

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

S

1

SENATE BILL 860

Short Title: Public School Changes. (Public)

Sponsors: Senator Tarte (Primary Sponsor).

Referred to: Education/Higher Education.

May 28, 2014

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TESTING WINDOW FOR PUBLIC SCHOOL SEMESTER COURSES; TO INCREASE THE WEIGHT OF SCHOOL GROWTH IN SCHOOL PERFORMANCE GRADES; TO DELAY IMPLEMENTATION OF CONTRACTS FOR CERTAIN TEACHERS; AND TO PROVIDE FLEXIBILITY FOR THE TERMS OF PRINCIPAL CONTRACTS.

The General Assembly of North Carolina enacts:

**PART I. EXTEND TESTING WINDOW FOR SEMESTER COURSES**

**SECTION 1.** G.S. 115C-174.12(a)(4) reads as rewritten:

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

- ...
- (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-15~~ 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."

**PART II. INCREASE WEIGHT OF SCHOOL GROWTH IN SCHOOL PERFORMANCE GRADES**

**SECTION 2.** G.S. 115C-83.15(d) reads as rewritten:

"(d) Calculation of the School Performance Scores and Grades. – ~~For schools exceeding or not meeting expected school growth, the~~ The State Board of Education shall use EVAAS to calculate the school performance score by adding the school achievement score, as provided in subsection (b) of this section, and the school growth score, as provided in subsection (c) of this section, earned by a school. The school achievement score shall account for ~~eighty percent (80%),~~ fifty percent (50%), and the school growth score shall account for ~~(20%)~~ fifty percent (50%) of the total sum. ~~For schools meeting expected growth, and with a school achievement~~



1 score of eighty percent (80%) or higher, the school performance score shall solely reflect the  
2 achievement score. For schools meeting expected growth, and with a school achievement score  
3 below eighty percent (80%), the school achievement score shall account for eighty percent  
4 (80%), and the school growth score shall account for twenty percent (20%) of the total sum. If  
5 a school has met expected growth and inclusion of the school's growth score reduces the  
6 school's performance score and grade, a school may choose to use the school achievement  
7 score solely to calculate the performance score and grade. For all schools, the total school  
8 performance score shall be converted to a 100-point scale and used to determine a school  
9 performance grade based on the following scale:

- 10 (1) A school performance score of at least 90 is equivalent to an overall school  
11 performance grade of A.
- 12 (2) A school performance score of at least 80 is equivalent to an overall school  
13 performance grade of B.
- 14 (3) A school performance score of at least 70 is equivalent to an overall school  
15 performance grade of C.
- 16 (4) A school performance score of at least 60 is equivalent to an overall school  
17 performance grade of D.
- 18 (5) A school performance score of less than 60 points is equivalent to an overall  
19 school performance grade of F."  
20

### 21 **PART III. CLARIFY IMPLEMENTATION OF CONTRACTS FOR CERTAIN** 22 **TEACHERS**

23 **SECTION 3.** Section 9.6(g) of S.L. 2013-360 read as rewritten:

24 "**SECTION 9.6.(g)** Beginning September 1, 2013, to June 30, 2014, at the start of the  
25 2014-2015 school year, all superintendents shall review over the course of the school year the  
26 performance and evaluations of all ~~teachers~~ classroom teachers, including performance and  
27 evaluations from prior school years, who have been employed by the local board for at least  
28 three consecutive years. Based on these reviews, the superintendent shall identify and  
29 recommend to the local board twenty-five percent (25%) of those teachers employed by the  
30 local board for at least three consecutive years to be awarded four-year contracts beginning  
31 with the 2014-2015 school year. The superintendent shall not recommend to the local board  
32 any teacher for a four-year contract unless that teacher has shown effectiveness as demonstrated  
33 by proficiency on the teacher evaluation instrument. The local board of education shall review  
34 the superintendent's recommendation and may approve that recommendation or may select  
35 other teachers as part of the twenty-five percent (25%) to offer four-year contracts, but the local  
36 board shall not offer any teacher a four-year contract unless that teacher has shown  
37 effectiveness as demonstrated by proficiency on the teacher evaluation instrument. Contract  
38 offers shall be made and accepted no later than June 30, 2014. A teacher shall cease to be  
39 employed pursuant to G.S. 115C-325 and voluntarily relinquishes career status or any claim of  
40 career status by acceptance of a four-year contract as provided in this section."  
41

### 42 **PART IV. PROVIDE FLEXIBILITY FOR THE TERMS OF PRINCIPAL** 43 **CONTRACTS**

44 **SECTION 4.(a)** G.S. 115C-287.1 reads as rewritten:

45 "**§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**  
46 **and directors.**

47 (a) All persons employed as school administrators shall be employed pursuant to this  
48 section. For purposes of this section, a school administrator includes (i) a principal; (ii) an  
49 assistant principal; (iii) a supervisor; or (iv) a director, whose major function includes the direct  
50 or indirect supervision of teaching or of any other part of the instructional program.

1           (1) ~~All persons employed as school administrators shall be employed pursuant~~  
2           ~~to this section.~~

3           (2) Repealed by Session Laws 2013-360, s. 9.6(d), effective July 1, 2014.

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

5           a. ~~Principal;~~

6           b. ~~Assistant principal;~~

7           c. ~~Supervisor; or~~

8           d. ~~Director,~~

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

11          (4) Repealed by Session Laws 2013-360, s. 9.6(d), effective July 1, 2014.

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

25          ...."

26          **SECTION 4.(b)** G.S. 115C-325(a)(5b) reads as rewritten:

27          "(5b) "School administrator" means a principal, assistant principal, supervisor, or  
28          director whose major function includes the direct or indirect supervision of  
29          teaching or any other part of the instructional program as provided in  
30          ~~G.S. 115C-287.1(a)(3).~~G.S. 115C-287.1(a)."

31          **SECTION 4.(c)** G.S. 115C-325.1(5) reads as rewritten:

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

36          **SECTION 4.(d)** G.S. 115C-333(a) reads as rewritten:

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

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

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

4 **SECTION 4.(e)** G.S. 143B-146.8(a) reads as rewritten:

5 "(a) Annual Evaluations; Low-Performing Schools. – The principal shall evaluate at  
6 least once each year all certificated 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), either the principal or an  
11 assessment team assigned under G.S. 143B-146.9 shall conduct the evaluation. If the employee  
12 is a school administrator as defined under ~~G.S. 115C-287.1(a)(3)~~, G.S. 115C-287.1(a), the  
13 Superintendent shall conduct the evaluation.

14 Notwithstanding this subsection or any other law, the principal shall observe at least three  
15 times annually, a teacher shall observe at least once annually, and the principal shall evaluate at  
16 least once annually, all teachers who have not attained career status. All other employees  
17 defined as teachers under G.S. 115C-325(a)(6) who are assigned to participating schools that  
18 are not designated as low-performing shall be evaluated annually unless the Secretary adopts  
19 rules that allow specified categories of teachers with career status to be evaluated more or less  
20 frequently. The Secretary also may adopt rules requiring the annual evaluation of  
21 noncertificated personnel. This section shall not be construed to limit the duties and authority  
22 of an assistance team assigned to a low-performing school.

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

## 27 **PART V. EFFECTIVE DATE**

28 **SECTION 5.** Except as otherwise provided in this act, this act is effective when it  
29 becomes law and applies beginning with the 2014-2015 school year.  
30