

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 795  
PROPOSED COMMITTEE SUBSTITUTE S795-PCS65125-TC-38

Short Title: Excellent Public Schools Act.

(Public)

Sponsors:

Referred to:

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; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; ESTABLISH TEACHER CONTRACTS; 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**SECTION 1.(a)** G.S. 115C-81.2 is repealed.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.



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

4 **"§ 115C-83.1C. Definitions.**

5       The following definitions apply in this Part:

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

1 compensated, licensed teachers selected based on demonstrated student  
2 outcomes in reading proficiency; and (iv) allow volunteer mentors to read  
3 with students.

4 (10) "Transitional third and fourth class combination" means a classroom  
5 specifically designed to produce learning gains sufficient to meet fourth  
6 grade performance standards while continuing to remediate areas of reading  
7 deficiency.

8 **"§ 115C-83.1D. Comprehensive plan for reading achievement.**

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

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

22 **"§ 115C-83.1E. Developmental screening and kindergarten entry assessment.**

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

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

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

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

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

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

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

42 (2) Instruction of each child.

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

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

45 **"§ 115C-83.1F. Facilitating early grade reading proficiency.**

46 (a) Kindergarten, first, second, and third grade students shall be assessed with valid,  
47 reliable, formative, and diagnostic reading assessments made available to local school  
48 administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a).  
49 Difficulty with reading development identified through administration of formative and  
50 diagnostic assessments shall be addressed with instructional supports and services. To the  
51 greatest extent possible, kindergarten through third grade reading assessments shall yield data

1 that can be used with the Education Value Added Assessment System (EVAAS), or a  
2 compatible and comparable system approved by the State Board of Education, to analyze  
3 student data to identify root causes for difficulty with reading development and to determine  
4 actions to address them.

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

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

12 **"§ 115C-83.1G. Elimination of social promotion.**

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

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

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

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

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

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

40 (5) Students who have (i) received reading intervention and (ii) previously been  
41 retained more than once in kindergarten, first, second or third grades.

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

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

1           (2) The principal shall review the documentation and make an initial  
2 determination whether the student should be promoted. If the principal  
3 determines the student should be promoted, the principal shall make a  
4 written recommendation of promotion to the superintendent for final  
5 determination. The superintendent's acceptance or rejection of the  
6 recommendation shall be in writing.

7 **"§ 115C-83.1H. Successful reading development for retained students.**

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

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

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

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

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

32 **"§ 115C-83.1I. Notification requirements to parents and guardians.**

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

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

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

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

50 **"§ 115C-83.1J. Accountability measures.**

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

4            (1) The number and percentage of third grade students demonstrating and not  
5 demonstrating reading proficiency on the State-approved standardized test of  
6 reading comprehension administered to third grade students.

7            (2) The number and percentage of third grade students who take and pass the  
8 alternative assessment of reading comprehension.

9            (3) The number and percentage of third grade students retained for not  
10 demonstrating reading proficiency.

11           (4) The number and percentage of third grade students exempt from mandatory  
12 third grade retention by category of exemption as listed in  
13 G.S. 115C-83.1G(b).

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

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

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

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

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

29        **"§ 115C-105.41. Students who have been placed at risk of academic failure; personal**  
30 **education plans.**

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

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

1 Local school administrative units shall certify that they have complied with this section  
2 annually to the State Board of Education. The State Board of Education shall periodically  
3 review data on the progress of identified students and report to the Joint Legislative Education  
4 Oversight Committee.

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

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

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

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

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

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

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

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

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

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

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

47 e. Students who have (i) received reading intervention and (ii)  
48 previously been retained more than once in kindergarten, first,  
49 second or third grades.

50 (3) The charter school shall provide notice to parents and guardians when a  
51 student is not reading at grade level. The notice shall state that if the

1 student's reading deficiency is not remediated by the end of third grade, the  
2 student shall be retained unless he or she is exempt from mandatory  
3 retention for good cause. Notice shall also be provided to parents and  
4 guardians of any student who is to be retained under this subsection of the  
5 reason the student is not eligible for a good cause exemption, as well as a  
6 description of proposed reading interventions that will be provided to the  
7 student to remediate identified areas of reading deficiency.

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

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

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

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

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

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

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

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

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

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

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

45 **SECTION 1.(i)** There is appropriated from the General Fund to the Department of  
46 Public Instruction the sum of thirty-four million eighty-seven thousand six hundred fifty dollars  
47 (\$34,087,650) for the 2012-2013 fiscal year to implement the requirements of this section. It is  
48 the intent of the General Assembly to increase this appropriation for the 2013-2014 fiscal year  
49 to implement additional requirements in that fiscal year.

50 **SECTION 1.(j)** This section is effective when it becomes law and applies  
51 beginning with the 2013-2014 school year. The developmental screening and kindergarten



1 entry assessment required by this section shall be administered beginning with the 2014-2015  
2 school year

## 3 4 **PART II. STATE EMPLOYEE LITERACY VOLUNTEER LEAVE TIME**

5  
6 **SECTION 2.(a)** G.S. 126-4 reads as rewritten:

### 7 **"§ 126-4. Powers and duties of State Personnel Commission.**

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

10 ...

11 (5b) A leave program that allows employees to volunteer in a literacy program in  
12 a public school for up to five hours each month.

13 ...."

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

## 15 16 **PART III. SCHOOL PERFORMANCE GRADES**

17  
18 **SECTION 3.(a)** G.S. 115C-12(9)c1. reads as rewritten:

19 "c1. To issue an annual "report card" for the State and for each local  
20 school administrative unit, assessing each unit's efforts to improve  
21 student performance based on the growth in performance of the  
22 students in each school and taking into account progress over the  
23 previous years' level of performance and the State's performance in  
24 comparison with other states. This assessment shall take into account  
25 factors that have been shown to affect student performance and that  
26 the State Board considers relevant to assess the State's efforts to  
27 improve student performance. As a part of the annual "report card"  
28 for each local school administrative unit, the State Board shall award  
29 an overall numerical school performance score on a scale of zero to  
30 100 and a corresponding letter grade of A, B, C, D, or F earned by  
31 each school within the local school administrative unit. The school  
32 performance score and grade shall reflect student performance on  
33 annual subject specific assessments, college and workplace readiness  
34 measures, and graduation rates. For schools serving students in any  
35 grade from kindergarten to eighth grade, separate performance scores  
36 and grades shall also be awarded based on the school performance in  
37 reading and mathematics respectively. The annual "report card" for  
38 schools serving students in third grade also shall include the number  
39 and percentage of third grade students who (i) take and pass the  
40 alternative assessment of reading comprehension; (ii) were retained  
41 in third grade for not demonstrating reading proficiency as indicated  
42 in G.S. 115C-83.1G(a); and (iii) were exempt from mandatory third  
43 grade retention by category of exemption as listed in  
44 G.S. 115C-83.1G(b)."

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

46 "(58) To Inform the Public About the North Carolina School Report Cards Issued  
47 by the State Board of Education. – Each local board of education shall  
48 ensure that the report card issued for it by the State Board of Education  
49 receives wide distribution to the local press or ~~otherwise is~~ otherwise  
50 provided to the public. Each local board of education shall ensure that the  
51 overall school performance score and grade earned by each school in the

1 local school administrative unit for the current and previous four school  
2 years is prominently displayed on the Web site of the local school  
3 administrative unit. If any school in the local school administrative unit is  
4 awarded a grade of D or F, the local board of education shall provide notice  
5 of the grade in writing to the parent or guardian of all students enrolled in  
6 that school."

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

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

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

18 "(11) North Carolina School Report Cards. – A regional school shall ensure that  
19 the report card issued for it by the State Board of Education receives wide  
20 distribution to the local press or is otherwise provided to the public. A  
21 regional school shall ensure that the overall school performance score and  
22 grade earned by the regional school for the current and previous four school  
23 years is prominently displayed on the school Web site. If a regional school is  
24 awarded a grade of D or F, the regional school shall provide notice of the  
25 grade in writing to the parent or guardian of all students enrolled in that  
26 school."

27 **SECTION 3.(e)** The State Board of Education shall award school performance  
28 scores and grades as required by G.S. 115C-12(9)c1. as follows:

- 29 (1) The State Board of Education shall calculate school performance scores by  
30 totaling the sum of points earned by the school and converting the sum of  
31 points to a 100 point scale. Subsections (2) and (3) of this section provide  
32 the school performance elements for schools serving students in  
33 kindergarten through eighth grade. Subsection (4) of this section provides  
34 the school performance elements for schools serving grades nine through  
35 twelve. The school performance score shall be used to determine the school  
36 performance grade based on the following scale:
- 37 a. At least 90 performance grade points for an overall school  
38 performance grade of A.
  - 39 b. At least 80 performance grade points for an overall school  
40 performance grade of B.
  - 41 c. At least 70 performance grade points for an overall school  
42 performance grade of C.
  - 43 d. At least 60 performance grade points for an overall school  
44 performance grade of D.
  - 45 e. A school that accumulates less than 60 points shall be assigned an  
46 overall school performance grade of F.
- 47 (2) For schools serving students in kindergarten through eighth grade the overall  
48 school performance score shall be calculated based on the sum of three  
49 school performance elements.
- 50 a. The score shall be calculated as follows:

- 1 1. One point for each percent of students who score at or above  
2 proficient on annual assessments for mathematics in grades  
3 three through eight.
- 4 2. One point for each percent of students who score at or above  
5 proficient on annual assessments for reading in grades three  
6 through eight.
- 7 3. One point for each percent of students who score at or above  
8 proficient on annual assessments for science in grades five  
9 and eight.
- 10 (3) For schools serving students in kindergarten through eighth grade, the school  
11 performance scores in reading and mathematics, respectively, shall be  
12 earned as follows:
  - 13 a. The literacy school performance score shall be based on the percent  
14 of students who score at or above proficient on annual assessments  
15 for reading assessments in grades three through eight.
  - 16 b. The mathematics school performance score shall be based on the  
17 percent of students who score at or above proficient on annual  
18 assessments for mathematics in grades three through eight.
- 19 (4) The school performance score earned by schools serving students in ninth  
20 through twelfth grade shall be calculated based on the sum of seven school  
21 performance elements.
  - 22 a. The score shall be calculated as follows:
    - 23 1. One point for each percent of students who score at or above  
24 proficient on annual assessments for mathematics.
    - 25 2. One point for each percent of students who score at or above  
26 proficient on annual assessments for English.
    - 27 3. One point for each percent of students who score at or above  
28 proficient on annual assessments for biology.
    - 29 4. One point for each percent of students who complete a  
30 higher-level mathematics class with a passing grade.
    - 31 5. One point for each percent of students who score at or above  
32 a level demonstrating college readiness on a nationally  
33 normed test of college readiness.
    - 34 6. One point for each percent of students who graduate within  
35 four years of entering high school.
    - 36 7. One point for each percent of students who demonstrate  
37 workplace readiness on a nationally normed test of workplace  
38 readiness.
- 39 (5) In calculating the overall school performance score earned by schools, the  
40 State Board of Education shall proportionally adjust the scale to account for  
41 the absence of a school performance element for award of scores to a school  
42 that does not have a measure of one of the school performance elements  
43 annually assessed for the grades taught at that school.
- 44 (6) The State Board of Education shall report to the Joint Legislative Education  
45 Oversight Committee annually by January 15 on recommended adjustments  
46 to the school performance grade elements and scales for award of scores and  
47 grades.

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

50

**51 PART IV. MAXIMIZE INSTRUCTIONAL TIME**

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

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

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

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

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

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

## 41 42 **PART V. ADJUSTMENTS TO SCHOOL CALENDAR**

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

44           "**§ 115C-84.2. School calendar.**

45           (a) School Calendar. – Each local board of education shall adopt a school calendar  
46 consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall  
47 include the following:

- 48           (1) A minimum of 185 days ~~and~~ or 1,025 hours of instruction covering at least  
49 nine calendar months. The local board shall designate when the ~~185~~  
50 instructional days shall occur. The number of instructional hours in an  
51 instructional day may vary according to local board policy and does not have

1 to be uniform among the schools in the administrative unit. Local boards  
2 may approve school improvement plans that include days with varying  
3 amounts of instructional time. If school is closed early due to inclement  
4 weather, the day and the scheduled amount of instructional hours may count  
5 towards the required minimum to the extent allowed by State Board policy.  
6 The school calendar shall include a plan for making up days and  
7 instructional hours missed when schools are not opened due to inclement  
8 weather.

9 ...

10 (4a) Three days, as designated by the local board, for use as teacher workdays.  
11 These days shall be protected to allow teachers to complete instructional and  
12 classroom administrative duties. The local school administrative unit shall  
13 not impose any additional tasks on these days. The local board shall  
14 schedule at least one of these days at the beginning of the school year and at  
15 least one at the end of the school year.

16 (5) The remaining days scheduled by the local board in consultation with each  
17 school's principal for use as teacher workdays, additional instructional days,  
18 or other lawful purposes. Before consulting with the local board, each  
19 principal shall work with the school improvement team to determine the  
20 days to be scheduled and the purposes for which they should be scheduled.  
21 Days may be scheduled and planned for different purposes for different  
22 personnel and there is no requirement to schedule the same dates for all  
23 personnel. In order to make up days for school closing because of inclement  
24 weather, the local board may designate any of the days in this subdivision as  
25 additional make-up days to be scheduled after the last day of student  
26 attendance.

27 ~~If the State Board of Education finds that it will enhance student performance to do so, the~~  
28 ~~State Board may grant a local board of education a waiver to use up to five of the instructional~~  
29 ~~days required by subdivision (1) of this subsection as teacher workdays. For each instructional~~  
30 ~~day waived, the State Board shall waive an equivalent number of instructional hours.~~

31 Local boards and individual schools are encouraged to use the calendar flexibility in order  
32 to meet the annual performance standards set by the State Board. Local boards of education  
33 shall consult with parents and the employed public school personnel in the development of the  
34 school calendar.

35 Local boards shall designate at least two days scheduled under subdivision (5) of this  
36 subsection as days on which teachers may take accumulated vacation leave. Local boards may  
37 designate the remaining days scheduled in subdivision (5) of this subsection as days on which  
38 teachers may take accumulated vacation leave, but local boards shall give teachers at least 14  
39 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any  
40 of these days. A teacher may elect to waive this notice requirement for one or more of these  
41 days.

42 ...

43 "(d) Opening and Closing Dates. – Local boards of education shall determine the dates  
44 of opening and closing the public schools under subdivision (a)(1) of this section. Except for  
45 year-round schools, the opening date for students shall ~~not be before August 25,~~ be no earlier  
46 than the Monday closest to August 26, and the closing date for students shall ~~not be after June~~  
47 ~~10, be no later than the Friday closest to June 11.~~ On a showing of good cause, the State Board  
48 of Education may waive this requirement the requirement that the opening date for students be  
49 no earlier than the Monday closest to August 26 and may allow the local board of education to  
50 set an opening data no earlier than the Monday closest to August 19, to the extent that school  
51 calendars are able to provide sufficient days to accommodate anticipated makeup days due to

1 school closings. A local board may revise the scheduled closing date if necessary in order to  
 2 comply with the minimum requirements for instructional days or instructional time. For  
 3 purposes of this subsection, the term "good cause" means ~~either that~~ that schools in any local  
 4 school administrative unit in a county have been closed eight days per year during any four of  
 5 the last 10 years because of severe weather conditions, energy shortages, power failures, or  
 6 other emergency situations.

7 ~~(1) Schools in any local school administrative unit in a county have been closed~~  
 8 ~~eight days per year during any four of the last 10 years because of severe~~  
 9 ~~weather conditions, energy shortages, power failures, or other emergency~~  
 10 ~~situations; or~~

11 ~~(2) Schools in any local school administrative unit in a county have been closed~~  
 12 ~~for all or part of eight days per year during any four of the last 10 years~~  
 13 ~~because of severe weather conditions. For purposes of this subdivision, a~~  
 14 ~~school shall be deemed to be closed for part of a day if it is closed for two or~~  
 15 ~~more hours.~~

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

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

30 ..."

31 **SECTION 5.(b)** G.S. 115C-238.29F(d)(1) reads as rewritten:

32 "(1) The school shall provide instruction each year for at least 185 ~~days~~ days or  
 33 1,025 hours over nine calendar months. ~~If the State Board of Education finds~~  
 34 ~~that it will enhance student performance to do so, the State Board may grant~~  
 35 ~~a charter school a waiver to use up to five of these instructional days as~~  
 36 ~~teacher workdays."~~

37 **SECTION 5.(c)** G.S. 115C-238.53 is amended by adding a new subsection to read:

38 "(g) The requirements of G.S. 115C-84.2 shall not apply to a program approved under  
 39 this Part, however, the program shall provide instruction each year for at least 185 days or  
 40 1,025 hours over nine calendar months."

41 **SECTION 5.(d)** G.S. 115C-238.66(1)(d) reads as rewritten:

42 "d. The board of directors shall adopt a school calendar consisting of a  
 43 minimum of 185 days or 1,025 hours of instruction covering at least  
 44 nine calendar months."

45 **SECTION 5.(e)** This section is effective when it becomes law and applies  
 46 beginning with the 2013-2014 school year.

47  
 48 **PART VI. funding for the addition of five instructional days within the existing school**  
 49 **calendar**

50

1           **SECTION 6.(a)** To fully provide for the expansion of five additional instructional  
2 days in accordance with S.L. 2011-145, Section 7.29 for those days for which a local school  
3 administrative unit has not requested and received a waiver from the State Board of Education  
4 for the 2012-2013 school year:

5           (1) There is appropriated from the General Fund to the Department of Public  
6 Instruction the sum of forty thousand one hundred sixty-eight dollars  
7 (\$40,168) for the 2012-2013 fiscal year to increase the amount appropriated  
8 for the noninstructional support personnel allotment.

9           (2) There is appropriated from the General Fund to the Department of Public  
10 Instruction the sum of three hundred fifty-one thousand four hundred  
11 sixty-nine dollars (\$351,469) for the 2012-2013 fiscal year to increase the  
12 amount appropriated for the transportation allotment.

13           **SECTION 6.(b)** This section becomes effective July 1, 2012.  
14

## 15 **PART VII. ESTABLISH NC TEACHER CORPS**

16  
17           **SECTION 7.(a)** Article 20 of Chapter 115C of the General Statutes is amended by  
18 adding a new section to read:

### 19 **"§ 115C-296.7. North Carolina Teacher Corps.**

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

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

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

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

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

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

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

1           **SECTION 7.(b)** This section is effective when it becomes law. The State Board of  
2 Education shall recruit and place an initial cohort of NC Teacher Corps members no later than  
3 the 2012-2013 school year.  
4

5 **PART VIII. STRENGTHEN TEACHER LICENSURE**  
6

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

8 "**§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor**  
9 **programs.**

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

14       The State Board of Education may require an applicant for an initial bachelors degree  
15 certificate or graduate degree certificate to demonstrate the applicant's academic and  
16 professional preparation by achieving a prescribed minimum score on a standard examination  
17 appropriate and adequate for that purpose. Elementary Education (K-6) teachers shall also  
18 achieve a prescribed minimum score on subtests or standard examinations specific to teaching  
19 reading and mathematics. The State Board of Education shall permit an applicant to fulfill any  
20 such testing requirement before or during the applicant's second year of teaching provided the  
21 applicant took the examination at least once during the first year of teaching. The State Board  
22 of Education shall make any required standard initial licensure exam ~~sufficiently~~ rigorous and  
23 raise the prescribed minimum score as necessary to ensure that each applicant has ~~adequate~~  
24 received high quality academic and professional preparation to ~~teach~~ teach effectively.  
25

26       ...

27       (b) It is the policy of the State of North Carolina to maintain the highest quality teacher  
28 education programs and school administrator programs in order to enhance the competence of  
29 professional personnel licensed in North Carolina. To the end that teacher preparation programs  
30 are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead  
31 agency in coordination and cooperation with the University Board of Governors, the Board of  
32 Community Colleges and such other public and private agencies as are necessary, shall  
33 continue to refine the several licensure requirements, standards for approval of institutions of  
34 teacher education, standards for institution-based innovative and experimental programs,  
35 standards for implementing consortium-based teacher education, and standards for improved  
36 efficiencies in the administration of the approved programs. The licensure program shall  
37 provide for initial licensure after completion of preservice training, continuing licensure after  
38 three years of teaching experience, and license renewal every five years thereafter, until the  
39 retirement of the teacher. The last license renewal received prior to retirement shall remain in  
40 effect for five years after retirement. The licensure program shall also provide for lifetime  
41 licensure after 50 years of teaching.

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

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

49       The State Board of Education, in consultation with the Board of Governors of The  
50 University of North Carolina, shall evaluate and develop enhanced requirements for continuing  
51 licensure. The new requirements shall reflect more rigorous standards for continuing licensure  
and to the extent possible shall be aligned with quality professional development programs that



1 reflect State priorities for improving student achievement. Standards for continuing licensure  
2 shall include at least three continuing education credits related to literacy for elementary and  
3 middle school teachers. Literacy renewal credits shall include assessment, diagnosis, and  
4 intervention strategies for students not demonstrating reading proficiency. Oral language,  
5 phonemic and phonological awareness, phonics, vocabulary, fluency, and comprehension shall  
6 be addressed in literacy-related activities leading to certification renewal for elementary school  
7 teachers.

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

14 The standards for approval of institutions of teacher education shall require that teacher  
15 education programs for all students include demonstrated competencies in (i) the identification  
16 and education of children with disabilities and (ii) positive management of student behavior  
17 and effective communication techniques for defusing and deescalating disruptive or dangerous  
18 behavior. The standards for approval of institutions of teacher education shall require that  
19 elementary teacher education programs include demonstrated competencies in (i) teaching of  
20 reading, including a substantive understanding of reading as a process involving oral language,  
21 phonological and phonemic awareness, phonics, fluency, vocabulary, and comprehension; (ii)  
22 evidence-based assessment and diagnosis of specific areas of difficulty with reading  
23 development and of reading deficiencies; and (iii) appropriate application of instructional  
24 supports and services and reading interventions to ensure reading proficiency for all students.  
25 The State Board of Education shall incorporate the criteria developed in accordance with  
26 G.S. 116-74.21 for assessing proposals under the School Administrator Training Program into  
27 its school administrator program approval standards.

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

33 ...

34 (c) It is the policy of the State of North Carolina to encourage lateral entry into the  
35 profession of teaching by skilled individuals from the private sector. To this end, before the  
36 1985-86 school year begins, the State Board of Education shall develop criteria and procedures  
37 to accomplish the employment of such individuals as classroom teachers. Beginning with the  
38 2006-2007 school year, the criteria and procedures shall include preservice training in (i) the  
39 identification and education of children with disabilities and (ii) positive management of  
40 student behavior, effective communication for defusing and deescalating disruptive or  
41 dangerous behavior, and safe and appropriate use of seclusion and restraint. Skilled individuals  
42 who choose to enter the profession of teaching laterally may be granted a ~~provisional~~lateral  
43 entry teaching license for no more than three years and shall be required to obtain licensure  
44 before contracting for a fourth year of service with any local administrative unit in this State.

45 ...."

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

## 49 **PART IX. PROOF OF STATE-FUNDED LIABILITY INSURANCE**

50 **SECTION 9.(a)** G.S. 115C-12 reads as rewritten:  
51

**"§ 115C-12. Powers and duties of the Board generally.**

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

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

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

...."

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

**PART X. PAY FOR EXCELLENCE**

**SECTION 10.(a)** Each local board of education shall develop a plan of performance pay for all licensed personnel employed by the local board. Under the performance pay plan, licensed employees should be eligible to receive bonuses or adjustments to base salary for meeting certain performance criteria. Criteria for award of bonuses or adjustments to base salary should include, but are not limited to, the following factors:

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

Local boards of education shall submit plans to the State Board of Education no later than March 1, 2013. The State Board of Education shall report on these plans and the achievement-based compensation models developed as part of the federal Race to the Top grant and shall submit the report and all plans to the Fiscal Research Division, the Joint Legislative Commission on Governmental Operations, and the respective Subcommittees on Education Appropriations of the Senate and House of Representatives no later than April 15, 2013. Members of the public may also submit plans for performance pay no later than April 15, 2013 to the Fiscal Research Division, the Joint Legislative Commission on Governmental Operations, and the respective Subcommittees on Education Appropriations of the Senate and House of Representatives.

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

**PART XI. CLARIFY NC PRE-K PROGRAM ELIGIBILITY**

**SECTION 11.(a)** Section 10.7(f) of S.L. 2011-145 is rewritten to read:

~~"SECTION 10.7.(f) The prekindergarten program may continue to serve at risk children identified through the existing "child find" methods in which at risk children are currently served within the Division of Child Development. The Division of Child Development shall serve at risk children regardless of income. However, the total number of at risk children served shall constitute no more than twenty percent (20%) of the four year olds served within the prekindergarten program. Any~~ The Division of Child Development and Early

1 Education shall establish income eligibility requirements for the program not to exceed  
2 seventy-five percent (75%) of the State median income. Up to twenty percent (20%) of children  
3 enrolled may have family incomes in excess of seventy-five percent (75%) of median income if  
4 they have other designated risk factors. Furthermore, any age-eligible child who is a child of  
5 either of the following shall be eligible for the program: (i) an active duty member of the  
6 Armed Forces of the United States, including the North Carolina National Guard, State military  
7 forces, or a reserve component of the Armed Forces, who was ordered to active duty by the  
8 proper authority within the last 18 months or is expected to be ordered within the next 18  
9 months or (ii) a member of the Armed Forces of the United States, including the North  
10 Carolina National Guard, State military forces, or a reserve component of the Armed Forces,  
11 who was injured or killed while serving on active duty. Eligibility determinations for  
12 prekindergarten participants may continue through local education agencies and local North  
13 Carolina Partnership for Children, Inc., partnerships."

14 **SECTION 11.(b)** Section 10.7(h) of S.L. 2011-145 is repealed.

15 **SECTION 11.(c)** There is appropriated from the General Fund to the Department  
16 of Health and Human Services, Division of Child Development and Early Education, the sum  
17 of eleven million three hundred eight thousand three hundred sixty three dollars (\$11,308,363)  
18 for the 2012-2013 fiscal year to add two thousand two hundred sixty one (2,261) slots to be  
19 used in the NC Pre-K program.

20 **SECTION 11.(d)** This section is effective when it becomes law.

## 21 **PART XII. REPEAL PROHIBITION ON TEACHER PREPAYMENT**

22 **SECTION 12.(a)** Section 5 of S.L. 2011-379 is repealed.

23 **SECTION 12.(b)** This section becomes effective July 1, 2012.

## 24 **PART XIII. TAX DEDUCTION FOR EDUCATIONAL SUPPLIES**

25 **SECTION 13.(a)** G.S. 105-134.6(b) is amended by adding a new subdivision to  
26 read:

27 "(b) Other Deductions. – In calculating North Carolina taxable income, a taxpayer may  
28 deduct any of the following items to the extent those items are included in the taxpayer's  
29 adjusted gross income.

30 ...  
31 (23) An amount not to exceed two hundred fifty dollars (\$250.00) paid or  
32 incurred by an eligible educator in connection with items listed in this  
33 subdivision. For purposes of this subdivision, the term "eligible educator"  
34 has the same meaning as defined in section 62 of the Code, as it existed on  
35 December 31, 2011. In the case of a married couple filing a joint return  
36 where both spouses are eligible educators, the maximum dollar amount is  
37 five hundred dollars (\$500.00).

38 a. Books.

39 b. Supplies, other than nonathletic supplies for courses of instruction in  
40 health or physical education.

41 c. Computer equipment, including related software and services.

42 d. Supplementary materials used by the eligible educator in the  
43 classroom."

44 **SECTION 13.(b)** This section becomes effective for taxable years beginning on or  
45 after January 1, 2012.

## 46 **PART XIV. TEACHER CONTRACTS**

47 **SECTION 14.(a)** G.S. 115C-325 is repealed.

1           **SECTION 14.(b)** Part 3 of Article 22 of Chapter 115C of the General Statutes is  
2 amended by adding new sections to read:

3 **"§ 115C-325.1. Definitions.**

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

- 5           (1) "Day" means calendar day. In computing any period of time, Rule 6 of the  
6 North Carolina Rules of Civil Procedure shall apply.
- 7           (2) "Demote" means to reduce the salary of a person who is classified or paid by  
8 the State Board of Education as a classroom teacher or as a school  
9 administrator. The word "demote" does not include (i) a suspension without  
10 pay pursuant to G.S. 115C-325.5(a); (ii) the elimination or reduction of  
11 bonus payments, including merit-based supplements, or a systemwide  
12 modification in the amount of any applicable local supplement; or (iii) any  
13 reduction in salary that results from the elimination of a special duty, such as  
14 the duty of an athletic coach or a choral director.
- 15           (3) "Disciplinary suspension" means a final decision to suspend a teacher or  
16 school administrator without pay for no more than 60 days under  
17 G.S. 115C-325.5(b).
- 18           (4) "School administrator" means a principal, assistant principal, supervisor, or  
19 director whose major function includes the direct or indirect supervision of  
20 teaching or any other part of the instructional program as provided in  
21 G.S. 115C-287.1(a)(3).
- 22           (5) "Teacher" means a person meeting each of the following requirements:
- 23           a. Who holds at least one of the following licenses issued by the State  
24 Board of Education:
- 25               1. A current standard professional educator's license.  
26               2. A current lateral entry teaching license.  
27               3. A regular, not expired, vocational license.
- 28           b. Whose major responsibility is to teach or directly supervise teaching  
29 or who is classified by the State Board of Education or is paid either  
30 as a classroom teacher or instructional support personnel.
- 31           c. Who is employed to fill a full-time, permanent position.

32 **"§ 115C-325.2. Personnel files.**

33           (a) Maintenance of Personnel File. – The superintendent shall maintain in his or her  
34 office a personnel file for each teacher that contains any complaint, commendation, or  
35 suggestion for correction or improvement about the teacher's professional conduct, except that  
36 the superintendent may elect not to place in a teacher's file (i) a letter of complaint that contains  
37 invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no  
38 documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion  
39 shall be signed by the person who makes it and shall be placed in the teacher's file only after  
40 five days' notice to the teacher. Any denial or explanation relating to such complaint,  
41 commendation, or suggestion that the teacher desires to make shall be placed in the file. Any  
42 teacher may petition the local board of education to remove any information from the teacher's  
43 personnel file that the teacher deems invalid, irrelevant, or outdated. The board may order the  
44 superintendent to remove said information if it finds the information is invalid, irrelevant, or  
45 outdated.

46           (b) Inspection of Personnel Files. – The personnel file shall be open for the teacher's  
47 inspection at all reasonable times but shall be open to other persons only in accordance with  
48 such rules and regulations as the board adopts. Any preemployment data or other information  
49 obtained about a teacher before the teacher's employment by the board may be kept in a file  
50 separate from the teacher's personnel file and need not be made available to the teacher. No  
51 data placed in the preemployment file may be introduced as evidence at a hearing on the

1 dismissal or demotion of a teacher, except the data may be used to substantiate  
2 G.S. 115C-325.4(a)(7) or G.S. 115C-325.4(a)(14) as grounds for dismissal or demotion.

3 **"§ 115C-325.3. Teacher contracts.**

4 (a) Length of Contract. – A contract between the local board of education and a teacher  
5 who has been employed by the local board of education for less than three years shall be for a  
6 term of one school year. A contract or renewal of contract between the local board of education  
7 and a teacher who has been employed by the local board of education for three years or more  
8 shall be for a term of one, two, three, or four school years.

9 (b) Superintendent Recommendation to Local Board. – Local boards of education shall  
10 employ teachers upon the recommendation of the superintendent. If a superintendent intends to  
11 recommend to the local board of education that a teacher be offered a new or renewed contract,  
12 the superintendent shall submit the recommendation to the local board for action and shall  
13 include in the recommendation the length of the term of contract. A superintendent shall only  
14 recommend a teacher for a contract of a term longer than one school year if the teacher has  
15 shown effectiveness as demonstrated on the teacher evaluation instrument. The local board may  
16 approve the superintendent's recommendation, may decide not to offer the teacher a new or  
17 renewed contract, or may decide to offer the teacher a renewed contract for a different term  
18 than recommended by the superintendent.

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

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

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

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

38 **"§ 115C-325.4. Dismissal or demotion for cause.**

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

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

50 (2) Immorality.

51 (3) Insubordination.

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

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

22       **"§ 115C-325.5. Teacher suspension.**

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

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

- 41           (1)   Board hearing for disciplinary suspensions for more than 10 days or for  
42           certain types of intentional misconduct. – The procedures for a board hearing  
43           under G.S. 115C-325.8 shall apply if any of the following circumstances  
44           exist:
  - 45               a.   The recommended disciplinary suspension without pay is for more  
46               than 10 days; or
  - 47               b.   The disciplinary suspension is for intentional misconduct, such as  
48               inappropriate sexual or physical conduct, immorality,  
49               insubordination, habitual or excessive alcohol or nonmedical use of a  
50               controlled substance as defined in Article 5 of Chapter 90 of the  
51               General Statutes, any cause that constitutes grounds for the

1 revocation of the teacher's or school administrator's license, or  
2 providing false information.

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

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

20 **"§ 115C-325.6. Procedure for dismissal or demotion of a teacher for cause.**

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

25 (b) Notice of Recommendation. – Before recommending to a board the dismissal or  
26 demotion of a teacher, the superintendent shall give written notice to the teacher by certified  
27 mail or personal delivery of the superintendent's intention to make such recommendation and  
28 shall set forth as part of the superintendent's recommendation the grounds upon which he or she  
29 believes such dismissal or demotion is justified. The superintendent also shall meet with the  
30 teacher and provide written notice of the charges against the teacher, an explanation of the basis  
31 for the charges, and an opportunity to respond if the teacher has not done so under  
32 G.S. 115C-325.5(a). The notice shall include a statement to the effect that the teacher, within  
33 14 days after the date of receipt of the notice, may request a hearing before the board on the  
34 superintendent's recommendation. A copy of Part 3 of Article 22 of Chapter 115C shall also be  
35 sent to the teacher.

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

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

50 **"§ 115C-325.7. Hearing before board.**

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

3           (1) The hearing shall be private.

4           (2) The board shall receive the following:

5               a. Any documentary evidence the superintendent intends to use to  
6 support the recommendation. The superintendent shall provide the  
7 documentary evidence to the teacher seven days before the hearing.

8               b. Any documentary evidence the teacher intends to use to rebut the  
9 superintendent's recommendation. The teacher shall provide the  
10 superintendent with the documentary evidence three days before the  
11 hearing.

12              c. The superintendent's recommendation and the grounds for the  
13 recommendation.

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

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

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

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

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

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

28 **§ 115C-325.8. Board hearing for certain disciplinary suspensions.**

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

31           (1) The hearing shall be private.

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

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

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

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

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

49           (7) No new evidence may be presented at the hearing except upon a finding by  
50 the board that the new evidence is critical to the matter at issue and the party  
51 making the request could not, with reasonable diligence, have discovered



1 and produced the evidence according to the schedule provided in this  
2 section.

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

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

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

11 **"§ 115C-325.9. Teacher resignation.**

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

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

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

22 (3) The teacher shall be deemed to have voluntarily surrendered his or her  
23 license pending an investigation by the State Board of Education in a  
24 determination whether or not to seek action against the teacher's license.  
25 This license surrender shall not exceed 45 days from the date of resignation.  
26 Provided further that the cessation of the license surrender shall not prevent  
27 the State Board of Education from taking any further action it deems  
28 appropriate. The State Board of Education shall initiate investigation within  
29 five working days of the written notice from the superintendent and shall  
30 make a final decision as to whether to revoke or suspend the teacher's license  
31 within 45 days from the date of resignation.

32 (b) 30 Days' Notice Resignation Requirement. – A teacher who is not recommended for  
33 dismissal should not resign during the term of the contract without the consent of the  
34 superintendent unless he or she has given at least 30 days' notice. If a teacher who is not  
35 recommended for dismissal does resign during the term of the contract without giving at least  
36 30 days' notice, the board may request that the State Board of Education revoke the teacher's  
37 license for the remainder of that school year. A copy of the request shall be placed in the  
38 teacher's personnel file.

39 **"§ 115C-325.10. Application to certain institutions.**

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

44 **"§ 115C-325.11. Dismissal of school administrators and teachers employed in**  
45 **low-performing residential schools.**

46 (a) Notwithstanding any other provision of this section or any other law, this section  
47 shall govern the dismissal by the State Board of Education of teachers, principals, assistant  
48 principals, directors, supervisors, and other licensed personnel assigned to a residential school  
49 that the State Board has identified as low-performing and to which the State Board has assigned  
50 an assistance team. The State Board shall dismiss a teacher, principal, assistant principal,  
51 director, supervisor, or other licensed personnel when the State Board receives two consecutive

1 evaluations that include written findings and recommendations regarding that person's  
2 inadequate performance from the assistance team. These findings and recommendations shall  
3 be substantial evidence of the inadequate performance of the teacher or school administrator.

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

6 (1) The State Board determines that the school has failed to make satisfactory  
7 improvement after the State Board assigned an assistance team to that  
8 school.

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

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

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

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

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

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

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

37 **"§ 115C-325.12. Procedure for dismissal of Principals employed in low-performing**  
38 **schools.**

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

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

49 (c) Procedures for Dismissal of Principal. –

50 (1) If the State Board through its designee recommends the dismissal of a  
51 principal under this section, the principal shall be suspended with pay

1 pending a hearing before a panel of three members of the State Board. The  
2 purpose of this hearing, which shall be held within 60 days after the  
3 principal is suspended, is to determine whether the principal shall be  
4 dismissed.

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

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

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

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

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

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

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

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

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

39 **"§ 115C-325.13. Procedure for dismissal of teachers employed in low-performing schools.**

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

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

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

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

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

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

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

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

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

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

29           **SECTION 14.(c)** G.S. 115C-45(c) reads as rewritten:

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

32           (1) The discipline of a student under G.S. 115C-390.7, 115C-390.10, or  
33 115C-390.11;

34           (2) An alleged violation of a specified federal law, State law, State Board of  
35 Education policy, State rule, or local board policy, including policies  
36 regarding grade retention of students;

37           (3) The terms or conditions of employment or employment status of a school  
38 employee; and

39           (4) Any other decision that by statute specifically provides for a right of appeal  
40 to the local board of education and for which there is no other statutory  
41 appeal procedure.

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

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

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

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

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

19 **SECTION 14.(d)** G.S. 115C-105.26(b)(2) reads as rewritten:

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

27 **SECTION 14.(e)** G.S. 115C-105.37B(a)(2) reads as rewritten:

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

37 **SECTION 14.(f)** G.S. 115C-105.38A(d) reads as rewritten:

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

43 **SECTION 14.(g)** G.S. 115C-105.38A(f) reads as rewritten:

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

- 46 (1) The dismissal of a principal under ~~G.S. 115C-325(q)(1)~~; G.S. 115C-325.12.
- 47 (2) The dismissal of a teacher, assistant principal, director, or supervisor under  
48 ~~G.S. 115C-325(q)(2)~~; G.S. 115C-325.13.
- 49 (3) The dismissal or demotion of ~~a career~~ an employee for any of the grounds  
50 listed under ~~G.S. 115C-325(e)~~; G.S. 115C-325.4.

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

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

4 **SECTION 14.(h)** G.S. 115C-105.39 reads as rewritten:

5 "**§ 115C-105.39. Dismissal or removal of personnel; appointment of interim**  
6 **superintendent.**

7 (a) Within 30 days of the initial identification of a school as low-performing, whether  
8 by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under  
9 G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the  
10 school's principal: (i) recommend to the local board that the principal be retained in the same  
11 position, (ii) recommend to the local board that the principal be retained in the same position  
12 and a plan of remediation should be developed, (iii) recommend to the local board that the  
13 principal be transferred, or (iv) proceed under ~~G.S. 115C-325~~G.S. 115C-325.4 to dismiss or  
14 demote the principal. The principal may be retained in the same position without a plan for  
15 remediation only if the principal was in that position for no more than two years before the  
16 school is identified as low-performing. The principal shall not be transferred to another  
17 principal position unless (i) it is in a school classification in which the principal previously  
18 demonstrated at least 2 years of success, (ii) there is a plan to evaluate and provide remediation  
19 to the principal for at least one year following the transfer to assure the principal does not  
20 impede student performance at the school to which the principal is being transferred; and (iii)  
21 the parents of the students at the school to which the principal is being transferred are notified.  
22 The principal shall not be transferred to another low-performing school in the local school  
23 administrative unit. If the superintendent intends to recommend demotion or dismissal, the  
24 superintendent shall notify the local board. Within 15 days of (i) receiving notification that the  
25 superintendent intends to proceed under ~~G.S. 115C-325~~G.S. 115C-325.4 or (ii) its decision  
26 concerning the superintendent's recommendation, but no later than September 30, the local  
27 board shall submit to the State Board a written notice of the action taken and the basis for that  
28 action. If the State Board does not assign an assistance team to that school or if the State Board  
29 assigns an assistance team to that school and the superintendent proceeds under  
30 ~~G.S. 115C-325~~G.S. 115C-325.4 to dismiss or demote the principal, then the State Board shall  
31 take no further action. If the State Board assigns an assistance team to the school and the  
32 superintendent is not proceeding under ~~G.S. 115C-325~~G.S. 115C-325.4 to dismiss or demote  
33 the principal, then the State Board shall vote to accept, reject, or modify the local board's  
34 recommendations. The State Board shall notify the local board of its action within five days. If  
35 the State Board rejects or modifies the local board's recommendations and does not recommend  
36 dismissal of the principal, the State Board's notification shall include recommended action  
37 concerning the principal's assignment or terms of employment. Upon receipt of the State  
38 Board's notification, the local board shall implement the State Board's recommended action  
39 concerning the principal's assignment or terms of employment unless the local board asks the  
40 State Board to reconsider that recommendation. The State Board shall provide an opportunity  
41 for the local board to be heard before the State Board acts on the local board's request for a  
42 reconsideration. The State Board shall vote to affirm or modify its original recommended  
43 action and shall notify the local board of its action within five days. Upon receipt of the State  
44 Board's notification, the local board shall implement the State Board's final recommended  
45 action concerning the principal's assignment or terms of employment. If the State Board rejects  
46 or modifies the local board's action and recommends dismissal of the principal, the State Board  
47 shall proceed under ~~G.S. 115C-325(q)(1)~~G.S. 115C-325.12.

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

51 ...."

1           **SECTION 14.(i)** G.S. 115C-238.29F(e)(3) reads as rewritten:

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

22           **SECTION 14.(j)** G.S. 115C-238.68(3) reads as rewritten:

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

44           **SECTION 14.(k)** G.S. 115C-276(l) reads as rewritten:

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

50           **SECTION 14.(l)** G.S. 115C-285(7) reads as rewritten:

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

SECTION 14.(m) G.S. 115C-287.1 reads as rewritten:

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

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

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

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

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

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

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

- a. Principal;
- b. Assistant principal;
- c. Supervisor; or
- d. Director,

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

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

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

(c) The term of employment shall be stated in a written contract that shall be entered into between the local board of education and the school administrator. The school administrator shall not be dismissed or demoted during the term of the contract except for the



1 grounds and by the procedure by which a ~~career~~ teacher may be dismissed or demoted for cause  
2 as set forth in ~~G.S. 115C-325~~. G.S. 115C-325.4.

3 (d) If a superintendent intends to recommend to the local board of education that the  
4 school administrator be offered a new, renewed, or extended contract, the superintendent shall  
5 submit the recommendation to the local board for action. The local board may approve the  
6 superintendent's recommendation or decide not to offer the school administrator a new,  
7 renewed, or extended school administrator's contract.

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

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

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

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

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

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

1 require a local board to extend or renew the contract of a school administrator who holds a  
2 provisional assistant principal's certificate."

3 **SECTION 14.(n)** G.S. 115C-288(g) reads as rewritten:

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

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

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

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

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

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

28 **SECTION 14.(o)** G.S. 115C-304 is repealed.

29 **SECTION 14.(p)** G.S. 115C-333 reads as rewritten:

30 **"§ 115C-333. Evaluation of licensed employees including certain superintendents;  
31 mandatory improvement plans; State board notification upon dismissal of  
32 employees.**

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

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

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

- 1 (b) Mandatory Improvement Plans. –
- 2 (1) Repealed by Session Laws 2011-348, s. 2, effective July 1, 2011, and
- 3 applicable to persons recommended for dismissal or demotion on or after
- 4 that date.
- 5 (1a) A mandatory improvement plan is an instrument designed to improve a
- 6 teacher's performance or the performance of any licensed employee in a
- 7 low-performing school by providing the individual with notice of specific
- 8 performance areas that have substantial deficiencies and a set of strategies,
- 9 including the specific support to be provided to the individual, so that the
- 10 individual, within a reasonable period of time, should satisfactorily resolve
- 11 such deficiencies.
- 12 (2) Repealed by Session Laws 2011-348, s. 2, effective July 1, 2011, and
- 13 applicable to persons recommended for dismissal or demotion on or after
- 14 that date.
- 15 (2a) If a licensed employee in a low-performing school receives a rating on any
- 16 standard on an evaluation that is below proficient or otherwise represents
- 17 unsatisfactory or below standard performance in an area that the licensed
- 18 employee was expected to demonstrate, the individual or team that
- 19 conducted the evaluation shall recommend to the superintendent that (i) the
- 20 employee receive a mandatory improvement plan designed to improve the
- 21 employee's ~~performance or performance~~, (ii) the superintendent recommend
- 22 to the local board that the ~~employee be dismissed or demoted~~ employee's
- 23 contract not be recommended for renewal, or (iii) if the employee engaged in
- 24 inappropriate conduct or performed inadequately to such a degree that such
- 25 conduct or performance causes substantial harm to the educational
- 26 environment that a proceeding for immediate dismissal or demotion be
- 27 instituted. If the individual or team that conducted the evaluation elects not
- 28 to make ~~either any~~ of the above recommendations, the said individual or
- 29 team shall notify the superintendent of this decision. The superintendent
- 30 shall determine whether to develop a mandatory improvement ~~plan~~ plan, to
- 31 not recommend renewal of the employee's contract, or to recommend a
- 32 dismissal proceeding.
- 33 (3) If at any time a licensed employee engages in inappropriate conduct or
- 34 performs inadequately to such a degree that such conduct or performance
- 35 causes substantial harm to the educational environment, and immediate
- 36 dismissal or demotion is not appropriate, then the principal may immediately
- 37 institute a mandatory improvement plan regardless of any ratings on
- 38 previous evaluations. The principal shall document the exigent reason for
- 39 immediately instituting such a plan.
- 40 (4) Mandatory improvement plans shall be developed by the person who
- 41 evaluated the licensed employee or the employee's supervisor unless the
- 42 evaluation was conducted by an assistance team. If the evaluation was
- 43 conducted by an assistance team, that team shall develop the mandatory
- 44 improvement plan in collaboration with the employee's supervisor. Mandatory improvement plans shall be designed to be completed within 90
- 45 instructional days or before the beginning of the next school year. The State
- 46 Board shall develop guidelines that include strategies to assist local boards
- 47 in evaluating licensed employees and developing effective mandatory
- 48 improvement plans within the time allotted under this section. Local boards
- 49 may adopt policies for the development and implementation of mandatory
- 50

1 improvement plans and policies for the implementation of monitored and  
2 directed growth plans.

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

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

33 ...."

34 **SECTION 14.(q)** G.S. 115C-333.1 reads as rewritten:

35 "**§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing;**  
36 **mandatory improvement plans; State Board notification upon dismissal of**  
37 **teachers.**

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

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

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

21 (c) Observation by a Qualified Observer. –

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

28 (2) The local board of education shall create a list of qualified observers who are  
29 employed by that board and available to do observations of employees on  
30 mandatory improvement plans. This list shall be limited to names of  
31 administrators and teachers selected by the local board of education. The  
32 local board of education shall strive to select administrators and teachers  
33 with excellent reputations for competence and fairness.

34 (3) Any teacher, other than a teacher assigned to a school designated as  
35 low-performing, who has been placed on a mandatory improvement plan  
36 shall have a right to be observed by a qualified observer in the area or areas  
37 of concern identified in the mandatory improvement plan. The affected  
38 teacher and the principal shall jointly choose the qualified observer within  
39 20 instructional days after the commencement of the mandatory  
40 improvement plan. If the teacher and the principal cannot agree on a  
41 qualified observer within this time period, they each shall designate a person  
42 from the list of qualified observers created pursuant to subdivision (2) of this  
43 subsection, and these two designated persons shall choose a qualified  
44 observer within five instructional days of their designation. The qualified  
45 observer shall draft a written report assessing the teacher in the areas of  
46 concern identified in the mandatory improvement plan. The report shall be  
47 submitted to the principal before the end of the mandatory improvement plan  
48 period. If a teacher or administrator from the same local school  
49 administrative unit is selected to serve as the qualified observer, the  
50 administration of the local school administrative unit shall provide such  
51 qualified observer with the time necessary to conduct the observation and

1 prepare a report. If someone who is not employed by the same local school  
2 administrative unit is selected to serve as the qualified observer, the teacher  
3 who is the subject of the mandatory improvement plan will be responsible  
4 for any expenses related to the observations and reports prepared by the  
5 qualified observer. The qualified observer shall not unduly disrupt the  
6 classroom when conducting an observation.

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

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

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

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

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

9 ...."

10 **SECTION 14.(r)** G.S. 115C-335(b) reads as rewritten:

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

29 **SECTION 14.(s)** Article 23 of Chapter 115C of the General Statutes is amended  
30 by adding a new section to read:

31 **§ 115C-344. Employment benefits for exchange teachers.**

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

41 **SECTION 14.(t)** G.S. 115C-404(b) reads as rewritten:

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

1 employee and is grounds for dismissal of an employee who is a career employee, in accordance  
2 with ~~G.S. 115C-325(e)(1)~~G.S. 115C-325.4(a)(9)."

3 **SECTION 14.(u)** G.S. 143B-146.7(b) reads as rewritten:

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

7 **SECTION 14.(v)** G.S. 143B-146.8 reads as rewritten:

8 "**§ 143B-146.8. Evaluation of ~~certificated~~licensed personnel and principals; action plans;**  
9 **State Board notification.**

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

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

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

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



1 allotted under this section. The Secretary may adopt policies for the development and  
2 implementation of action plans or professional development plans for personnel who do not  
3 require action plans under this section.

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

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

20 ...."

21 **SECTION 14.(w)** Notwithstanding the requirements for terms of contracts in  
22 G.S. 115C-325.3, for the 2012-2013 school year all teachers shall be employed on a contract  
23 for a term of one year. This section becomes effective July 1, 2012, and applies to all school  
24 employees employed on or after that date.

## 25 26 **PART XV. ELIMINATION OF PUBLIC FINANCING FOR SUPERINTENDENT OF** 27 **PUBLIC INSTRUCTION**

28  
29 **SECTION 15.(a)** G.S. 163-278.95 reads as rewritten:

30 "**§ 163-278.95. Purpose and establishment of Voter-Owned Elections Act.**

31 The purpose of this Article is to ensure the vitality and fairness of democratic elections in  
32 North Carolina to the end that any eligible citizen of this State can realistically choose to seek  
33 and run for public office. It is also the purpose of this Article to protect the constitutional rights  
34 of voters and candidates from the detrimental effects of increasingly large amounts of money  
35 being raised and spent in North Carolina to influence the outcome of elections. It is essential to  
36 the public interest that the potential for corruption or the appearance of corruption is minimized  
37 and that the equal and meaningful participation of all citizens in the democratic process is  
38 ensured. Accordingly, this Article establishes the North Carolina Voter-Owned Elections Fund  
39 as an alternative source of campaign financing for candidates who obtain a sufficient number of  
40 qualifying contributions from registered voters and who voluntarily accept strict fund-raising  
41 and spending limits. This Article is available to candidates for the Council of State offices of  
42 ~~Auditor, Superintendent of Public Instruction, Auditor~~ and Commissioner of Insurance in  
43 elections to be held in 2008 and thereafter."

44 **SECTION 15.(b)** G.S. 163-278.96(12) reads as rewritten:

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

47 **SECTION 15.(c)** Within five business days of the effective day of this act, the  
48 State Board of Elections shall notify any individual who is a candidate for Superintendent of  
49 Public Instruction and who has filed a declaration of intent to participate in the program for  
50 public financing through the North Carolina Voter-Owned Elections Fund that the candidate is  
51 no longer eligible to participate in the program.

1           **SECTION 15.(d)** This section is effective when it becomes law and applies to  
2 elections held on or after that date.

3

4 **PART XVI. EFFECTIVE DATE**

5           **SECTION 16.** Except as otherwise provided, this act is effective when it becomes  
6 law.