

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

1

SENATE BILL 795

Short Title: Excellent Public Schools Act. (Public)

Sponsors: Senators Apodaca, P. Berger, Tillman; Allran, Bingham, Blake, Brock, Brown, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Meredith, Newton, Pate, Rabon, Rouzer, Rucho, Soucek, and Stevens.

Referred to: Education/Higher Education.

April 25, 2012

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR START AND END DATES; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPUS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; END TENURE; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

The General Assembly of North Carolina enacts:

PART I. IMPROVE K-3 LITERACY

SECTION 1.(a) G.S. 115C-81.2 is repealed.

SECTION 1.(b) Article 8 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 1A. North Carolina Read to Achieve Program.

"§ 115C-83.1A. State goal.

The goal of the State is to ensure that every student read at or above grade level by the end of third grade and continue to progress in reading proficiency so that he or she can read, comprehend, integrate, and apply complex texts needed for secondary education and career success.

"§ 115C-83.1B. Purposes.

(a) The purposes of this Part are to ensure that (i) difficulty with reading development is identified as early as possible; (ii) students receive appropriate instructional and support services to address difficulty with reading development and to remediate reading deficiencies; and (iii) each student and his or her parent or guardian be continuously informed of the student's academic needs and progress.

(b) In addition to the purposes listed in subsection (a) of this section, the purpose of this Part is to determine that progression from one grade to another be based, in part, upon proficiency in reading.

"§ 115C-83.1C. Definitions.

The following definitions apply in this Part:



- 1 (1) "Accelerated reading class" means a class where focused instructional
2 supports and services are provided to increase a student's reading level at
3 least two grades in one school year.
- 4 (2) "Alternative assessment" means a valid and reliable standardized assessment
5 of reading comprehension, approved by the State Board of Education, that is
6 not the same test as the State approved standardized test of reading
7 comprehension administered to third grade students.
- 8 (3) "Instructional supports and services" mean intentional strategies used with a
9 majority of students to facilitate reading development and remediate
10 emerging difficulty with reading development. Instructional supports and
11 services include, but are not limited to, small group instruction, reduced
12 teacher-student ratios, frequent progress monitoring, and extended learning
13 time.
- 14 (4) "Difficulty with reading development" means not demonstrating appropriate
15 developmental abilities in any of the major reading areas, including, but not
16 limited to, oral language, phonological or phonemic awareness, vocabulary,
17 fluency, or comprehension, according to observation-based, diagnostic, or
18 formative assessments.
- 19 (5) "Reading interventions" mean evidence-based strategies frequently used to
20 remediate reading deficiencies and include, but are not limited to, individual
21 instruction, tutoring, or mentoring that target specific reading skills and
22 abilities.
- 23 (6) "Reading proficiency" means reading at or above the third grade level by the
24 end of a student's third grade year, demonstrated by the results of the
25 State-approved standardized test of reading comprehension administered to
26 third grade students.
- 27 (7) "Reading deficiency" means not reading at the third grade level by the end of
28 the student's third grade year, demonstrated by the results of the
29 State-approved standardized test of reading comprehension administered to
30 third grade students.
- 31 (8) "Student reading portfolio" means a compilation of independently produced
32 student work selected by the student's teacher, and signed by the teacher and
33 principal, as an accurate picture of the student's reading ability. The student
34 reading portfolio shall include an organized collection of evidence of the
35 student's mastery of the State's reading standards that are assessed by the
36 State-approved standardized test of reading comprehension administered to
37 third grade students. For each benchmark, there shall be three examples of
38 student work demonstrating mastery by a grade of seventy percent (70%) or
39 above.
- 40 (9) "Summer reading camp" means an additional educational program outside of
41 the instructional calendar provided by the local school administrative unit to
42 any student who does not demonstrate reading proficiency. Parents or
43 guardians of the student not demonstrating reading proficiency shall make
44 the final decision regarding the student's summer camp attendance. Summer
45 camps shall (i) be six to eight weeks long, four or five days per week; (ii)
46 include at least five and one-half hours of instructional time per day; (iii) be
47 taught by compensated, licensed teachers selected based on demonstrated
48 student outcomes in reading proficiency; and (iv) allow volunteer mentors to
49 read with students.
- 50 (10) "Transitional third and fourth class combination" means a classroom
51 specifically designed to produce learning gains sufficient to meet fourth

1 grade performance standards while continuing to remediate areas of reading
2 deficiency.

3 **"§ 115C-83.1D. Comprehensive plan for reading achievement.**

4 (a) The State Board of Education shall develop, implement, and continuously evaluate a
5 comprehensive plan to improve reading achievement in the public schools. The plan shall be
6 based on reading instructional practices with strong evidence of effectiveness in current
7 empirical research in reading development. The plan shall be developed with the active
8 involvement of teachers, college and university educators, parents and guardians of students,
9 and other interested parties. The plan shall, when appropriate to reflect research, include
10 revision of the standard course of study or other curricular standards, revision of teacher
11 licensure and renewal standards, and revision of teacher education program standards.

12 (b) The State Board of Education shall report biennially to the Joint Legislative
13 Education Oversight Committee by October 1 of each even-numbered year on the
14 implementation, evaluation, and revisions to the comprehensive plan for reading achievement
15 and shall include recommendations for legislative changes to enable implementation of current
16 empirical research in reading development.

17 **"§ 115C-83.1E. Developmental screening and kindergarten entry assessment.**

18 (a) The State Board of Education shall ensure that every student entering kindergarten
19 shall be administered a developmental screening of early language, literacy, and math skills
20 within 30 days of enrollment.

21 (b) The State Board of Education shall ensure that every student entering kindergarten
22 shall complete a kindergarten entry assessment within 60 days of enrollment.

23 (c) The developmental screening instrument may be composed of subsections of the
24 kindergarten entry assessment.

25 (d) The kindergarten entry assessment shall address the five essential domains of school
26 readiness: language and literacy development, cognition and general knowledge, approaches
27 toward learning, physical well-being and motor development, and social and emotional
28 development.

29 (e) The kindergarten entry assessment shall be (i) administered at the classroom level in
30 all local school administrative units; (ii) aligned to North Carolina's early learning and
31 development standards and to the standard course of study; and (iii) reliable, valid, and
32 appropriate for use with all children, including those with disabilities and those who are
33 English language learners.

34 (f) The results of the developmental screening and the kindergarten entry assessment
35 shall be used to inform the following:

36 (1) The status of children's learning at kindergarten entry.

37 (2) Instruction of each child.

38 (3) Efforts to reduce the achievement gap at kindergarten entry.

39 (4) Continuous improvement of the early childhood system.

40 **"§ 115C-83.1F. Facilitating early grade reading proficiency.**

41 (a) Kindergarten, first, second, and third grade students shall be assessed with valid,
42 reliable, formative, and diagnostic reading assessments made available to local school
43 administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a).
44 Difficulty with reading development identified through administration of formative and
45 diagnostic assessments shall be addressed with instructional supports and services. To the
46 greatest extent possible, kindergarten through third grade reading assessments shall yield data
47 that can be used with the Education Value Added Assessment System (EVAAS), or a
48 compatible and comparable system approved by the State Board of Education, to analyze
49 student data to identify root causes for difficulty with reading development and to determine
50 actions to address them.

1 (b) Formative and diagnostic assessments and resultant instructional supports and
2 services shall address oral language, phonological and phonemic awareness, phonics,
3 vocabulary, fluency, and comprehension using developmentally appropriate practices.

4 (c) Local school administrative units are encouraged to partner with community
5 organizations, businesses, and other groups to provide volunteers, mentors, or tutors to assist
6 with the provision of instructional supports and services that enhance reading development and
7 proficiency.

8 **"§ 115C-83.1G. Elimination of social promotion.**

9 (a) The State Board of Education shall require that a student be retained in the third
10 grade if the student fails to demonstrate reading proficiency appropriate for a third grade
11 student, as demonstrated on a State-approved standardized test of reading comprehension
12 administered to third grade students. The test may be re-administered once prior to the end of
13 the school year.

14 (b) Students may be exempt from mandatory retention in third grade for good cause but
15 shall continue to receive instructional supports and services and reading interventions
16 appropriate for their age and reading level. Good cause exemptions shall be limited to the
17 following:

18 (1) Limited English Proficient students with less than two years of instruction in
19 an English as a Second Language program.

20 (2) Students with disabilities, as defined in G.S. 115C-106.3(1), whose
21 individualized education program indicates the use of alternative
22 assessments and reading interventions.

23 (3) Students who demonstrate reading proficiency appropriate for third grade
24 students on an alternative assessment approved by the State Board of
25 Education. Teachers may administer the alternative assessment following the
26 administration of the State-approved standardized test of reading
27 comprehension typically given to third grade students at the end of the
28 school year, or after a student's participation in the local school
29 administrative unit's summer reading camp.

30 (4) Students who demonstrate, through a student reading portfolio, reading
31 proficiency appropriate for third grade students. Teachers may submit the
32 student reading portfolio at the end of the school year, or after a student's
33 participation in the local school administrative unit's summer reading camp.
34 The student reading portfolio and review process shall be established by the
35 State Board of Education.

36 (5) Students who have (i) received reading intervention and (ii) previously been
37 retained more than once.

38 (c) The superintendent shall determine whether a student may be exempt from
39 mandatory retention on the basis of a good cause exemption. The following steps shall be taken
40 in making the determination:

41 (1) The teacher of a student eligible for a good cause exemption shall submit
42 documentation of the relevant exemption and evidence that promotion of the
43 student is appropriate based on the student's academic record to the
44 principal. Such evidence shall be limited to the student's personal education
45 plan, individual education program, if applicable, alternative assessment, or
46 student reading portfolio.

47 (2) The principal shall review the documentation and make an initial
48 determination whether the student should be promoted. If the principal
49 determines the student should be promoted, the principal shall make a
50 written recommendation of promotion to the superintendent for final

determination. The superintendent's acceptance or rejection of the recommendation shall be in writing.

"§ 115C-83.1H. Successful reading development for retained students.

(a) Students not demonstrating reading proficiency shall be enrolled in a summer reading camp provided by the local school administrative unit prior to being retained. Students who demonstrate reading proficiency on an alternative assessment of reading comprehension or student reading portfolio after completing a summer reading camp shall be promoted to the fourth grade. Students who do not demonstrate reading proficiency on these measures after completing a summer reading camp shall be retained under G.S. 115C-83.1G(a) and provided with the instruction listed in subsection (b) of this section during the retained year.

(b) Students retained under G.S. 115C-83.1G(a) shall be provided with a teacher selected based on demonstrated student outcomes in reading proficiency and placed in an accelerated reading class or a transitional third and fourth grade class combination, as appropriate. Classroom instruction shall include at least 90 minutes of daily, uninterrupted, evidence-based reading instruction, not to include independent reading time, and other appropriate instructional supports and services and reading interventions.

(c) The State Board of Education shall establish a midyear promotion policy for any student retained under G.S. 115C-83.1G(a) who, by November 1, demonstrates reading proficiency through administration of the alternative assessment of reading comprehension, or student reading portfolio review.

(d) Parents or guardians of students who have been retained once under the provisions of G.S. 115C-83.1G(a) shall be provided with a plan for reading at home, including participation in shared and guided reading workshops for the parent or guardian, and outlined in a parental or guardian contract.

(e) Parents or guardians of students who have been retained twice under the provisions of G.S. 115C-83.1G(a) shall be offered supplemental tutoring for the retained student in evidence-based reading services outside the instructional day.

"§ 115C-83.1I. Notification requirements to parents and guardians.

(a) Parents or guardians shall be notified in writing, and in a timely manner, that the student shall be retained, unless he or she is exempt from mandatory retention for good cause, if the student is not demonstrating reading proficiency by the end of third grade. Parents or guardians shall receive this notice when a kindergarten, first, second or third grade student (i) is demonstrating difficulty with reading development; (ii) is not reading at grade level; or (iii) has a personal education plan under G.S. 115C-105.41.

(b) Parents or guardians of any student who is to be retained under the provisions of G.S. 115C-83.1G(a) shall be notified in writing of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.1G(b). Written notification shall also include a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency.

(c) Parents or guardians of students retained under G.S. 115C-83.1G(a) shall receive at least monthly written reports on student progress towards reading proficiency. The evaluation of the student's progress shall be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

(d) Teachers and principals shall provide opportunities to discuss with parents and guardians the notifications listed in this section.

"§ 115C-83.1J. Accountability measures.

(a) Each local board of education shall publish annually on a Web site maintained by that local school administrative unit and report in writing to the State Board of Education by September 1 of each year the following information on the prior school year:

- 1 (1) The number and percentage of third grade students demonstrating and not
2 demonstrating reading proficiency on the State-approved standardized test of
3 reading comprehension administered to third grade students.
4 (2) The number and percentage of third grade students who take and pass the
5 alternative assessment of reading comprehension.
6 (3) The number and percentage of third grade students retained for not
7 demonstrating reading proficiency.
8 (4) The number and percentage of third grade students exempt from mandatory
9 third grade retention by category of exemption as listed in
10 G.S. 115C-83.1G(b).

11 (b) Each local board of education shall report annually in writing to the State Board of
12 Education by September 1 of each year a description of all reading interventions provided to
13 students who have been retained under G.S. 115C-83.1G(a).

14 (c) The State Board of Education shall establish a uniform format for local boards of
15 education to report the required information listed in subsections (a) and (b) of this section and
16 shall provide the format to local boards of education no later than 90 days prior to the annual
17 due date. The State Board of Education shall compile annually this information and submit a
18 State-level summary to the Governor, the President Pro Tempore of the Senate, the Speaker of
19 the House of Representatives, and the Joint Legislative Education Oversight Committee by
20 October 1 of each year, beginning with the 2014-2015 school year.

21 (d) The State Board of Education and the Department of Public Instruction shall
22 provide technical assistance as needed to aid local school administrative units to implement all
23 provisions of this Part."

24 **SECTION 1.(c)** G.S. 115C-105.27(b)(1a) is repealed.

25 **SECTION 1.(d)** G.S. 115C-105.41 reads as rewritten:

26 **"§ 115C-105.41. Students who have been placed at risk of academic failure; personal**
27 **education plans.**

28 In order to implement Part 1A of Article 8 of this Chapter, ~~Local~~ local school
29 administrative units shall identify students who are at risk for academic failure and who are not
30 successfully progressing toward grade promotion and graduation, beginning ~~no later than the~~
31 ~~fourth grade in kindergarten.~~ Identification shall occur as early as can reasonably be done and
32 can be based on grades, observations, diagnostic and formative assessments, State assessments,
33 and other factors, including reading on grade level, that impact student performance that
34 teachers and administrators consider appropriate, without having to await the results of
35 end-of-grade or end-of-course tests. No later than the end of the first quarter, or after a teacher
36 has had up to nine weeks of instructional time with a student, a personal education plan for
37 academic improvement with focused intervention and performance benchmarks shall be
38 developed or updated for any student at risk of academic failure who is not performing at least
39 at grade level, as identified by the State end-of-grade test and other factors noted above.
40 Focused instructional supports and services, reading ~~intervention~~ interventions and accelerated
41 activities should include ~~research-based best-evidence-based~~ practices that meet the needs of
42 students and may include coaching, mentoring, tutoring, summer school, Saturday school, and
43 extended days. Local school administrative units shall provide these activities free of charge to
44 students. Local school administrative units shall also provide transportation free of charge to all
45 students for whom transportation is necessary for participation in these activities.

46 Local school administrative units shall give notice of the personal education plan and a
47 copy of the personal education plan to the student's parent or guardian. Parents should be
48 included in the implementation and ongoing review of personal education plans.

49 Local school administrative units shall certify that they have complied with this section
50 annually to the State Board of Education. The State Board of Education shall periodically

1 review data on the progress of identified students and report to the Joint Legislative Education
2 Oversight Committee.

3 No cause of action for monetary damages shall arise from the failure to provide or
4 implement a personal education plan under this section."

5 **SECTION 1.(e)** G.S. 115C-174.11(a) reads as rewritten:

6 "(a) Assessment Instruments for ~~First and Second Grades~~. Kindergarten, First, Second,
7 and Third Grades. – The State Board of Education shall ~~adopt~~ develop, adopt, and provide to
8 the local school administrative units developmentally appropriate individualized assessment
9 instruments consistent with the Basic Education Program and Part 1A of Article 8 of this
10 Chapter for the first and second grades, rather than standardized tests, kindergarten, first,
11 second, and third grades. Local school administrative units ~~may~~ shall use these assessment
12 instruments provided to them by the State Board for ~~first and second grade students,~~
13 kindergarten, first, second, and third grade students to assess progress, diagnose difficulties,
14 and to inform instruction and remediation needs. ~~and~~ Local school administrative units shall not
15 use standardized tests for summative assessment of kindergarten, first, and second grade
16 students except as required as a condition of receiving federal grants."

17 **SECTION 1.(f)** G.S. 115C-238.29F is amended by adding a new subsection to
18 read:

19 "(d1) Reading Proficiency and Student Promotion. –

20 (1) Students in the third grade shall be retained if the student fails to
21 demonstrate reading proficiency by reading at or above the third grade level
22 as demonstrated by the results of the State-approved standardized test of
23 reading comprehension administered to third grade students. The charter
24 school shall provide reading interventions to retained students to remediate
25 reading deficiency, which may include 90 minutes of daily, uninterrupted,
26 evidence-based reading instruction, accelerated reading classes, transition
27 classes containing third and fourth grade students, and summer reading
28 camp.

29 (2) Students may be exempt from mandatory retention in third grade for good
30 cause but shall continue to receive instructional supports and services and
31 reading interventions appropriate for their age and reading level. Good cause
32 exemptions shall be limited to the following:

33 a. Limited English Proficient students with less than two years of
34 instruction in an English as a Second Language program.

35 b. Students with disabilities, as defined in G.S. 115C-106.3(1), whose
36 individualized education program indicates the use of alternative
37 assessments and reading interventions.

38 c. Students who demonstrate reading proficiency appropriate for third
39 grade students on an alternative assessment of reading
40 comprehension. The charter school shall notify the State Board of
41 Education of the alternative assessment used to demonstrate reading
42 proficiency.

43 d. Students who demonstrate, through a student reading portfolio,
44 reading proficiency appropriate for third grade students.

45 e. Students who have received reading interventions and have
46 previously been retained more than once.

47 (3) The charter school shall provide notice to parents and guardians when a
48 student is not reading at grade level. The notice shall state that if the
49 student's reading deficiency is not remediated by the end of third grade, the
50 student shall be retained unless he or she is exempt from mandatory
51 retention for good cause. Notice shall also be provided to parents and

1 guardians of any student who is to be retained under this subsection of the
2 reason the student is not eligible for a good cause exemption, as well as a
3 description of proposed reading interventions that will be provided to the
4 student to remediate identified areas of reading deficiency.

5 (4) The charter school shall annually publish on the charter school's Web site
6 and report in writing to the State Board of Education by September 1 of each
7 year the following information on the prior school year:

8 a. The number and percentage of third grade students demonstrating
9 and not demonstrating reading proficiency on the State-approved
10 standardized test of reading comprehension administered to third
11 grade students.

12 b. The number and percentage of third grade students not demonstrating
13 reading proficiency and who do not return to the charter school for
14 the following school year.

15 c. The number and percentage of third grade students who take and
16 pass the alternative assessment of reading comprehension.

17 d. The number and percentage of third grade students retained for not
18 demonstrating reading proficiency.

19 e. The number and percentage of third grade students exempt from
20 mandatory third grade retention by category of exemption as listed in
21 subdivision (2) of this subsection."

22 **SECTION 1.(g)** G.S. 115C-288(a) reads as rewritten:

23 "(a) To Grade and Classify Pupils. – The principal shall have authority to grade and
24 classify ~~pupils~~pupils, except as provided in G.S. 115C-83.1G(a). In determining the appropriate
25 grade for a pupil who is already attending a public school, the principal shall consider the
26 pupil's classroom work and grades, the pupil's scores on standardized tests, and the best
27 educational interests of the pupil. The principal shall not make the decision solely on the basis
28 of standardized test scores. If a principal's decision to retain a child in the same grade is
29 partially based on the pupil's scores on standardized tests, those test scores shall be verified as
30 accurate.

31 A principal shall not require additional testing of a student entering a public school from a
32 school governed under Article 39 of this Chapter if test scores from a nationally standardized
33 test or nationally standardized equivalent measure that are adequate to determine the
34 appropriate placement of the child are available."

35 **SECTION 1.(h)** G.S. 130A-440(b) reads as rewritten:

36 "(b) A health assessment shall include a medical history and physical examination with
37 screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. Vision
38 screening shall be conducted in accordance with G.S. 130A-440.1. The health assessment may
39 also include dental screening and developmental screening for cognition, language, and motor
40 function. The developmental screening of cognition and language abilities may be conducted in
41 accordance with G.S. 115C-83.1E(a)."

42 **SECTION 1.(i)** There is appropriated from the General Fund to the Department of
43 Public Instruction the sum of thirty-four million eighty-seven thousand six hundred fifty dollars
44 (\$34,087,650) for the 2012-2013 fiscal year to implement the requirements of this section. It is
45 the intent of the General Assembly to increase this appropriation for the 2013-2014 fiscal year
46 to implement additional requirements in that fiscal year.

47 **SECTION 1.(j)** This section is effective when it becomes law and applies
48 beginning with the 2013-2014 school year. The kindergarten entry assessment required by this
49 section shall be administered beginning with the 2014-2015 school year.

51 **PART II. STATE EMPLOYEE LITERACY VOLUNTEER LEAVE TIME**

1
2 **SECTION 2.(a)** G.S. 126-4 reads as rewritten:

3 **"§ 126-4. Powers and duties of State Personnel Commission.**

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

6 ...
7 **(5b)** A leave program that allows employees to volunteer in a literacy program in
8 a public school for up to five hours each month.

9 "

10 **SECTION 2.(b)** This section is effective when it becomes law.

11
12 **PART III. SCHOOL PERFORMANCE GRADES**

13
14 **SECTION 3.(a)** G.S. 115C-12(9)c1. reads as rewritten:

15 "c1. To issue an annual "report card" for the State and for each local
16 school administrative unit, assessing each unit's efforts to improve
17 student performance based on the growth in performance of the
18 students in each school and taking into account progress over the
19 previous years' level of performance and the State's performance in
20 comparison with other states. This assessment shall take into account
21 factors that have been shown to affect student performance and that
22 the State Board considers relevant to assess the State's efforts to
23 improve student performance. As a part of the annual "report card"
24 for each local school administrative unit, the State Board shall award
25 an overall school performance grade of A, B, C, D, or F earned by
26 each school within the local school administrative unit. The school
27 performance grade shall reflect student performance on annual
28 subject specific assessments, college and workplace readiness
29 measures, and graduation rates. For schools serving students in any
30 grade from kindergarten to eighth grade, separate performance
31 grades shall also be awarded based on the school performance in
32 literacy and mathematics respectively. The annual "report card" for
33 schools serving students in third grade also shall include the number
34 and percentage of third grade students who (i) take and pass the
35 alternative assessment of reading comprehension; (ii) were retained
36 in third grade for not demonstrating reading proficiency as indicated
37 in G.S. 115C-83.1G(a); and (iii) were exempt from mandatory third
38 grade retention by category of exemption as listed in
39 G.S. 115C-83.1G(b)."

40 **SECTION 3.(b)** G.S. 115C-47(58) reads as rewritten:

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

1 **SECTION 3.(c)** G.S. 115C-238.29F is amended by adding a new subsection to
2 read:

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

9 **SECTION 3.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to
10 read:

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 grade
15 earned by the regional school is prominently displayed on the school Web
16 site. If a regional school is awarded a grade of D or F, the regional school
17 shall provide notice of the grade in writing to the parent or guardian of all
18 students enrolled in that school."

19 **SECTION 3.(e)** The State Board of Education shall award school performance
20 grades as required by G.S. 115C-12(9)c1. based on the following criteria.

21 (1) The overall school performance grade earned by schools serving students in
22 kindergarten through eighth grade shall be calculated based on the sum of
23 three school performance grade point elements.

24 a. The grade shall be calculated as follows:

- 25 1. One point for each percent of students who score at or above
26 proficient on annual assessments for mathematics in grades
27 three through eight.
- 28 2. One point for each percent of students who score at or above
29 proficient on annual assessments for English Language Arts
30 in grades three through eight.
- 31 3. One point for each percent of students who score at or above
32 proficient on annual assessments for science in grades five
33 and eight.

34 b. The following scale shall be applied for award of grades:

- 35 1. At least 270 performance grade points for an overall school
36 performance grade of A.
- 37 2. At least 240 performance grade points for an overall school
38 performance grade of B.
- 39 3. At least 210 performance grade points for an overall school
40 performance grade of C.
- 41 4. At least 180 performance grade points for an overall school
42 performance grade of D.
- 43 5. A school that accumulates less than 180 points shall be
44 assigned an overall school performance grade of F.

45 (2) The school performance grades in literacy and mathematics, respectively, for
46 schools serving students in kindergarten through eighth grade shall be earned
47 as follows:

48 a. The literacy school performance grade shall be based on the percent
49 of students who score at or above proficient on annual assessments
50 for English Language Arts assessments in grades three through eight.

- 1 b. The mathematics school performance grade shall be based on the
2 percent of students who score at or above proficient on annual
3 assessments for mathematics in grades three through eight.
- 4 c. The school performance grades awarded for literacy and
5 mathematics, respectively, shall be awarded on the following scale:
6 1. At least 90 performance grade points for an overall school
7 performance grade of A.
8 2. At least 80 performance grade points for an overall school
9 performance grade of B.
10 3. At least 70 performance grade points for an overall school
11 performance grade of C.
12 4. At least 60 performance grade points for an overall school
13 performance grade of D.
14 5. A school that accumulates less than 60 points shall be
15 assigned an overall school performance grade of F.
- 16 (3) The overall school performance grade earned by schools serving students in
17 ninth through twelfth grade shall be calculated based on the sum of seven
18 school performance grade point elements.
- 19 a. The grade shall be calculated as follows:
20 1. One point for each percent of students who score at or above
21 proficient on annual assessments for mathematics.
22 2. One point for each percent of students who score at or above
23 proficient on annual assessments for English.
24 3. One point for each percent of students who score at or above
25 proficient on annual assessments for biology.
26 4. One point for each percent of students who complete a
27 higher-level mathematics class with a passing grade.
28 5. One point for each percent of students who score at or above
29 a level demonstrating college readiness on a nationally
30 normed test of college readiness.
31 6. One point for each percent of students who graduate within
32 four years of entering high school.
33 7. One point for each percent of students who demonstrate
34 workplace readiness on a nationally normed test of workplace
35 readiness.
- 36 b. The following scale shall be applied for award of grades:
37 1. At least 630 performance grade points for an overall school
38 performance grade of A.
39 2. At least 560 performance grade points for an overall school
40 performance grade of B.
41 3. At least 490 performance grade points for an overall school
42 performance grade of C.
43 4. At least 420 performance grade points for an overall school
44 performance grade of D.
45 5. A school that accumulates less than 420 points shall be
46 assigned an overall school performance grade of F.
- 47 (4) In calculating the overall school performance grade earned by schools, the
48 State Board of Education shall proportionally adjust the scale to account for
49 the absence of a school performance grade element for award of grades to a
50 school that does not have a measure of one of the school performance grade
51 elements annually assessed for the grades taught at that school.

- 1 (5) The State Board of Education shall report to the Joint Legislative Education
2 Oversight Committee annually by January 15 on recommended adjustments
3 to the school performance grade point elements and scale for award of
4 grades.

5 **SECTION 3.(f)** This section is effective when it becomes law and applies
6 beginning with the 2012-2013 school year.

7 8 **PART IV. MAXIMIZE INSTRUCTIONAL TIME**

9
10 **SECTION 4.(a)** G.S. 115C-174.12(a) reads as rewritten:

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

- 16 (1) Schools shall devote no more than two days of instructional time per year to
17 the taking of practice tests that do not have the primary purpose of assessing
18 current student learning;
- 19 (2) Students in a school shall not be subject to field tests or national tests during
20 the two-week period preceding the administration of end-of-grade tests,
21 end-of-course tests, or the school's regularly scheduled final exams; and
- 22 (3) No school shall participate in more than two field tests at any one grade level
23 during a school year ~~unless that school volunteers, through a vote of its~~
24 ~~school improvement team, to participate in an expanded number of field~~
25 ~~tests-year.~~
- 26 (4) All annual assessments of student achievement adopted by the State Board
27 of Education pursuant to G.S. 115C-174.11(c)(1) and (3) and all final exams
28 for courses shall be administered within the final 10 instructional days of the
29 school year for year-long courses and within the final five instructional days
30 of the school year for semester courses. Exceptions shall be permitted to
31 accommodate a student's individualized education program and section 504
32 (29 U.S.C. § 794) plans.

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

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

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

47 48 **PART V. ADJUSTMENTS TO SCHOOL CALENDAR START AND END DATES**

49
50 **SECTION 5.(a)** G.S. 115C-84.2(d) reads as rewritten:

1 "(d) Opening and Closing Dates. – Local boards of education shall determine the dates
2 of opening and closing the public schools under subdivision (a)(1) of this section. Except for
3 year-round schools, the opening date for students shall not be before ~~August 25,~~the next to the
4 last Monday in August, and the closing date for students shall not be after ~~June 10,~~the second
5 Friday in June. On a showing of good cause, the State Board of Education may waive this
6 requirement to the extent that school calendars are able to provide sufficient days to
7 accommodate anticipated makeup days due to school closings. A local board may revise the
8 scheduled closing date if necessary in order to comply with the minimum requirements for
9 instructional days or instructional time. For purposes of this subsection, the term "good cause"
10 means either that:

- 11 (1) Schools in any local school administrative unit in a county have been closed
12 eight days per year during any four of the last 10 years because of severe
13 weather conditions, energy shortages, power failures, or other emergency
14 situations; or
- 15 (2) Schools in any local school administrative unit in a county have been closed
16 for all or part of eight days per year during any four of the last 10 years
17 because of severe weather conditions. For purposes of this subdivision, a
18 school shall be deemed to be closed for part of a day if it is closed for two or
19 more hours.

20 The State Board also may waive this requirement for an educational purpose. The term
21 "educational purpose" means a local school administrative unit establishes a need to adopt a
22 different calendar for (i) a specific school to accommodate a special program offered generally
23 to the student body of that school, (ii) a school that primarily serves a special population of
24 students, or (iii) a defined program within a school. The State Board may grant the waiver for
25 an educational purpose for that specific school or defined program to the extent that the State
26 Board finds that the educational purpose is reasonable, the accommodation is necessary to
27 accomplish the educational purpose, and the request is not an attempt to circumvent the
28 opening and closing dates set forth in this subsection. The waiver requests for educational
29 purposes shall not be used to accommodate system-wide class scheduling preferences.

30 ~~The required opening and closing dates under this subsection shall not apply to any school
31 that a local board designated as having a modified calendar for the 2003-2004 school year or to
32 any school that was part of a planned program in the 2003-2004 school year for a system of
33 modified calendar schools, so long as the school operates under a modified calendar."~~

34 **SECTION 5.(b)** This section is effective when it becomes law and applies
35 beginning with the 2012-2013 school year.
36

37 **PART VI. FUNDING FOR THE ADDITION OF FIVE INSTRUCTIONAL DAYS** 38 **WITHIN THE EXISTING SCHOOL CALENDAR** 39

40 **SECTION 6.(a)** To fully provide for the expansion of five additional instructional
41 days in accordance with S.L. 2011-145, Section 7.29:

- 42 (1) There is appropriated from the General Fund to the Department of Public
43 Instruction the sum of one million two hundred thousand dollars
44 (\$1,200,000) for the 2012-2013 fiscal year to increase the amount
45 appropriated for the noninstructional support personnel allotment.
- 46 (2) There is appropriated from the General Fund to the Department of Public
47 Instruction the sum of ten million one hundred fifty thousand dollars
48 (\$10,150,000) for the 2012-2013 fiscal year to increase the amount
49 appropriated for the transportation allotment.

50 **SECTION 6.(b)** This section becomes effective July 1, 2012.
51

PART VII. ESTABLISH NC TEACHER CORPS

SECTION 7.(a) Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-296.7. North Carolina Teacher Corps.

(a) There is established the North Carolina Teacher Corps (NC Teacher Corps) to recruit and place recent graduates of colleges and universities and mid-career professionals as teachers in high needs public schools.

(b) The State Board of Education, in consultation with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities, shall develop and administer the NC Teacher Corps. In the development of the NC Teacher Corps, the State Board of Education shall consider examples of other successful teacher recruitment models used nationally and in other states.

(c) Applications shall be received annually for admission to the NC Teacher Corps. The State Board of Education shall establish application criteria, including, at a minimum, an award of a bachelor's degree from an accredited college or university. The State Board of Education may establish a committee to annually evaluate and select candidates for admission to the NC Teacher Corps.

(d) The State Board of Education shall identify local school administrative units with unmet recruitment needs and high needs schools and shall coordinate placement of NC Teacher Corps members in those schools.

(e) The State Board of Education, in coordination with the Board of Governors, shall develop an intensive summer training institute for NC Teacher Corps members to provide coursework and training on essential teaching frameworks, curricula, and lesson planning skills, as well as identification and education of students with disabilities, positive management of student behavior, effective communication for defusing and deescalating disruptive and dangerous behavior, and safe and appropriate use of seclusion and restraint. The intensive summer training institute also shall address identification of difficulty with reading development and of reading deficiencies, and the provision of reading instruction, intervention, and remediation strategies.

(f) The State Board of Education, in coordination with the Board of Governors, shall provide ongoing support to NC Teaching Corps members through coaching, mentoring, and continued professional development.

(g) NC Teaching Corps members shall be granted lateral entry teaching licenses pursuant to G.S. 115C-296(c)."

SECTION 7.(b) This section is effective when it becomes law. The State Board of Education shall recruit and place an initial cohort of NC Teacher Corps members no later than the 2012-2013 school year.

PART VIII. STRENGTHEN TEACHER LICENSURE

SECTION 8.(a) G.S. 115C-296 reads as rewritten:

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

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

The State Board of Education may require an applicant for an initial bachelors degree certificate or graduate degree certificate to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score on a standard examination

1 appropriate and adequate for that purpose. Elementary Education (K-6) teachers shall also
2 achieve a prescribed minimum score on subtests or standard examinations specific to Reading
3 and Language Arts and Mathematics. The State Board of Education shall permit an applicant to
4 fulfill any such testing requirement before or during the applicant's second year of teaching
5 provided the applicant took the examination at least once during the first year of teaching. The
6 State Board of Education shall make any required standard initial licensure exam ~~sufficiently~~
7 rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has
8 ~~adequate~~ received high quality academic and professional preparation to teach.
9 effectively.

10 ...

11 (b) It is the policy of the State of North Carolina to maintain the highest quality teacher
12 education programs and school administrator programs in order to enhance the competence of
13 professional personnel licensed in North Carolina. To the end that teacher preparation programs
14 are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead
15 agency in coordination and cooperation with the University Board of Governors, the Board of
16 Community Colleges and such other public and private agencies as are necessary, shall
17 continue to refine the several licensure requirements, standards for approval of institutions of
18 teacher education, standards for institution-based innovative and experimental programs,
19 standards for implementing consortium-based teacher education, and standards for improved
20 efficiencies in the administration of the approved programs. The licensure program shall
21 provide for initial licensure after completion of preservice training, continuing licensure after
22 three years of teaching experience, and license renewal every five years thereafter, until the
23 retirement of the teacher. The last license renewal received prior to retirement shall remain in
24 effect for five years after retirement. The licensure program shall also provide for lifetime
25 licensure after 50 years of teaching.

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

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

33 The State Board of Education, in consultation with the Board of Governors of The
34 University of North Carolina, shall evaluate and develop enhanced requirements for continuing
35 licensure. The new requirements shall reflect more rigorous standards for continuing licensure
36 and to the extent possible shall be aligned with quality professional development programs that
37 reflect State priorities for improving student achievement. Standards for continuing licensure
38 shall include at least three continuing education credits related to literacy for elementary and
39 middle school teachers. Literacy renewal credits shall include assessment, diagnosis, and
40 intervention strategies for students not demonstrating reading proficiency. Oral language,
41 phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall
42 be addressed in literacy-related activities leading to certification renewal for elementary school
43 teachers.

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

50 The standards for approval of institutions of teacher education shall require that teacher
51 education programs for all students include demonstrated competencies in (i) the identification

1 and education of children with disabilities and (ii) positive management of student behavior
2 and effective communication techniques for defusing and deescalating disruptive or dangerous
3 behavior. The standards for approval of institutions of teacher education shall require that
4 elementary teacher education programs include demonstrated competencies in (i) teaching of
5 reading, including a substantive understanding of reading as a process involving oral language,
6 phonological and phonemic awareness, phonics, fluency, vocabulary, and comprehension; (ii)
7 evidence-based assessment and diagnosis of specific areas of difficulty with reading
8 development and of reading deficiencies; and (iii) appropriate application of instructional
9 supports and services and reading interventions to ensure reading proficiency for all students.
10 The State Board of Education shall incorporate the criteria developed in accordance with
11 G.S. 116-74.21 for assessing proposals under the School Administrator Training Program into
12 its school administrator program approval standards.

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

18 ...
19 (c) It is the policy of the State of North Carolina to encourage lateral entry into the
20 profession of teaching by skilled individuals from the private sector. To this end, before the
21 1985-86 school year begins, the State Board of Education shall develop criteria and procedures
22 to accomplish the employment of such individuals as classroom teachers. Beginning with the
23 2006-2007 school year, the criteria and procedures shall include preservice training in (i) the
24 identification and education of children with disabilities and (ii) positive management of
25 student behavior, effective communication for defusing and deescalating disruptive or
26 dangerous behavior, and safe and appropriate use of seclusion and restraint. Skilled individuals
27 who choose to enter the profession of teaching laterally may be granted a ~~provisional~~lateral
28 entry teaching license for no more than three years and shall be required to obtain licensure
29 before contracting for a fourth year of service with any local administrative unit in this State.

30"

31 **SECTION 8.(b)** This section is effective when it becomes law and applies
32 beginning with the 2013-2014 school year.

33 **PART IX. PROOF OF STATE-FUNDED LIABILITY INSURANCE**

34
35
36 **SECTION 9.(a)** G.S. 115C-12 reads as rewritten:
37 "**§ 115C-12. Powers and duties of the Board generally.**

38 The general supervision and administration of the free public school system shall be vested
39 in the State Board of Education. The State Board of Education shall establish policy for the
40 system of free public schools, subject to laws enacted by the General Assembly. The powers
41 and duties of the State Board of Education are defined as follows:

42 ...

43 (9) **Miscellaneous Powers and Duties.** – All the powers and duties exercised by
44 the State Board of Education shall be in conformity with the Constitution
45 and subject to such laws as may be enacted from time to time by the General
46 Assembly. Among such duties are:

47 ...

48 f. To annually notify public school employees of the availability and
49 coverage of professional liability insurance.

50"

1 **SECTION 9.(b)** This section is effective when it becomes law and applies
2 beginning with the 2012-2013 school year.

3
4 **PART X. PAY FOR EXCELLENCE**

5
6 **SECTION 10.(a)** Each local board of education shall establish a system of
7 performance pay for all licensed personnel employed by the local board, beginning with the
8 2013-2014 fiscal year. Under the performance pay system, licensed employees shall be eligible
9 to receive bonuses or adjustments to base salary for meeting certain performance criteria.
10 Criteria for award of bonuses or adjustments to base salary shall include, but are not limited to,
11 the following factors:

- 12 (1) Annual growth in student achievement of students assigned to a teacher's
13 classroom, when applicable.
- 14 (2) Annual growth in student achievement of students assigned to a specific
15 school.
- 16 (3) Assignment of additional academic responsibilities.
- 17 (4) Assignment to a hard-to-staff school.
- 18 (5) Assignment to a hard-to-staff subject area.

19 Local boards of education shall submit plans to the State Board of Education no
20 later than March 1, 2013. The State Board shall submit for consultation the plans submitted by
21 local boards in compliance with this section to the Fiscal Research Division and to the Joint
22 Legislative Commission on Governmental Operations no later than April 15, 2013.

23 **SECTION 10.(b)** This section is effective when it becomes law.

24
25 **PART XI. END TENURE**

26
27 **SECTION 11.(a)** G.S. 115C-325 is repealed.

28 **SECTION 11.(b)** Part 3 of Article 22 of Chapter 115C of the General Statutes is
29 amended by adding new sections to read:

30 **"§ 115C-325.1. Definitions.**

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

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

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

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

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

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

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

33 (a) Annual Contract. – Local boards of education shall employ teachers through an
34 annual contract upon the recommendation of the superintendent. If a superintendent intends to
35 recommend to the local board of education that a teacher be offered a new or renewed annual
36 contract, the superintendent shall submit the recommendation to the local board for action. The
37 local board may approve the superintendent's recommendation or decide not to offer the teacher
38 a new or renewed annual contract.

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

42 (c) Recommendation on Nonrenewal. – If a superintendent decides not to recommend
43 that the local board of education offer a renewed annual contract to a teacher, the
44 superintendent shall give the teacher written notice of the decision no later than May 15.

45 (d) Right to Petition for Hearing. – A teacher shall have the right to petition the local
46 board of education for a hearing no later than June 1. The local board may, in its discretion,
47 grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board
48 of education shall notify the teacher making the petition of its decision whether to grant a
49 hearing. If the request for a hearing is granted, the local board shall conduct a hearing pursuant
50 to the provisions of G.S. 115C-45(c) and make a final decision on whether to offer the teacher a
51 renewed annual contract. The board shall notify a teacher whose contract will not be renewed

1 for the next school year of its decision by June 15; provided, however, if a teacher submits a
2 request for a hearing, the board shall provide the nonrenewal notification by July 1 or such later
3 date upon the written consent of the superintendent and teacher. A decision not to offer a
4 teacher a renewed annual contract shall not be on any basis prohibited by State or federal law.

5 (e) Local boards of education and teachers employed by the local board may mutually
6 modify the terms of the annual contact to permit part-time employment.

7 **"§ 115C-325.4. Dismissal or demotion for cause.**

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

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

19 (2) Immorality.

20 (3) Insubordination.

21 (4) Neglect of duty.

22 (5) Physical or mental incapacity.

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

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

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

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

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

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

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

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

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

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

42 **"§ 115C-325.5. Teacher suspension.**

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

1 immediately, shall be paid for the period of suspension, and all records of the suspension shall
2 be removed from the teacher's personnel file.

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

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

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

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

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

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

40 **"§ 115C-325.6. Procedure for dismissal or demotion of a teacher for cause.**

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

45 (b) Notice of Recommendation. – Before recommending to a board the dismissal or
46 demotion of a teacher, the superintendent shall give written notice to the teacher by certified
47 mail or personal delivery of the superintendent's intention to make such recommendation and
48 shall set forth as part of the superintendent's recommendation the grounds upon which he or she
49 believes such dismissal or demotion is justified. The superintendent also shall meet with the
50 teacher and provide written notice of the charges against the teacher, an explanation of the basis
51 for the charges, and an opportunity to respond if the teacher has not done so under

1 G.S. 115C-325.5(a). The notice shall include a statement to the effect that the teacher, within
2 14 days after the date of receipt of the notice, may request a hearing before the board on the
3 superintendent's recommendation. A copy of Part 3 of Article 22 of Chapter 115C shall also be
4 sent to the teacher.

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

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

19 **"§ 115C-325.7. Hearing before board.**

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

22 (1) The hearing shall be private.

23 (2) The board shall receive the following:

24 a. Any documentary evidence the superintendent intends to use to
25 support the recommendation. The superintendent shall provide the
26 documentary evidence to the teacher seven days before the hearing.

27 b. Any documentary evidence the teacher intends to use to rebut the
28 superintendent's recommendation. The teacher shall provide the
29 superintendent with the documentary evidence three days before the
30 hearing.

31 c. The superintendent's recommendation and the grounds for the
32 recommendation.

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

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

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

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

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

44 (b) The procedures of this section shall not apply to board hearings for disciplinary
45 suspensions without pay. Board hearings for G.S. 115C-325.5(b), disciplinary suspensions
46 without pay, shall be conducted as provided in G.S. 115C-325.8.

47 **"§ 115C-325.8. Board hearing for certain disciplinary suspensions.**

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

50 (1) The hearing shall be private.

- 1 (2) The hearing shall be conducted in accordance with reasonable rules adopted
2 by the State Board of Education to govern such hearings.
- 3 (3) At the hearing, the teacher and the superintendent shall have the right to be
4 present and to be heard, to be represented by counsel, and to present through
5 witnesses any competent testimony relevant to the issue of whether grounds
6 exist for a disciplinary suspension without pay.
- 7 (4) Rules of evidence shall not apply to a hearing under this subsection and the
8 board may give probative effect to evidence that is of a kind commonly
9 relied on by reasonably prudent persons in the conduct of serious affairs.
- 10 (5) At least eight days before the hearing, the superintendent shall provide to the
11 teacher a list of witnesses the superintendent intends to present, a brief
12 statement of the nature of the testimony of each witness, and a copy of any
13 documentary evidence the superintendent intends to present.
- 14 (6) At least six days before the hearing, the teacher shall provide the
15 superintendent a list of witnesses the teacher intends to present, a brief
16 statement of the nature of the testimony of each witness, and a copy of any
17 documentary evidence the teacher intends to present.
- 18 (7) No new evidence may be presented at the hearing except upon a finding by
19 the board that the new evidence is critical to the matter at issue and the party
20 making the request could not, with reasonable diligence, have discovered
21 and produced the evidence according to the schedule provided in this
22 section.
- 23 (8) The board may subpoena and swear witnesses and may require them to give
24 testimony and to produce records and documents relevant to the grounds for
25 suspension without pay.
- 26 (9) The board shall decide all procedural issues, including limiting cumulative
27 evidence, necessary for a fair and efficient hearing.
- 28 (10) The superintendent shall provide for making a transcript of the hearing. The
29 teacher may request and shall receive at no charge a transcript of the
30 proceedings.

31 **§ 115C-325.9. Teacher resignation.**

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

- 35 (1) The superintendent shall report the matter to the State Board of Education.
- 36 (2) The teacher shall be deemed to have consented to (i) the placement in the
37 teacher's personnel file of the written notice of the superintendent's intention
38 to recommend dismissal and (ii) the release of the fact that the
39 superintendent has reported this teacher to the State Board of Education to
40 prospective employers, upon request. The provisions of G.S. 115C-321 shall
41 not apply to the release of this particular information.
- 42 (3) The teacher shall be deemed to have voluntarily surrendered his or her
43 license pending an investigation by the State Board of Education in a
44 determination whether or not to seek action against the teacher's license.
45 This license surrender shall not exceed 45 days from the date of resignation.
46 Provided further that the cessation of the license surrender shall not prevent
47 the State Board of Education from taking any further action it deems
48 appropriate. The State Board of Education shall initiate investigation within
49 five working days of the written notice from the superintendent and shall
50 make a final decision as to whether to revoke or suspend the teacher's license
51 within 45 days from the date of resignation.

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

8 **"§ 115C-325.10. Application to certain institutions.**

9 Notwithstanding any law or regulation to the contrary, this Part shall apply to all persons
10 employed in teaching and related educational classes in the schools and institutions of the
11 Departments of Health and Human Services, Public Instruction, Correction, or the Division of
12 Juvenile Justice of the Department of Public Safety, regardless of the age of the students.

13 **"§ 115C-325.11. Dismissal of school administrators and teachers employed in**
14 **low-performing residential schools.**

15 **(a)** Notwithstanding any other provision of this section or any other law, this section
16 shall govern the dismissal by the State Board of Education of teachers, principals, assistant
17 principals, directors, supervisors, and other licensed personnel assigned to a residential school
18 that the State Board has identified as low-performing and to which the State Board has assigned
19 an assistance team. The State Board shall dismiss a teacher, principal, assistant principal,
20 director, supervisor, or other licensed personnel when the State Board receives two consecutive
21 evaluations that include written findings and recommendations regarding that person's
22 inadequate performance from the assistance team. These findings and recommendations shall
23 be substantial evidence of the inadequate performance of the teacher or school administrator.

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

26 **(1)** The State Board determines that the school has failed to make satisfactory
27 improvement after the State Board assigned an assistance team to that
28 school.

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

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

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

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

49 **(d)** The State Board or the superintendent of a residential school may terminate the
50 contract of a school administrator dismissed under this section. Nothing in this section shall

1 prevent the State Board from refusing to renew the contract of any person employed in a school
2 identified as low-performing.

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

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

7 **§ 115C-325.12. Procedure for dismissal of Principals employed in low-performing**
8 **schools.**

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

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

19 (c) Procedures for Dismissal of Principal. –

20 (1) If the State Board through its designee recommends the dismissal of a
21 principal under this section, the principal shall be suspended with pay
22 pending a hearing before a panel of three members of the State Board. The
23 purpose of this hearing, which shall be held within 60 days after the
24 principal is suspended, is to determine whether the principal shall be
25 dismissed.

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

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

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

40 (5) In all hearings under this section, the burden of proof is on the principal to
41 establish that the factors leading to the school's low performance were not
42 due to the principal's inadequate performance. In all hearings under this
43 section, the burden of proof is on the State Board to establish that the school
44 failed to make satisfactory improvement after an assistance team was
45 assigned to the school and to establish one or more of the grounds
46 established for dismissal or demotion of a teacher under G.S. 115C-325.4.

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

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

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

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

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

10 **"§ 115C-325.13. Procedure for dismissal of teachers employed in low-performing schools.**

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

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

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

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

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

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

39 (d) A licensed staff member may request a hearing before a panel of three members of
40 the State Board within 30 days of any dismissal under this section. The State Board shall adopt
41 procedures to ensure that due process rights are afforded to licensed staff members
42 recommended for dismissal under this section. Decisions of the panel may be appealed on the
43 record to the State Board.

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

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

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

50 **CONFORMING CHANGES**

51 **SECTION 11.(c)** G.S. 115C-45(c) reads as rewritten:

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

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

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

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

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

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

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

39 **SECTION 11.(d)** G.S. 115C-105.26(b)(2) reads as rewritten:

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

47 **SECTION 11.(e)** G.S. 115C-105.37B(a)(2) reads as rewritten:

- 48 "(2) Restart model, in which the State Board of Education would authorize the
49 local board of education to operate the school with the same exemptions
50 from statutes and rules as a charter school authorized under Part 6A of
51 Article 16 of this Chapter, or under the management of an educational

1 management organization that has been selected through a rigorous review
2 process. A school operated under this subdivision remains under the control
3 of the local board of education, and employees assigned to the school are
4 employees of the local school administrative unit with the protections
5 provided by ~~G.S. 115C-325~~. Part 3 of Article 22 of this Chapter."

6 **SECTION 11.(f)** G.S. 115C-105.38A(d) reads as rewritten:

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

12 **SECTION 11.(g)** G.S. 115C-105.38A(f) reads as rewritten:

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

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

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

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

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

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

23 **SECTION 11.(h)** G.S. 115C-105.39 reads as rewritten:

24 "**§ 115C-105.39. Dismissal or removal of personnel; appointment of interim**
25 **superintendent.**

26 (a) Within 30 days of the initial identification of a school as low-performing, whether
27 by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under
28 G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the
29 school's principal: (i) recommend to the local board that the principal be retained in the same
30 position, (ii) recommend to the local board that the principal be retained in the same position
31 and a plan of remediation should be developed, (iii) recommend to the local board that the
32 principal be transferred, or (iv) proceed under ~~G.S. 115C-325~~ G.S. 115C-325.4 to dismiss or
33 demote the principal. The principal may be retained in the same position without a plan for
34 remediation only if the principal was in that position for no more than two years before the
35 school is identified as low-performing. The principal shall not be transferred to another
36 principal position unless (i) it is in a school classification in which the principal previously
37 demonstrated at least 2 years of success, (ii) there is a plan to evaluate and provide remediation
38 to the principal for at least one year following the transfer to assure the principal does not
39 impede student performance at the school to which the principal is being transferred; and (iii)
40 the parents of the students at the school to which the principal is being transferred are notified.
41 The principal shall not be transferred to another low-performing school in the local school
42 administrative unit. If the superintendent intends to recommend demotion or dismissal, the
43 superintendent shall notify the local board. Within 15 days of (i) receiving notification that the
44 superintendent intends to proceed under ~~G.S. 115C-325~~ G.S. 115C-325.4 or (ii) its decision
45 concerning the superintendent's recommendation, but no later than September 30, the local
46 board shall submit to the State Board a written notice of the action taken and the basis for that
47 action. If the State Board does not assign an assistance team to that school or if the State Board
48 assigns an assistance team to that school and the superintendent proceeds under
49 ~~G.S. 115C-325~~ G.S. 115C-325.4 to dismiss or demote the principal, then the State Board shall
50 take no further action. If the State Board assigns an assistance team to the school and the
51 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(e)(1)~~. G.S. 115C-325.12.

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

19"

20 **SECTION 11.(i)** G.S. 115C-238.29F(e)(3) reads as rewritten:

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

41 **SECTION 11.(j)** G.S. 115C-238.68(3) reads as rewritten:

42 "(3) ~~Career status.~~ Leave of absence from local school administrative unit. –
43 ~~Employees of the board of directors shall not be eligible for career status.~~ If
44 a teacher employed by a local school administrative unit makes a written
45 request for a leave of absence to teach at the regional school, the local school
46 administrative unit shall grant the leave for one year. For the initial year of
47 the regional school's operation, the local school administrative unit may
48 require that the request for a leave of absence be made up to 45 days before
49 the teacher would otherwise have to report for duty. After the initial year of
50 the regional school's operation, the local school administrative unit may
51 require that the request for a leave of absence be made up to 90 days before

1 the teacher would otherwise have to report for duty. A local board of
2 education is not required to grant a request for a leave of absence or a
3 request to extend or renew a leave of absence for a teacher who previously
4 has received a leave of absence from that school board under this
5 subdivision. A teacher who has ~~career status under G.S. 115C-325 prior to~~
6 ~~receiving~~received a leave of absence to teach at the regional school may
7 return to a public school in the local school administrative unit ~~with career~~
8 ~~status~~ at the end of the leave of absence or upon the end of employment at
9 the regional school if an appropriate position is available. ~~If an appropriate~~
10 ~~position is unavailable, the teacher's name shall be placed on a list of~~
11 ~~available teachers in accordance with G.S. 115C-325(e)(2)."~~

12 **SECTION 11.(k)** G.S. 115C-276(l) reads as rewritten:

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

18 **SECTION 11.(l)** G.S. 115C-285(7) reads as rewritten:

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

23 **SECTION 11.(m)** G.S. 115C-287.1 reads as rewritten:

24 **"§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**
25 **and directors.**

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

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

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

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

36 ~~A school administrator shall cease to be employed pursuant to~~
37 ~~G.S. 115C-325 if the school administrator: (i) voluntarily relinquishes career~~
38 ~~status or the opportunity to achieve career status through promotion,~~
39 ~~resignation, or otherwise; or (ii) is dismissed or demoted or whose contract~~
40 ~~is not renewed pursuant to G.S. 115C-325.~~

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

- 42 a. Principal;
- 43 b. Assistant principal;
- 44 c. Supervisor; or
- 45 d. Director,

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

48 (4) ~~Nothing in this section shall be construed to confer career status on any~~
49 ~~assistant principal or director, or to make an assistant principal eligible for~~
50 ~~career status as an assistant principal or a director eligible for career status as~~
51 ~~a director.~~

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

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

20 (d) If a superintendent intends to recommend to the local board of education that the
21 school administrator be offered a new, renewed, or extended contract, the superintendent shall
22 submit the recommendation to the local board for action. The local board may approve the
23 superintendent's recommendation or decide not to offer the school administrator a new,
24 renewed, or extended school administrator's contract.

25 If a superintendent decides not to recommend that the local board of education offer a new,
26 renewed, or extended school administrator's contract to the school administrator, the
27 superintendent shall give the school administrator written notice of his or her decision ~~and the~~
28 ~~reasons for his or her decision~~ no later than May 1 of the final year of the contract. ~~The~~
29 ~~superintendent's reasons may not be arbitrary, capricious, discriminatory, personal, or political.~~
30 No action by the local board or further notice to the school administrator shall be necessary
31 unless the school administrator files with the superintendent a written request, within 10 days
32 of receipt of the superintendent's decision, for a hearing before the local board. ~~Failure to file a~~
33 ~~timely request for a hearing shall result in a waiver of the right to appeal the superintendent's~~
34 ~~decision.~~ If a school administrator files a timely request for a hearing, the local board shall
35 conduct a hearing pursuant to the provisions of G.S. 115C-45(c) and make a final decision on
36 whether to offer the school administrator a new, renewed, or extended school administrator's
37 contract.

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

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

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

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

7 (h) An individual who holds a provisional assistant principal's certificate and who is
8 employed as an assistant principal under G.S. 115C-284(c) shall be considered a school
9 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a
10 local board may enter into one-year contracts with a school administrator who holds a
11 provisional assistant principal's certificate. ~~If the school administrator held career status as a~~
12 ~~teacher in the local school administrative unit prior to being employed as an assistant principal~~
13 ~~and the State Board for any reason does not extend the school administrator's provisional~~
14 ~~assistant principal's certificate, the school administrator shall retain career status as a teacher~~
15 ~~unless the school administrator voluntarily relinquished that right or is dismissed or demoted~~
16 ~~under G.S. 115C-325.~~ Nothing in this subsection or G.S. 115C-284(c) shall be construed to
17 require a local board to extend or renew the contract of a school administrator who holds a
18 provisional assistant principal's certificate."

19 **SECTION 11.(n)** G.S. 115C-288(g) reads as rewritten:

20 "(g) To Report Certain Acts to Law Enforcement and the Superintendent. – When the
21 principal has personal knowledge, a reasonable belief, or actual notice from school personnel
22 that an act has occurred on school property involving assault resulting in serious personal
23 injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault
24 involving the use of a weapon, possession of a firearm in violation of the law, possession of a
25 weapon in violation of the law, or possession of a controlled substance in violation of the law,
26 the principal shall immediately report the act to the appropriate local law enforcement agency.

27 A principal who willfully fails to make a report to law enforcement required by this
28 subsection may be subject to demotion or dismissal pursuant to
29 ~~G.S. 115C-325.~~G.S. 115C-325.4.

30 Notwithstanding any other provision of law, the State Board of Education shall not require
31 the principal to report to law enforcement acts in addition to those required to be reported by
32 this subsection.

33 For purposes of this subsection, "school property" shall include any public school building,
34 bus, public school campus, grounds, recreational area, or athletic field, in the charge of the
35 principal.

36 The principal or the principal's designee shall notify the superintendent or the
37 superintendent's designee in writing or by electronic mail regarding any report made to law
38 enforcement under this subsection. This notification shall occur by the end of the workday in
39 which the incident occurred when reasonably possible but not later than the end of the
40 following workday. The superintendent shall provide the information to the local board of
41 education.

42 Nothing in this subsection shall be interpreted to interfere with the due process rights of
43 school employees or the privacy rights of students."

44 **SECTION 11.(o)** G.S. 115C-304 is repealed.

45 **SECTION 11.(p)** G.S. 115C-333 reads as rewritten:

46 "**§ 115C-333. Evaluation of licensed employees including certain superintendents;**
47 **mandatory improvement plans; State board notification upon dismissal of**
48 **employees.**

49 (a) Annual Evaluations; Low-Performing Schools. – Local school administrative units
50 shall evaluate at least once each year all licensed employees assigned to a school that has been
51 identified as low-performing. The evaluation shall occur early enough during the school year to

1 provide adequate time for the development and implementation of a mandatory improvement
2 plan if one is recommended under subsection (b) of this section. If the employee is a teacher as
3 defined under ~~G.S. 115C-325(a)(6)~~, G.S. 115C-325.1(6), either the principal, the assistant
4 principal who supervises the teacher, or an assistance team assigned under G.S. 115C-105.38
5 shall conduct the evaluation. If the employee is a school administrator as defined under
6 G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct
7 the evaluation.

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

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

17 (b) Mandatory Improvement Plans. –

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

21 (1a) A mandatory improvement plan is an instrument designed to improve a
22 teacher's performance or the performance of any licensed employee in a
23 low-performing school by providing the individual with notice of specific
24 performance areas that have substantial deficiencies and a set of strategies,
25 including the specific support to be provided to the individual, so that the
26 individual, within a reasonable period of time, should satisfactorily resolve
27 such deficiencies.

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

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

49 (3) If at any time a licensed employee engages in inappropriate conduct or
50 performs inadequately to such a degree that such conduct or performance
51 causes substantial harm to the educational environment, and immediate

1 dismissal or demotion is not appropriate, then the principal may immediately
2 institute a mandatory improvement plan regardless of any ratings on
3 previous evaluations. The principal shall document the exigent reason for
4 immediately instituting such a plan.

- 5 (4) Mandatory improvement plans shall be developed by the person who
6 evaluated the licensed employee or the employee's supervisor unless the
7 evaluation was conducted by an assistance team. If the evaluation was
8 conducted by an assistance team, that team shall develop the mandatory
9 improvement plan in collaboration with the employee's supervisor.
10 Mandatory improvement plans shall be designed to be completed within 90
11 instructional days or before the beginning of the next school year. The State
12 Board shall develop guidelines that include strategies to assist local boards
13 in evaluating licensed employees and developing effective mandatory
14 improvement plans within the time allotted under this section. Local boards
15 may adopt policies for the development and implementation of mandatory
16 improvement plans and policies for the implementation of monitored and
17 directed growth plans.

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

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

48"

49 **SECTION 11.(q)** G.S. 115C-333.1 reads as rewritten:

1 **"§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;**
2 **mandatory improvement plans; State Board notification upon dismissal of**
3 **teachers.**

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

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

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

37 (c) Observation by a Qualified Observer. –

38 (1) The term "qualified observer" as used in this section is any administrator or
39 teacher who is licensed by the State Board of Education and working in
40 North Carolina; any employee of the North Carolina Department of Public
41 Instruction who is trained in evaluating licensed employees; or any instructor
42 or professor who teaches in an accredited North Carolina school of
43 education and holds an educator's license.

44 (2) The local board of education shall create a list of qualified observers who are
45 employed by that board and available to do observations of employees on
46 mandatory improvement plans. This list shall be limited to names of
47 administrators and teachers selected by the local board of education. The
48 local board of education shall strive to select administrators and teachers
49 with excellent reputations for competence and fairness.

50 (3) Any teacher, other than a teacher assigned to a school designated as
51 low-performing, who has been placed on a mandatory improvement plan

1 shall have a right to be observed by a qualified observer in the area or areas
2 of concern identified in the mandatory improvement plan. The affected
3 teacher and the principal shall jointly choose the qualified observer within
4 20 instructional days after the commencement of the mandatory
5 improvement plan. If the teacher and the principal cannot agree on a
6 qualified observer within this time period, they each shall designate a person
7 from the list of qualified observers created pursuant to subdivision (2) of this
8 subsection, and these two designated persons shall choose a qualified
9 observer within five instructional days of their designation. The qualified
10 observer shall draft a written report assessing the teacher in the areas of
11 concern identified in the mandatory improvement plan. The report shall be
12 submitted to the principal before the end of the mandatory improvement plan
13 period. If a teacher or administrator from the same local school
14 administrative unit is selected to serve as the qualified observer, the
15 administration of the local school administrative unit shall provide such
16 qualified observer with the time necessary to conduct the observation and
17 prepare a report. If someone who is not employed by the same local school
18 administrative unit is selected to serve as the qualified observer, the teacher
19 who is the subject of the mandatory improvement plan will be responsible
20 for any expenses related to the observations and reports prepared by the
21 qualified observer. The qualified observer shall not unduly disrupt the
22 classroom when conducting an observation.

- 23 (4) No local board of education or employee of a local board of education shall
24 discharge, threaten, or otherwise retaliate against another employee of the
25 board regarding that employee's compensation, terms, conditions, location,
26 or privileges of employment because of the employee's service or
27 completion of a report as an objective observer pursuant to this subsection,
28 unless the employee's report contained material information that the
29 employee knew was false.

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

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

1 (f) State Board Notification. – If a local board dismisses a teacher for cause or elects to
2 not renew an employee's contract as a result of a superintendent's recommendation under
3 subsection (d) of this section, for any reason except a reduction in force under
4 G.S. 115C-325(e)(1)I., it shall notify the State Board of the action, and the State Board annually
5 shall provide to all local boards the names of those teachers. If a local board hires one of these
6 teachers, within 60 days the superintendent or the superintendent's designee shall observe the
7 teacher, develop a mandatory improvement plan to assist the teacher, and submit the plan to the
8 State Board. The State Board shall review the mandatory improvement plan and may provide
9 comments and suggestions to the superintendent. If on the next evaluation the teacher receives
10 a rating on any standard that was an area of concern on the mandatory improvement plan that is
11 again below proficient or a rating that otherwise represents unsatisfactory or below standard
12 performance, the local board shall notify the State Board, and the State Board shall initiate a
13 proceeding to revoke the teacher's license under G.S. 115C-296(d). If on the next evaluation the
14 teacher receives at least a proficient rating on all of the overall performance standards that were
15 areas of concern on the mandatory improvement plan, the local board shall notify the State
16 Board that the teacher is in good standing, and the State Board shall not continue to provide the
17 teacher's name to local boards under this subsection unless the teacher is subsequently
18 dismissed under ~~G.S. 115C-325~~G.S. 115C-325.4. ~~except for a reduction in force.~~ If, however,
19 on this next evaluation the teacher receives a developing rating on any standards that were
20 areas of concern on the mandatory improvement plan, if the local board elects to renew the
21 teacher's annual contract and the teacher shall have one more year to bring the rating to
22 proficient. ~~If,~~ by the end of this second year, the teacher is not proficient in all standards that
23 were areas of concern on the mandatory improvement plan, the local board shall notify the
24 State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under
25 G.S. 115C-296(d).

26"

27 **SECTION 11.(r)** G.S. 115C-335(b) reads as rewritten:

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

46 **SECTION 11.(s)** Article 23 of Chapter 115C of the General Statutes is amended
47 by adding a new section to read:

48 **§ 115C-344. Employment benefits for exchange teachers.**

49 An exchange teacher is a nonimmigrant alien teacher participating in an exchange visitor
50 program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or
51 by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q). For

1 purposes of determining eligibility to receive employment benefits under this Chapter,
2 including personal leave, annual vacation leave, and sick leave, an exchange teacher shall be
3 considered a permanent teacher if employed with the expectation of at least six full consecutive
4 monthly pay periods of employment and if employed at least 20 hours per week."

5 **SECTION 11.(t)** G.S. 115C-404(b) reads as rewritten:

6 "(b) Documents received under this section shall be used only to protect the safety of or
7 to improve the education opportunities for the student or others. Information gained in
8 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
9 student. Upon receipt of each document, the principal shall share the document with those
10 individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student,
11 and (ii) a specific need to know in order to protect the safety of the student or others. Those
12 individuals shall indicate in writing that they have read the document and that they agree to
13 maintain its confidentiality. Failure to maintain the confidentiality of these documents as
14 required by this section is grounds for the dismissal ~~of an employee who is not a career~~
15 ~~employee and is grounds for dismissal of an employee who is a career employee,~~ in accordance
16 with ~~G.S. 115C-325(e)(1)~~~~i.~~G.S. 115C-325.4(a)(9)."

17 **SECTION 11.(u)** G.S. 143B-146.7(b) reads as rewritten:

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

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

22 **"§ 143B-146.8. Evaluation of certificated-licensed personnel and principals; action plans;**
23 **State Board notification.**

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

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

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

48 (b) Action Plans. – If a ~~certificated-licensed~~ employee in a participating school that has
49 been identified as low-performing receives an unsatisfactory or below standard rating on any
50 function of the evaluation that is related to the employee's instructional duties, the individual or
51 team that conducted the evaluation shall recommend to the principal that: (i) the employee

1 receive an action plan designed to improve the employee's performance; (ii) the employee's
2 contract not be recommended for renewal, or (iii) if the employee engages in inappropriate
3 conduct or performs inadequately to such a degree that such conduct or performance causes
4 substantial harm to the educational environment that a proceeding for immediate dismissal or
5 demotion be instituted. ~~or (ii) the principal recommend to the Secretary that the employee be~~
6 ~~dismissed or demoted.~~ The principal shall determine whether to develop an action ~~plan~~plan, to
7 not recommend renewal of the employee's contract, or to recommend a dismissal proceeding.
8 The person who evaluated the employee or the employee's supervisor shall develop the action
9 plan unless an assistance team or assessment team conducted the evaluation. If an assistance
10 team or assessment team conducted the evaluation, that team shall develop the action plan in
11 collaboration with the employee's supervisor. Action plans shall be designed to be completed
12 within 90 instructional days or before the beginning of the next school year. The State Board, in
13 consultation with the Secretary, shall develop guidelines that include strategies to assist in
14 evaluating ~~certificated~~licensed personnel and developing effective action plans within the time
15 allotted under this section. The Secretary may adopt policies for the development and
16 implementation of action plans or professional development plans for personnel who do not
17 require action plans under this section.

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

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

34"

35 **SECTION 11.(w)** This section becomes effective July 1, 2012, and applies to all
36 school employees employed on or after that date.

37 38 **PART XII. ELIMINATION OF PUBLIC FINANCING FOR SUPERINTENDENT OF** 39 **PUBLIC INSTRUCTION**

40
41 **SECTION 12.(a)** G.S. 163-278.95 reads as rewritten:

42 "**§ 163-278.95. Purpose and establishment of Voter-Owned Elections Act.**

43 The purpose of this Article is to ensure the vitality and fairness of democratic elections in
44 North Carolina to the end that any eligible citizen of this State can realistically choose to seek
45 and run for public office. It is also the purpose of this Article to protect the constitutional rights
46 of voters and candidates from the detrimental effects of increasingly large amounts of money
47 being raised and spent in North Carolina to influence the outcome of elections. It is essential to
48 the public interest that the potential for corruption or the appearance of corruption is minimized
49 and that the equal and meaningful participation of all citizens in the democratic process is
50 ensured. Accordingly, this Article establishes the North Carolina Voter-Owned Elections Fund
51 as an alternative source of campaign financing for candidates who obtain a sufficient number of

1 qualifying contributions from registered voters and who voluntarily accept strict fund-raising
2 and spending limits. This Article is available to candidates for the Council of State offices of
3 ~~Auditor, Superintendent of Public Instruction, Auditor~~ and Commissioner of Insurance in
4 elections to be held in 2008 and thereafter."

5 **SECTION 12.(b)** G.S. 163-278.96(12) reads as rewritten:

6 "(12) Office. – The Council of State offices of ~~Auditor, Superintendent of Public~~
7 ~~Instruction, Auditor~~ and Commissioner of Insurance."

8 **SECTION 12.(c)** Within five business days of the effective day of this act, the
9 State Board of Elections shall notify any individual who is a candidate for Superintendent of
10 Public Instruction and who has filed a declaration of intent to participate in the program for
11 public financing through the North Carolina Voter-Owned Elections Fund that the candidate is
12 no longer eligible to participate in the program.

13 **SECTION 12.(d)** This section is effective when it becomes law and applies to
14 elections held on or after that date.

15
16 **PART XIII. EFFECTIVE DATE**

17 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
18 law.