.5(a); (ii) the  
44 elimination or reduction of bonus payments, including merit-based  
45 supplements, or a systemwide modification in the amount of any applicable  
46 local supplement; (iii) any reduction in salary that results from the  
47 elimination of a special duty, such as the duty of an athletic coach or a choral  
48 director; or (iv) any reduction of pay as compared to a prior term of contract.  
49           (3) "Disciplinary suspension" means a final decision to suspend a teacher or  
50 school administrator without pay for no more than 60 days under  
51 G.S. 115C-325.5(b).

1           (4)    "School administrator" means a principal, assistant principal, supervisor, or  
2           director whose major function includes the direct or indirect supervision of  
3           teaching or any other part of the instructional program, as provided in  
4           G.S. 115C-287.1(a)(3).

5           (5)    "Teacher" means a person meeting each of the following requirements:

6           a.     Who holds at least one of the following licenses issued by the State  
7           Board of Education:

8                 1.     A current standard professional educator's license.

9                 2.     A current lateral entry teaching license.

10                3.     A regular, not expired, vocational license.

11           b.     Whose major responsibility is to teach or directly supervise teaching  
12           or who is classified by the State Board of Education or is paid either  
13           as a classroom teacher or instructional support personnel.

14           c.     Who is employed to fill a full-time, permanent position.

15           (6)    "Year" means a calendar year beginning July 1 and ending June 30.

16    **"§ 115C-325.2. Personnel files.**

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

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

38    **"§ 115C-325.3. Teacher contracts.**

39           (a)    Length of Contract. – A contract between the local board of education and a teacher  
40           who has been employed by the local board of education for less than three years shall be for a  
41           term of one school year. A contract or renewal of contract between the local board of education  
42           and a teacher who has been employed by the local board of education for three years or more  
43           shall be for a term of one, two, three, or four school years.

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

1 teacher a new or renewed contract, or may decide to offer the teacher a renewed contract for a  
2 different term than recommended by the superintendent.

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

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

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

22 (f) Failure to Offer Contract or Notify on Nonrenewal of Contract. – If a teacher fails to  
23 receive a contract offer but does not receive written notification from the superintendent of a  
24 recommendation of nonrenewal, and the teacher continues to teach in the local school  
25 administrative unit without entering into a contract with the local board, upon discovery of the  
26 absence of contract, the board by majority vote shall do one of the following:

27 (1) Offer the teacher a one year contract expiring no later than June 30 of the  
28 current school year.

29 (2) Dismiss the teacher and provide the teacher with the equivalent of one  
30 additional month's pay. A teacher dismissed as provided in this section shall  
31 be considered an at-will employee and shall not be entitled to a hearing or  
32 appeal of the dismissal.

33 (g) Local boards of education and teachers employed by the local board may mutually  
34 modify the terms of the contract to permit part-time employment. An individual that mutually  
35 modifies a full-time contract to permit part-time employment or enters into a part-time contract  
36 is not a teacher as defined in G.S. 115C-325.1(5).

37 **"§ 115C-325.4. Dismissal or demotion for cause.**

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

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

49 (2) Immorality.

50 (3) Insubordination.

51 (4) Neglect of duty.

- 1           (5)    Physical or mental incapacity.
- 2           (6)    Habitual or excessive use of alcohol or nonmedical use of a controlled  
3           substance as defined in Article 5 of Chapter 90 of the General Statutes.
- 4           (7)    Conviction of a felony or a crime involving moral turpitude.
- 5           (8)    Advocating the overthrow of the government of the United States or of the  
6           State of North Carolina by force, violence, or other unlawful means.
- 7           (9)    Failure to fulfill the duties and responsibilities imposed upon teachers or  
8           school administrators by the General Statutes of this State.
- 9           (10)   Failure to comply with such reasonable requirements as the board may  
10           prescribe.
- 11          (11)   Any cause which constitutes grounds for the revocation of the teacher's  
12           teaching license or the school administrator's administrator license.
- 13          (12)   Failure to maintain his or her license in a current status.
- 14          (13)   Failure to repay money owed to the State in accordance with the provisions  
15           of Article 60 of Chapter 143 of the General Statutes.
- 16          (14)   Providing false information or knowingly omitting a material fact on an  
17           application for employment or in response to a preemployment inquiry.
- 18          (15)   A justifiable decrease in the number of positions due to district  
19           reorganization, decreased enrollment, or decreased funding.

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

23          **"§ 115C-325.5. Teacher suspension.**

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

35          (b)    Disciplinary Suspension Without Pay. – A teacher recommended for disciplinary  
36           suspension without pay may request a hearing before the board. The hearing shall be conducted  
37           as provided in G.S. 115C-325.7. If no request is made within 15 days, the superintendent may  
38           file his or her recommendation with the board. If, after considering the recommendation of the  
39           superintendent and the evidence adduced at the hearing if one is held, the board concludes that  
40           the grounds for the recommendation are true and substantiated by a preponderance of the  
41           evidence, the board, if it sees fit, may by resolution order such suspension.

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

1 However, if the superintendent and the teacher agree to extend the 90-day period, the  
2 superintendent may initiate dismissal or demotion proceedings against the teacher at any time  
3 during the period of the extension.

4 **"§ 115C-325.6. Procedure for dismissal or demotion of a teacher for cause.**

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

9 (b) Notice of Recommendation. – Before recommending to a board the dismissal or  
10 demotion of a teacher, the superintendent shall give written notice to the teacher by certified  
11 mail or personal delivery of the superintendent's intention to make such recommendation and  
12 shall set forth as part of the superintendent's recommendation the grounds upon which he or she  
13 believes such dismissal or demotion is justified. The superintendent also shall meet with the  
14 teacher and provide written notice of the charges against the teacher, an explanation of the basis  
15 for the charges, and an opportunity to respond if the teacher has not done so under  
16 G.S. 115C-325.5(a). The notice shall include a statement to the effect that the teacher, within  
17 14 days after the date of receipt of the notice, may request a hearing before the board on the  
18 superintendent's recommendation. A copy of Part 3 of Article 22 of Chapter 115C of the  
19 General Statutes shall also be sent to the teacher.

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

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

34 **"§ 115C-325.7. Hearing before board.**

35 (a) The following procedures shall apply for a board hearing for dismissal, demotion,  
36 reduction to part-time employment for disciplinary reasons, or disciplinary suspension without  
37 pay:

- 38 (1) The hearing shall be private.
- 39 (2) The hearing shall be conducted in accordance with reasonable rules adopted  
40 by the State Board of Education to govern such hearings.
- 41 (3) At the hearing, the teacher and the superintendent shall have the right to be  
42 present and to be heard, to be represented by counsel, and to present through  
43 witnesses any competent testimony relevant to the issue of whether grounds  
44 exist for a dismissal, demotion, reduction to part-time employment for  
45 disciplinary reasons, or disciplinary suspension without pay.
- 46 (4) Rules of evidence shall not apply to a hearing under this subsection and the  
47 board may give probative effect to evidence that is of a kind commonly  
48 relied on by reasonably prudent persons in the conduct of serious affairs.
- 49 (5) At least five days before the hearing, the superintendent shall provide to the  
50 teacher a list of witnesses the superintendent intends to present, a brief



1 statement of the nature of the testimony of each witness, and a copy of any  
2 documentary evidence the superintendent intends to present.

3 (6) At least three days before the hearing, the teacher shall provide the  
4 superintendent a list of witnesses the teacher intends to present, a brief  
5 statement of the nature of the testimony of each witness, and a copy of any  
6 documentary evidence the teacher intends to present.

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

12 (8) The board may subpoena and swear witnesses and may require them to give  
13 testimony and to produce records and documents relevant to the grounds for  
14 dismissal, demotion, reduction to part-time employment for disciplinary  
15 reasons, or disciplinary suspension without pay.

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

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

21 **"§ 115C-325.8. Right of appeal.**

22 (a) A teacher who (i) has been dismissed, demoted, or reduced to employment on a  
23 part-time basis for disciplinary reasons during the term of the contract as provided in  
24 G.S. 115C-325.4, or has received a disciplinary suspension without pay as provided in  
25 G.S. 115C-325.5, and (ii) requested a hearing before the local board of education, shall have a  
26 further right of appeal from the final decision of the local board of education to the superior  
27 court of the State on one or more of the following grounds that the decision:

28 (1) Is in violation of constitutional provisions.

29 (2) Is in excess of the statutory authority or jurisdiction of the board.

30 (3) Was made upon unlawful procedure.

31 (4) Is affected by other error of law.

32 (5) Is unsupported by substantial evidence in view of the entire record as  
33 submitted.

34 (6) Is arbitrary or capricious.

35 (b) An appeal pursuant to this section must be filed within 30 days of notification of the  
36 final decision of the local board of education, and shall be decided on the administrative record.  
37 The superior court shall have authority to affirm or reverse the local board's decision or remand  
38 the matter to the local board of education. The superior court shall not have authority to award  
39 monetary damages or to direct the local board of education to enter into an employment  
40 contract of more than one year, ending June 30.

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)    Thirty Days' Notice Resignation Requirement. – A teacher who is not recommended  
12          for 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-287.1 reads as rewritten:

49 **"§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**  
50 **and directors.**

- 1 (a) (1) ~~Beginning July 1, 1995, all~~All persons employed as school administrators  
2 shall be employed pursuant to this section.
- 3 (2) ~~Notwithstanding G.S. 115C-287.1(a)(1), the following school administrators~~  
4 ~~shall be employed pursuant to G.S. 115C-325:~~
- 5 a. ~~School administrators who, as of July 1, 1995, are serving in a~~  
6 ~~principal or supervisor position with career status in that position;~~  
7 ~~and~~
- 8 b. ~~School administrators who, as of July 1, 1995, are serving in a~~  
9 ~~principal or supervisor position and who are eligible to achieve~~  
10 ~~career status on or before June 30, 1997.~~
- 11 ~~A school administrator shall cease to be employed pursuant to~~  
12 ~~G.S. 115C-325 if the school administrator: (i) voluntarily relinquishes career~~  
13 ~~status or the opportunity to achieve career status through promotion,~~  
14 ~~resignation, or otherwise; or (ii) is dismissed or demoted or whose contract~~  
15 ~~is not renewed pursuant to G.S. 115C-325.~~
- 16 (3) For purposes of this section, school administrator means a:
- 17 a. Principal;
- 18 b. Assistant principal;
- 19 c. Supervisor; or
- 20 d. Director,
- 21 whose major function includes the direct or indirect supervision of teaching  
22 or of any other part of the instructional program.
- 23 (4) ~~Nothing in this section shall be construed to confer career status on any~~  
24 ~~assistant principal or director, or to make an assistant principal eligible for~~  
25 ~~career status as an assistant principal or a director eligible for career status as~~  
26 ~~a director.~~
- 27 (b) Local boards of education shall employ school administrators ~~who are ineligible for~~  
28 ~~career status as provided in G.S. 115C-325(c)(3),~~ upon the recommendation of the  
29 superintendent. The initial contract between a school administrator and a local board of  
30 education shall be for two to four years, ending on June 30 of the final 12 months of the  
31 contract. In the case of a subsequent contract between a principal or assistant principal and a  
32 local board of education, the contract ~~shall be for~~ may be for up to a term of four years. In the  
33 case of an initial contract between a school administrator and a local board of education, the  
34 first year of the contract may be for a period of less than 12 months provided the contract  
35 becomes effective on or before September 1. A local board of education may, with the written  
36 consent of the school administrator, extend, renew, or offer a new school administrator's  
37 contract at any time after the first 12 months of the contract so long as the term of the new,  
38 renewed, or extended contract does not exceed four years. Rolling annual contract renewals are  
39 not allowed. Nothing in this section shall be construed to prohibit the filling of an  
40 administrative position on an interim or temporary basis.
- 41 (c) The term of employment shall be stated in a written contract that shall be entered  
42 into between the local board of education and the school administrator. The school  
43 administrator shall not be dismissed or demoted during the term of the contract except for the  
44 grounds and by the procedure by which a ~~career~~ teacher may be dismissed or demoted for cause  
45 ~~as set forth in G.S. 115C-325.~~G.S. 115C-325.4.
- 46 (d) If a superintendent intends to recommend to the local board of education that the  
47 school administrator be offered a new, renewed, or extended contract, the superintendent shall  
48 submit the recommendation to the local board for action. The local board may approve the  
49 superintendent's recommendation or decide not to offer the school administrator a new,  
50 renewed, or extended school administrator's contract.

1 If a superintendent decides not to recommend that the local board of education offer a new,  
2 renewed, or extended school administrator's contract to the school administrator, the  
3 superintendent shall give the school administrator written notice of his or her decision ~~and the~~  
4 ~~reasons for his or her decision~~ no later than May 1 of the final year of the contract. The  
5 superintendent's reasons may not be arbitrary, capricious, discriminatory, personal, or  
6 ~~political~~. ~~political, or prohibited by State or federal law.~~ No action by the local board or further  
7 notice to the school administrator shall be necessary unless the school administrator files with  
8 the superintendent a written request, within 10 days of receipt of the superintendent's decision,  
9 for a hearing before the local board. ~~Failure to file a timely request for a hearing shall result in a~~  
10 ~~waiver of the right to appeal the superintendent's decision.~~ If a school administrator files a  
11 timely request for a hearing, the local board shall conduct a hearing pursuant to the provisions  
12 of G.S. 115C-45(c) and make a final decision on whether to offer the school administrator a  
13 new, renewed, or extended school administrator's contract.

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

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

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

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

34 (h) An individual who holds a provisional assistant principal's certificate ~~license~~ and  
35 who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school  
36 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a  
37 local board may enter into one-year contracts with a school administrator who holds a  
38 provisional assistant principal's certificate. ~~license.~~ ~~If the school administrator held career status~~  
39 ~~as a teacher in the local school administrative unit prior to being employed as an assistant~~  
40 ~~principal and the State Board for any reason does not extend the school administrator's~~  
41 ~~provisional assistant principal's certificate, the school administrator shall retain career status as~~  
42 ~~a teacher unless the school administrator voluntarily relinquished that right or is dismissed or~~  
43 ~~demoted under G.S. 115C-325.~~ Nothing in this subsection or G.S. 115C-284(c) shall be  
44 construed to require a local board to extend or renew the contract of a school administrator who  
45 holds a provisional assistant principal's certificate. ~~license.~~"

46 **SECTION 6.(e)** The State Board of Education shall develop by rule as provided in  
47 Article 2A of Chapter 150B a model contract for use by local boards of education in awarding  
48 teacher contracts. The State Board may adopt a temporary rule for a model contract as provided  
49 in G.S. 150B-21.1 to provide a contract to local boards of education no later than January 1,  
50 2013, but shall replace the temporary rule with a permanent rule as soon as practicable.

1           **SECTION 6.(f)** G.S. 115C-325(c)(1) is repealed effective May 1, 2013.  
2 Individuals who have not received career status prior to the 2012-2013 school year shall not be  
3 granted career status during the 2012-2013 school year. All teachers who have not been granted  
4 career status prior to the 2012-2013 school year shall be offered only one-year contracts, except  
5 for qualifying teachers offered a four-year contract as provided in Section 6.(g) of this act, until  
6 the 2018-2019 school year.

7           **SECTION 6.(g)** From July 1, 2013, to June 30, 2014, all superintendents shall  
8 review the performance and evaluations of all teachers who have been employed by the local  
9 board for at least three consecutive years. Based on these reviews, the superintendent shall  
10 identify and recommend to the local board twenty-five percent (25%) of those teachers  
11 employed by the local board for at least three consecutive years to be awarded four-year  
12 contracts beginning with the 2014-2015 school year. The superintendent shall not recommend  
13 to the local board any teacher for a four-year contract unless that teacher has shown  
14 effectiveness as demonstrated by proficiency on the teacher evaluation instrument. The local  
15 board of education shall review the superintendent's recommendation, and may approve that  
16 recommendation or may select other teachers as part of the twenty-five percent (25%) to offer  
17 four-year contracts, but the local board shall not offer any teacher a four-year contract unless  
18 that teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation  
19 instrument. Contract offers shall be made and accepted no later than June 30, 2014.

20           **SECTION 6.(h)** Teachers employed by a local board of education on a four-year  
21 contract beginning with the 2014-2015 school year shall receive a five hundred dollar  
22 (\$500.00) annual pay raise for each year of the four-year contract.

23           **SECTION 6.(i)** Section 6.(a) becomes effective June 30, 2018. G.S. 115C-325  
24 applies only to teachers with career status after June 30, 2014.

25           **SECTION 6.(j)** Section 6.(b) becomes effective July 1, 2014. G.S. 115C-325.1  
26 through G.S. 115C-325.13, as enacted by this act, shall apply to all teachers on one- or  
27 four-year contracts beginning July 1, 2014. G.S. 115C-325.1 through G.S. 115C-325.13, as  
28 enacted by this act, shall apply to all teachers employed by local boards of education or the  
29 State on or after July 1, 2018.

30           **SECTION 6.(k)** Sections 6.(c) and 6.(d) become effective July 1, 2014, and apply  
31 to all employees employed on or after that date.

32           **SECTION 6.(l)** Except as otherwise provided, this section is effective when it  
33 becomes law.

## 34 **PART VII. TEACHER CONTRACT CONFORMING CHANGES**

35           **SECTION 7.(a)** G.S. 115C-105.26(b)(2) reads as rewritten:

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

43           **SECTION 7.(b)** G.S. 115C-105.37B(a)(2) reads as rewritten:

44           "(2) Restart model, in which the State Board of Education would authorize the  
45 local board of education to operate the school with the same exemptions  
46 from statutes and rules as a charter school authorized under Part 6A of  
47 Article 16 of this Chapter, or under the management of an educational  
48 management organization that has been selected through a rigorous review  
49 process. A school operated under this subdivision remains under the control  
50 of the local board of education, and employees assigned to the school are  
51



employees of the local school administrative unit with the protections provided by ~~G.S. 115C-325~~ Part 3 of Article 22 of this Chapter."

**SECTION 7.(c)** G.S. 115C-105.38A reads as rewritten:

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

...

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

...

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

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

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

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

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

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

...."

**SECTION 7.(d)** G.S. 115C-105.39 reads as rewritten:

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

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

1 the principal, then the State Board shall vote to accept, reject, or modify the local board's  
2 recommendations. The State Board shall notify the local board of its action within five days. If  
3 the State Board rejects or modifies the local board's recommendations and does not recommend  
4 dismissal of the principal, the State Board's notification shall include recommended action  
5 concerning the principal's assignment or terms of employment. Upon receipt of the State  
6 Board's notification, the local board shall implement the State Board's recommended action  
7 concerning the principal's assignment or terms of employment unless the local board asks the  
8 State Board to reconsider that recommendation. The State Board shall provide an opportunity  
9 for the local board to be heard before the State Board acts on the local board's request for a  
10 reconsideration. The State Board shall vote to affirm or modify its original recommended  
11 action and shall notify the local board of its action within five days. Upon receipt of the State  
12 Board's notification, the local board shall implement the State Board's final recommended  
13 action concerning the principal's assignment or terms of employment. If the State Board rejects  
14 or modifies the local board's action and recommends dismissal of the principal, the State Board  
15 shall proceed under ~~G.S. 115C-325(q)(1)~~. G.S. 115C-325.12.

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

20 ...."

21 **SECTION 7.(e)** G.S. 115C-238.68(3) reads as rewritten:

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

43 **SECTION 7.(f)** G.S. 115C-276(l) reads as rewritten:

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

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

50 "(7) All persons employed as principals in the schools and institutions listed in  
51 subsection (p) of ~~G.S. 115C-325~~ G.S. 115C-325.10 shall be compensated at

1 the same rate as are teachers in the public schools in accordance with the  
2 salary schedule adopted by the State Board of Education."

3 **SECTION 7.(h)** G.S. 115C-304 is repealed.

4 **SECTION 7.(i)** G.S. 115C-333 reads as rewritten:

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

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

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

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

27 (b) Mandatory Improvement Plans. –

28 ...

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

48 ...

49 (c) Reassessment of Employee in a Low-Performing School. – After the expiration of  
50 the time period for the mandatory improvement plan under subdivision (2a) of subsection (b) of  
51 this section, the superintendent, the superintendent's designee, or the assistance team shall

1 assess the performance of the employee of the low-performing school a second time. If the  
2 superintendent, superintendent's designee, or assistance team determines that the employee has  
3 failed to become proficient in any of the performance standards articulated in the mandatory  
4 improvement plan or demonstrate sufficient improvement toward such standards, the  
5 superintendent shall recommend that if the employee is a teacher with career status the teacher  
6 be dismissed or demoted under G.S. 115C-325, or if the employee is a teacher on contract the  
7 employee— the employee's contract not be renewed or if the employee has engaged in  
8 inappropriate conduct or performed inadequately to such a degree that such conduct or  
9 performance causes substantial harm to the educational environment, that the employee be  
10 immediately dismissed or demoted under G.S. 115C-325.4. The results of the  
11 second assessment shall constitute substantial evidence of the employee's inadequate  
12 performance.

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

35 ...."

36 **SECTION 7.(j)** G.S. 115C-333.1 reads as rewritten:

37 **"§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;**  
38 **mandatory improvement plans; State Board notification upon dismissal of**  
39 **teachers.**

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

1 All other provisions of this section shall apply if a local board uses an evaluation other than one  
2 adopted by the State Board.

3 ...

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

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

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

1       ...."

2           **SECTION 7.(k)** G.S. 115C-335(b) reads as rewritten:

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

21           **SECTION 7.(l)** G.S. 115C-404(b) reads as rewritten:

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

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

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

38           **SECTION 7.(n)** G.S. 143B-146.8 reads as rewritten:

39       "**§ 143B-146.8. Evaluation of ~~certificated~~ licensed personnel and principals; action plans;**  
40       **State Board notification.**

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

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

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

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

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

49 (d) State Board Notification. – If ~~the Secretary dismisses an employee~~ is dismissed for  
50 any reason except a reduction in force under G.S. 115C-325(e)(1). ~~cause or an employee's~~  
51 contract is not renewed as a result of a superintendent's recommendation under subsection (b)

1 or (c) of this section, the Secretary shall notify the State Board shall be notified of the action,  
 2 and the State Board annually shall provide to all local boards of education the names of those  
 3 individuals. If a local board hires one of these individuals, that local board shall proceed under  
 4 G.S. 115C-333(d).

5 ...."

6 **SECTION 7.(o)** G.S. 115C-105.38A, as amended by Section 7.(c) of this act, reads  
 7 as rewritten:

8 "**§ 115C-105.38A. Teacher competency assurance.**

9 ...

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

15 ...

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

18 (1) The dismissal of a principal under G.S. 115C-325.12.

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

21 (3) The dismissal or demotion of an employee for any of the grounds listed  
 22 under ~~G.S. 115C-325(e)~~ or G.S. 115C-325.4.

23 (4) The nonrenewal of a school administrator's or teacher's contract of  
 24 employment.

25 ...."

26 **SECTION 7.(p)** G.S. 115C-105.39(b), as amended by Section 7.(d) of this act,  
 27 reads as rewritten:

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

31 ...."

32 **SECTION 7.(q)** 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~~



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

3 **SECTION 7.(r)** G.S. 115C-238.68(3), as amended by Section 7.(e) of this act,  
4 reads as rewritten:

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

25 **SECTION 7.(s)** G.S. 115C-333, as amended by Section 7.(j) of this act, reads as  
26 rewritten:

27 "**§ 115C-333. Evaluation of licensed employees including certain superintendents;**  
28 **mandatory improvement plans; State board notification upon dismissal of**  
29 **employees.**

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

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

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

48 (b) Mandatory Improvement Plans. –

49 ...

50 (2a) If a licensed employee in a low-performing school receives a rating on any  
51 standard on an evaluation that is below proficient or otherwise represents

1           unsatisfactory or below standard performance in an area that the licensed  
2           employee was expected to demonstrate, the individual or team that  
3           conducted the evaluation shall recommend to the superintendent that (i) the  
4           employee receive a mandatory improvement plan designed to improve the  
5           employee's performance, (ii) the superintendent recommend to the local  
6           board that ~~if the employee is a career status teacher the employee be~~  
7           ~~dismissed or demoted and if the employee is a teacher on contract the~~  
8           ~~teacher's employee's~~ contract not be recommended for renewal, or (iii) if the  
9           employee engaged in inappropriate conduct or performed inadequately to  
10          such a degree that such conduct or performance causes substantial harm to  
11          the educational environment that a proceeding for immediate dismissal or  
12          demotion be instituted. If the individual or team that conducted the  
13          evaluation elects not to make any of the above recommendations, the said  
14          individual or team shall notify the superintendent of this decision. The  
15          superintendent shall determine whether to develop a mandatory  
16          improvement plan, to not recommend renewal of the employee's contract, or  
17          to recommend a dismissal proceeding.

18          ...

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

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

1 ~~career status and is subsequently dismissed under G.S. 115C-325 except for a reduction in~~  
2 ~~force, or the employee is a teacher on contract subsequently dismissed under G.S. 115C-325.4.~~

3 ...."

4 **SECTION 7.(t)** G.S. 115C-333.1, as amended by Section 7.(k) of this act, reads as  
5 rewritten:

6 **"§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;**  
7 **mandatory improvement plans; State Board notification upon dismissal of**  
8 **teachers.**

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

22 ...

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

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

45 (f) State Board Notification. – If a local board dismisses a teacher ~~with career status for~~  
46 ~~any reason except a reduction in force under G.S. 115C-325(e)(1)l., or dismisses a teacher on~~  
47 ~~contract~~ for cause or elects to not renew a teacher's contract as a result of a superintendent's  
48 recommendation under subsection (d) of this section, it shall notify the State Board of the  
49 action, and the State Board annually shall provide to all local boards the names of those  
50 teachers. If a local board hires one of these teachers, within 60 days the superintendent or the  
51 superintendent's designee shall observe the teacher, develop a mandatory improvement plan to

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

20 ...."

21 **SECTION 7.(u)** Article 23 of Chapter 115C of the General Statutes is amended by  
22 adding a new section to read:

23 **"§ 115C-344. Employment benefits for exchange teachers.**

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

33 **SECTION 7.(v)** G.S. 115C-404(b), as amended by Section 7.(m) of this act, reads  
34 as rewritten:

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

47 **SECTION 7.(w)** G.S. 143B-146.7(b), as amended by Section 7.(n) of this act,  
48 reads as rewritten:

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

1           SECTION 7.(x) G.S. 143B-146.8, as amended by Section 7.(o) of this act, reads as  
2 rewritten:

3 **"§ 143B-146.8. Evaluation of licensed personnel and principals; action plans; State Board**  
4 **notification.**

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

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

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

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

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

8 ...."

9 **SECTION 7.(y)** Sections 7.(a) through 7.(n) become effective July 1, 2014.

10 Sections 7.(o) through 7.(x) become effective June 30, 2018.

11 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes  
12 law.