

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 706

Short Title: Facilitate Hiring of Teachers.

(Public)

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Sponsors: Representatives Yongue, Carney, Preston, Johnson (Primary Sponsors); L. Allen, Barnhart, Bell, Brown, Brubaker, Cole, Coleman, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Frye, Gillespie, Glazier, Goforth, Haire, Harrison, Hill, Holmes, Insko, Jones, Justice, Justus, LaRoque, Lucas, Luebke, McGee, McLawhorn, Parmon, Pate, Pierce, Ray, Ross, Sauls, Steen, Stiller, Sutton, Underhill, Warren, Weiss, Wiley, Wilkins, and Womble.

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Referred to: Education.

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March 17, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE  
2 THE HIRING OF TEACHERS.  
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-296 reads as rewritten:

6 "**§ 115C-296. ~~Board sets certification~~ Certification requirements.**

7 (a) State Board of Education Shall Certify Teachers. – The State Board of  
8 Education shall have ~~entire~~ control of certifying all applicants for teaching positions in  
9 all public elementary and high schools of North ~~Carolina~~; and it ~~Carolina~~, subject to  
10 laws enacted by the General Assembly. An applicant must meet the requirements for a  
11 highly qualified teacher under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301,  
12 et seq., to be certified in North Carolina. The State Board shall prescribe the rules and  
13 regulations for the renewal and extension of all certificates and shall determine and fix  
14 the salary for each grade and type of certificate ~~which~~ that it authorizes.

15 ~~The State Board of Education may require an applicant for an initial bachelors~~  
16 ~~degree certificate or graduate degree certificate to demonstrate the applicant's academic~~  
17 ~~and professional preparation by achieving a prescribed minimum score on a standard~~  
18 ~~examination appropriate and adequate for that purpose. The~~

19 (a1) Certification of Beginning In-State and Out-of-State Teachers. – The  
20 certification requirements for an initial bachelors degree certificate or masters degree  
21 certificate for a beginning teacher who has completed an approved program and who is  
22 an in-State applicant or an applicant from another state shall include the following:

1           (1) An applicant for a certificate as an elementary education teacher or a  
2 special education teacher shall demonstrate academic and professional  
3 preparation by either (i) achieving a prescribed minimum score on a  
4 standard examination appropriate and adequate for that purpose or (ii)  
5 otherwise meeting the requirements for a highly qualified teacher  
6 under the No Child Left Behind Act of 2001.

7           (2) An applicant for a certificate in all other areas of certification shall  
8 demonstrate academic and professional preparation by either (i)  
9 achieving a prescribed minimum score on a standard examination  
10 appropriate and adequate for that purpose, (ii) completing an  
11 appropriate academic major, graduate degree, or comparable  
12 coursework, or (iii) otherwise meeting the requirements for a highly  
13 qualified teacher under the No Child Left Behind Act of 2001.

14           (a2) Certification of Teachers from Other States with Less Than Three Years of  
15 Experience. – A teacher from another state who (i) has less than three years of  
16 experience as a full-time classroom teacher, (ii) is fully certified and highly qualified, as  
17 provided in the No Child Left Behind Act of 2001 in that other state; and (iii) is  
18 employed as a teacher by a local school administrative unit in North Carolina, is  
19 deemed to have satisfied the academic and professional preparation required to receive  
20 initial certification in North Carolina, except as otherwise provided in the No Child Left  
21 Behind Act of 2001. The initial certification shall be granted for the period of time  
22 necessary for the teacher to acquire three years of full-time teaching experience in North  
23 Carolina and the other state combined, whichever is longer.

24           (a3) Certification of In-State and Out-of-State Teachers with at Least Three Years  
25 of Experience. – A teacher from North Carolina or another state who (i) has three or  
26 more years of experience as a full-time teacher, (ii) is fully certified and highly qualified  
27 as provided in the No Child Left Behind Act of 2001 in North Carolina or in that other  
28 state, and (iii) is employed as a teacher by a local school administrative unit in North  
29 Carolina is deemed to have satisfied the academic and professional preparation required  
30 to receive continuing certification in North Carolina, except as otherwise provided in  
31 the No Child Left Behind Act of 2001.

32           (a4) Certification of Visiting International Faculty. – The State Board of  
33 Education shall issue an international faculty certificate to an individual on a cultural  
34 exchange visa who (i) has a university degree and a teaching certificate in his or her  
35 country, (ii) is qualified in his or her home country to teach the subjects he or she will  
36 teach, (iii) speaks English proficiently and (iv) meets the definition of highly qualified  
37 under the No Child Left Behind Act of 2001. The certificate shall be granted for the  
38 period of time during which the teacher holds a cultural exchange visa, not to exceed  
39 three consecutive years.

40           An individual on a cultural exchange visa shall not be eligible to receive any other  
41 teacher certificate.

42           (a5) Testing Requirements. – An applicant for teacher certification shall not be  
43 required to take and pass a standard examination except as required by subsection (a1)  
44 of this section or the No Child Left Behind Act of 2001.

1       The State Board of Education shall permit an applicant to fulfill any ~~such~~ testing  
2 requirement before or during the applicant's second year of teaching provided the  
3 applicant took the examination at least once during the first year of teaching. The State  
4 Board of Education shall make any required standard initial certification exam  
5 sufficiently rigorous and raise the prescribed minimum score as necessary to ensure that  
6 each applicant has adequate academic and professional preparation to teach.

7       ~~(a1)~~ The State Board shall adopt policies that establish the minimum scores for  
8 any required standard examinations and other measures necessary to assess the  
9 qualifications of professional personnel as required under subsection ~~(a)~~(a1) of this  
10 ~~section~~section or the No Child Left Behind Act of 2001. For purposes of this  
11 subsection, the State Board shall not be subject to Article 2A of Chapter 150B of the  
12 General Statutes. At least 30 days prior to changing any policy adopted under this  
13 subsection, the State Board shall provide written notice to all North Carolina schools of  
14 education and to all local boards of education. The written notice shall include the  
15 proposed revised policy.

16       ~~(a2)~~(a6) Fees for Teacher Certification. – The State Board of Education shall  
17 impose the following schedule of fees for teacher certification and administrative  
18 changes:

- 19           (1) Application for demographic or administrative changes to a certificate,  
20                 \$30.00.
- 21           (2) Application for a duplicate certificate or for copies of documents in the  
22                 certification files, \$30.00.
- 23           (3) Application for a renewal, extension, addition, upgrade, and variation  
24                 to a certificate, \$55.00.
- 25           (4) Initial application for New, In-State Approved Program Graduate,  
26                 \$55.00.
- 27           (5) Initial application for ~~Out of State certificate,~~ certificate for a teacher  
28                 from another state, \$85.00.
- 29           (6) All other applications, \$85.00.

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

31       (b) Standards for Teacher and School Administrator Education Programs, Entry  
32 into Teacher Education Programs, and Continuing Certification. – It is the policy of the  
33 State of North Carolina to maintain the highest quality teacher education programs and  
34 school administrator programs in order to enhance the competence of professional  
35 personnel certified in North Carolina. To the end that teacher preparation programs are  
36 upgraded to reflect a more rigorous course of study, the State Board of Education, as  
37 lead agency in coordination and cooperation with the University Board of Governors,  
38 the Board of Community Colleges and such other public and private agencies as are  
39 necessary, shall continue to refine the several certification requirements, standards for  
40 approval of institutions of teacher education, standards for institution-based innovative  
41 and experimental programs, standards for implementing consortium-based teacher  
42 education, and standards for improved efficiencies in the administration of the approved  
43 programs. The certification program shall provide for initial certification after  
44 completion of preservice training, continuing certification after three years of teaching

1 experience, and certificate renewal every five years thereafter, until the retirement of the  
2 teacher. The last certificate renewal received prior to retirement shall remain in effect  
3 for five years after retirement.

4 The State Board of Education, as lead agency in coordination with the Board of  
5 Governors of The University of North Carolina and any other public and private  
6 agencies as necessary, shall continue to raise standards for entry into teacher education  
7 programs.

8 The State Board of Education, in consultation with the Board of Governors of The  
9 University of North Carolina, shall evaluate and develop enhanced requirements for  
10 continuing certification. The new requirements shall reflect more rigorous standards for  
11 continuing certification and to the extent possible shall be aligned with quality  
12 professional development programs that reflect State priorities for improving student  
13 achievement.

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

20 The standards for approval of institutions of teacher education shall require that  
21 teacher education programs for students who do not major in special education include  
22 demonstrated competencies in the identification and education of children with learning  
23 disabilities. The State Board of Education shall incorporate the criteria developed in  
24 accordance with G.S. 116-74.21 for assessing proposals under the School Administrator  
25 Training Program into its school administrator program approval standards.

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

32 (b1) Performance Reports for Teacher and School Administrator Education  
33 Programs. – The State Board of Education shall develop a plan to provide a focused  
34 review of teacher education programs and the current process of accrediting these  
35 programs in order to ensure that the programs produce graduates that are well prepared  
36 to teach. The plan shall include the development and implementation of a school of  
37 education performance report for each teacher education program in North Carolina.  
38 The performance report shall include at least the following elements: (i) quality of  
39 students entering the schools of education, including the average grade point average  
40 and average score on preprofessional skills tests that assess reading, writing, math and  
41 other competencies; (ii) graduation rates; (iii) time-to-graduation rates; (iv) average  
42 scores of graduates on professional and content area examination for the purpose of  
43 certification; (v) percentage of graduates receiving initial certification; (vi) percentage  
44 of graduates hired as teachers; (vii) percentage of graduates remaining in teaching for

1 four years; (viii) graduate satisfaction based on a common survey; and (ix) employer  
2 satisfaction based on a common survey. The performance reports shall follow a  
3 common format. The performance reports shall be submitted annually. The State Board  
4 of Education shall develop and implement a plan ~~to be implemented beginning in the~~  
5 ~~1998-99 school year~~ to reward and sanction approved teacher education programs and  
6 masters of education programs and to revoke approval of those programs based on the  
7 performance reports and other criteria established by the State Board of Education.

8 The State Board also shall develop and implement a plan for annual performance  
9 reports for all masters degree programs in education and school administration in North  
10 Carolina. To the extent it is appropriated, the performance report shall include similar  
11 indicators to those developed for the performance report for teacher education  
12 programs. The performance reports shall follow a common format.

13 Both plans for performance reports also shall include a method to provide the annual  
14 performance reports to the Board of Governors of The University of North Carolina, the  
15 State Board of Education, and the boards of trustees of the independent colleges. The  
16 State Board of Education shall review the schools of education performance reports and  
17 the performance reports for masters degree programs in education and school  
18 administration each year the performance reports are submitted. The State Board shall  
19 submit the performance report for the 1999-2000 school year to the Joint Legislative  
20 Education Oversight Committee by December 15, 2000. Subsequent performance  
21 reports shall be submitted to the Joint Legislative Education Oversight Committee on an  
22 annual basis by October 1.

23 (c) Lateral Entry. – It is the policy of the State of North Carolina to encourage  
24 lateral entry into the profession of teaching by skilled individuals from the private  
25 sector. To this end, before the 1985-86 school year begins, the State Board of Education  
26 shall develop criteria and procedures to accomplish the employment of such individuals  
27 as classroom teachers. ~~Regardless of credentials or competence, no one shall begin~~  
28 ~~teaching above the middle level of differentiation.~~ Skilled individuals who choose to  
29 enter the profession of teaching laterally may be granted a ~~provisional~~ alternative  
30 teaching certificate for no more than five ~~three~~ years prior to completing the  
31 requirements for lateral entry and shall be required to obtain certification before  
32 contracting for a ~~sixth~~ fourth year of service with any local administrative unit in this  
33 State.

34 It is further the policy of the State of North Carolina to ensure that local boards of  
35 education can provide the strongest possible leadership for schools based upon the  
36 identified and changing needs of individual schools. To this end, before the 1994-95  
37 school year begins, the State Board of Education shall carefully consider a lateral entry  
38 program for school administrators to ensure that local boards of education will have  
39 sufficient flexibility to attract able candidates.

40 (d) Suspension and Revocation of Certificates. – The State Board shall adopt  
41 rules to establish the reasons and procedures for the suspension and revocation of  
42 certificates. The State Board shall revoke the certificate of a teacher or school  
43 administrator if the State Board receives notification from a local board or the Secretary  
44 of Health and Human Services that a teacher or school administrator has received an

1 unsatisfactory or below standard rating under G.S. 115C-333(d). In addition, the State  
2 Board may revoke or refuse to renew a teacher's certificate when:

- 3 (1) The Board identifies the school in which the teacher is employed as  
4 low-performing under G.S. 115C-105.37 or G.S. 143B-146.5; and
- 5 (2) The State Board shall automatically revoke the certificate of a teacher  
6 or school administrator without the right to a hearing upon receiving  
7 verification of the identity of the teacher or school administrator  
8 together with a certified copy of a criminal record showing that the  
9 teacher or school administrator has entered a plea of guilty or nolo  
10 contendere to or has been finally convicted of any of the following  
11 crimes: Murder in the first or second degree, G.S. 14-17; Conspiracy  
12 or solicitation to commit murder, G.S. 14-18.1; Rape or sexual offense  
13 as defined in Article 7A of Chapter 14 of the General Statutes.  
14 Felonious assault with deadly weapon with intent to kill or inflicting  
15 serious injury, G.S. 14-32; Kidnapping, G.S. 14-39; Abduction of  
16 children, G.S. 14-41; Crime against nature, G.S. 14-177; Incest,  
17 G.S. 14-178 or G.S. 14-179; Employing or permitting minor to assist  
18 in offense against public morality and decency, G.S. 14-190.6;  
19 Dissemination to minors under the age of 16 years, G.S. 14-190.7;  
20 Dissemination to minors under the age of 13 years, G.S. 14-190.8;  
21 Displaying material harmful to minors, G.S. 14-190.14; Disseminating  
22 harmful material to minors, G.S. 14-190.15; First degree sexual  
23 exploitation of a minor, G.S. 14-190.16; Second degree sexual  
24 exploitation of a minor, G.S. 14-190.17; Third degree sexual  
25 exploitation of a minor, G.S. 14-190.17A; Promoting prostitution of a  
26 minor, G.S. 14-190.18; Participating in prostitution of a minor,  
27 G.S. 14-190.19; Taking indecent liberties with children,  
28 G.S. 14-202.1; Solicitation of child by computer to commit an  
29 unlawful sex act, G.S. 14-202.3; Taking indecent liberties with a  
30 student, G.S. 14-202.4; Prostitution, G.S. 14-204; and child abuse  
31 under G.S. 14-318.4. The Board shall mail notice of its intent to act  
32 pursuant to this subdivision by certified mail, return receipt requested,  
33 directed to the teacher or school administrator at their last known  
34 address. The notice shall inform the teacher or school administrator  
35 that it will revoke the person's certificate unless the teacher or school  
36 administrator notifies the Board in writing within 10 days after receipt  
37 of the notice that the defendant identified in the criminal record is not  
38 the same person as the teacher or school administrator. If the teacher or  
39 school administrator provides this written notice to the Board, the  
40 Board shall not revoke the certificate unless it can establish as a fact  
41 that the defendant and the teacher or school administrator are the same  
42 person.
- 43 (3) In addition, the State Board may revoke or refuse to renew a teacher's  
44 certificate when:

- 1           a.     The Board identifies the school in which the teacher is  
2                 employed as low-performing under G.S. 115C-105.37 or  
3                 G.S. 143B-146.5; and
- 4           b.     The assistance team assigned to that school makes the  
5                 recommendation to revoke or refuse to renew the teacher's  
6                 certificate for one or more reasons established by the State  
7                 Board in its rules for certificate suspension or revocation.

8           The State Board may issue subpoenas for the purpose of obtaining documents or the  
9           testimony of witnesses in connection with proceedings to suspend or revoke certificates.  
10          In addition, the Board shall have the authority to contract with individuals who are  
11          qualified to conduct investigations in order to obtain all information needed to assist the  
12          Board in the proper disposition of allegations of misconduct by certificated persons.

13          (e)    Mentor Program. – The State Board of Education shall develop a mentor  
14          program to provide ongoing support for teachers entering the profession. In developing  
15          the mentor program, the State Board shall conduct a comprehensive study of the needs  
16          of new teachers and how those needs can be met through an orientation and mentor  
17          support program. For the purpose of helping local boards to support new teachers, the  
18          State Board shall develop and distribute guidelines which address optimum teaching  
19          load, extracurricular duties, student assignment, and other working condition  
20          considerations. These guidelines shall provide that initially certified teachers not be  
21          assigned extracurricular activities unless they request the assignments in writing and  
22          that other noninstructional duties of these teachers be minimized. The State Board shall  
23          develop and coordinate a mentor teacher training program. The State Board shall  
24          develop criteria for selecting excellent, experienced, and qualified teachers to be  
25          participants in the mentor teacher training program.

26          (f)    Masters/Advanced Competencies Certificate. – The State Board of Education,  
27          after consultation with the Board of Governors of The University of North Carolina,  
28          shall develop a new category of teacher certificate known as the "Masters/Advanced  
29          Competencies" certificate. To receive this certificate, an applicant shall successfully  
30          complete a masters degree program that includes rigorous academic preparation in the  
31          subject area which the applicant will teach and in the skills and knowledge expected of  
32          a master teacher or the applicant shall demonstrate to the satisfaction of the State Board  
33          that the candidate has acquired the skills and knowledge expected of a master teacher.

34          Persons who qualify for a "G" certificate prior to September 1, 2000, shall be  
35          awarded a "Masters/Advanced Competencies" certificate without meeting additional  
36          requirements. On and after September 1, 2000, no additional "G" certificates shall be  
37          awarded.

38          (g)    Provisional Licenses, Temporary Permits, and Emergency Permits. –  
39          Notwithstanding any other provision of this section, the State Board of Education shall  
40          continue to issue provisional licenses, temporary permits, and emergency permits that  
41          are valid through June 30, 2006, on the same basis as they were issued prior to the date  
42          this act becomes law."

1           **SECTION 2.** This act is effective when it becomes law and applies to all  
2 persons initially employed as teachers by a local school administrative unit in North  
3 Carolina for the 2005-2006 school year.