

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 361
PROPOSED COMMITTEE SUBSTITUTE S361-PCS15238-TC-9

Short Title: Excellent Public Schools Act of 2013.

(Public)

Sponsors:

Referred to:

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LITERACY VOLUNTEER LEAVE TIME; MAXIMIZE INSTRUCTIONAL TIME; STRENGTHEN TEACHER EDUCATION PROGRAMS AND TEACHER LICENSURE REQUIREMENTS; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; ASSIGN SCHOOL PERFORMANCE GRADES AND ADD STUDENT GROWTH COMPONENT; AND ESTABLISH TEACHER CONTRACTS.

The General Assembly of North Carolina enacts:

PART I. STATE EMPLOYEE LITERACY VOLUNTEER LEAVE TIME

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

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

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

...

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

...."

SECTION 1.(b) This section is effective when it becomes law.

PART II. MAXIMIZE INSTRUCTIONAL TIME

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

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

- (1) Schools shall devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning;
- (2) Students in a school shall not be subject to field tests or national tests during the two-week period preceding the administration of end-of-grade tests, end-of-course tests, or the school's regularly scheduled final exams; and
- (3) No school shall participate in more than two field tests at any one grade level during a school year ~~unless that school volunteers, through a vote of its school improvement team, to participate in an expanded number of field tests-year.~~



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

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

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

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

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

PART III. STRENGTHEN TEACHER LICENSURE

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

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

...

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

(1) Licensure Standards. –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17"

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

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

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

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

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

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

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

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

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

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

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

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

15 (1) Licensure standards. –

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

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

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

47 (2) Teacher education programs. –

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

- 1 public and private agencies as necessary, shall continue to raise
2 standards for entry into teacher education programs.
- 3 b. To further ensure that teacher preparation programs remain current
4 and reflect a rigorous course of study that is aligned to State and
5 national standards, the State Board of Education, in consultation with
6 the Board of Governors of The University of North Carolina, shall do
7 all of the following to ensure that students are prepared to teach in
8 elementary schools:
- 9 1. Provide students with adequate coursework in the teaching of
10 reading and mathematics.
- 11 2. Assess students prior to licensure to determine that they
12 possess the requisite knowledge in scientifically based
13 reading and mathematics instruction that is aligned with the
14 State Board's expectations.
- 15 3. Continue to provide students with preparation in applying
16 formative and summative assessments within the school and
17 classroom setting through technology-based assessment
18 systems available in North Carolina schools that measure and
19 predict expected student improvement.
- 20 4. Prepare students to integrate arts education across the
21 curriculum.
- 22 c. The State Board of Education, in consultation with local boards of
23 education and the Board of Governors of The University of North
24 Carolina, shall evaluate and modify, as necessary, the academic
25 requirements of teacher preparation programs for students preparing
26 to teach science in middle and high schools to ensure that there is
27 adequate preparation in issues related to science laboratory safety.
- 28 d. The standards for approval of institutions of teacher education shall
29 require that teacher education programs for all students include the
30 following demonstrated competencies:
- 31 1. ~~in~~ All teacher education programs. –
- 32 I. ~~(i) the~~ The identification and education of children
33 with disabilities and disabilities.
- 34 II. ~~(ii) positive~~ Positive management of student behavior
35 and effective communication techniques for defusing
36 and deescalating disruptive or dangerous behavior.
- 37 2. Elementary and special education general curriculum teacher
38 education programs. –
- 39 I. Teaching of reading, including a substantive
40 understanding of reading as a process involving oral
41 language, phonological and phonemic awareness,
42 phonics, fluency, vocabulary, and comprehension.
- 43 II. Evidence-based assessment and diagnosis of specific
44 areas of difficulty with reading development and of
45 reading deficiencies.
- 46 III. Appropriate application of instructional supports and
47 services and reading interventions to ensure reading
48 proficiency for all students.
- 49 e. The State Board of Education shall incorporate the criteria developed
50 in accordance with G.S. 116-74.21 for assessing proposals under the

1 School Administrator Training Program into its school administrator
2 program approval standards.

- 3 f. All North Carolina institutions of higher education that offer teacher
4 education programs, masters degree programs in education, or
5 masters degree programs in school administration shall provide
6 annual performance reports to the State Board of Education.

7"

8 **SECTION 3.(c)** The State Board of Education shall develop a plan to require the
9 schools of education to measure performance and provide an annual report on the demonstrated
10 competencies included in their elementary and special education general curriculum teacher
11 education programs on (i) teaching of reading, including a substantive understanding of reading
12 as a process involving oral language, phonological and phonemic awareness, phonics, fluency,
13 vocabulary, and comprehension; (ii) evidence-based assessment and diagnosis of specific areas
14 of difficulty with reading development and of reading deficiencies; and (iii) appropriate
15 application of instructional supports and services and reading interventions to ensure reading
16 proficiency for all students. The plan shall address requiring this information to be included in
17 the annual performance reports to the State Board and the higher education educator
18 preparation program report cards required by G.S. 115C-296, as enacted by this act. The State
19 Board shall report to the Joint Legislative Education Oversight Committee on or before March
20 15, 2014, on the plan to include this information in the performance reports required for the
21 2014-2015 school year.

22 **SECTION 3.(d)** This section is effective when the act becomes law. Section 3.(a)
23 applies beginning with the 2013-2014 school year. Section 3.(b) applies beginning with the
24 2014-2015 school year.

25 For teachers who are in their fourth or fifth year of their current five-year license
26 renewal cycle, the changes required by G.S. 115C-296(b)(1)b., as enacted by Section 3.(a) and
27 Section 3.(b), shall apply beginning with the first year of their next five-year license renewal
28 cycle.

29 **PART IV. SCHOOL PERFORMANCE GRADES**

30 **SECTION 4.(a)** Section 7A.3(e) of S.L. 2012-142 is repealed.

31 **SECTION 4.(b)** Article 8 of Chapter 115C of the General Statutes is amended by
32 adding a new Part to read:

33 "Part 1B. School Performance.

34 "§ 115C-83.11. School performance scores, grades, and measure of student growth.

35 (a) The State Board of Education shall award school performance scores, grades, and a
36 measure of student growth as required by G.S. 115C-12(9)c1., calculated as provided in this
37 section.

38 (b) Performance Composite Calculation. – In calculating the overall school
39 performance score earned by schools, the State Board of Education shall (i) utilize a
40 performance composite approach to weigh the performance elements based on the number of
41 students measured by any given performance element and (ii) proportionally adjust the scale to
42 account for the absence of a school performance element for award of scores to a school that
43 does not have a measure of one of the school performance elements annually assessed for the
44 grades taught at that school.

45 (c) Elementary and Middle Schools Performance Elements. – For schools serving
46 students in kindergarten through eighth grade, the overall school performance score shall be
47 calculated based on the sum of the following school performance elements that are weighted
48 proportionally. The score shall be calculated as follows:

- 49 (1) One point for each percent of students who score at or above proficient on
50 annual assessments for mathematics in grades three through eight.
51

- 1 (2) One point for each percent of students who score at or above proficient on
2 annual assessments for reading in grades three through eight.
- 3 (3) One point for each percent of students who score at or above proficient on
4 annual assessments for science in grades five and eight.
- 5 (4) One point for each percent of students who score at or above proficient in
6 Algebra I/Integrated Math I, English II, and Biology end-of-course tests.
- 7 (d) High Schools Performance Elements. – The school performance score earned by
8 schools serving students in ninth through 12th grades shall be calculated based on the sum of
9 seven school performance elements that are weighted proportionally and grouped into three
10 categories in the calculation of the total performance grade. The scores in each category shall
11 be calculated as follows:
- 12 (1) Testing. –
- 13 a. One point for each percent of students who score at or above
14 proficient on annual assessments for mathematics.
- 15 b. One point for each percent of students who score at or above
16 proficient on annual assessments for English.
- 17 c. One point for each percent of students who score at or above
18 proficient on annual assessments for biology.
- 19 (2) College/career readiness. –
- 20 a. One point for each percent of students who complete a mathematics
21 class beyond Algebra I/Integrated Math II with a passing grade.
- 22 b. One point for each percent of students who meet benchmarks in
23 reading and in mathematics on a nationally normed test of college
24 readiness.
- 25 c. One point for each percent of students enrolled in Career and
26 Technical Education courses who meet the standard when scoring at
27 Silver, Gold, or Platinum levels on a nationally normed test of
28 workplace readiness.
- 29 (3) Graduation rate. – One point for each percent of students who graduate
30 within four years of entering high school.
- 31 (e) Calculation of School Performance Scores and Grades. – The State Board of
32 Education shall calculate school performance scores by totaling the sum of points, as provided
33 in subsections (c) and (d) of this section, and weighted proportionally, as provided in
34 subsection (b) of this section, earned by the school and converting the sum of points to a
35 100-point scale. The school performance score shall be used to determine the school
36 performance grade based on the following scale:
- 37 (1) At least 90 performance grade points for an overall school performance
38 grade of A.
- 39 (2) At least 80 performance grade points for an overall school performance
40 grade of B.
- 41 (3) At least 70 performance grade points for an overall school performance
42 grade of C.
- 43 (4) At least 60 performance grade points for an overall school performance
44 grade of D.
- 45 (5) A school that accumulates fewer than 60 points shall be assigned an overall
46 school performance grade of F.
- 47 (f) Measure of Student Growth. – Using the Education Value-Added Assessment
48 System (EVAAS), the State Board shall include as a part of the annual school report card a
49 separate indicator reflecting a measure of student growth for performance on annual
50 assessments for reading, mathematics, and science in grades three through eight and on annual
51 assessments for mathematics, English, and biology in grades nine through 12. Based on this

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 32 **PART VI. TEACHER CONTRACTS**

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

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

36 **"§ 115C-325.1. Definitions.**

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

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

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

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

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

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

9 2. A current lateral entry teaching license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (2) Immorality.

50 (3) Insubordination.

51 (4) Neglect of duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (1) Is in violation of constitutional provisions.

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

30 (3) Was made upon unlawful procedure.

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

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

34 (6) Is arbitrary or capricious.

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

41 **"§ 115C-325.9. Teacher resignation.**

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

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

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

1 (3) The teacher shall be deemed to have voluntarily surrendered his or her
2 license pending an investigation by the State Board of Education in a
3 determination whether or not to seek action against the teacher's license.
4 This license surrender shall not exceed 45 days from the date of resignation.
5 Provided further that the cessation of the license surrender shall not prevent
6 the State Board of Education from taking any further action it deems
7 appropriate. The State Board of Education shall initiate investigation within
8 five working days of the written notice from the superintendent and shall
9 make a final decision as to whether to revoke or suspend the teacher's license
10 within 45 days from the date of resignation.

11 (b) Thirty Days' Notice Resignation Requirement. – A teacher who is not recommended
12 for dismissal should not resign during the term of the contract without the consent of the
13 superintendent unless he or she has given at least 30 days' notice. If a teacher who is not
14 recommended for dismissal does resign during the term of the contract without giving at least
15 30 days' notice, the board may request that the State Board of Education revoke the teacher's
16 license for the remainder of that school year. A copy of the request shall be placed in the
17 teacher's personnel file.

18 **"§ 115C-325.10. Application to certain institutions.**

19 Notwithstanding any law or regulation to the contrary, this Part shall apply to all persons
20 employed in teaching and related educational classes in the schools and institutions of the
21 Departments of Health and Human Services, Public Instruction, and the Divisions of Juvenile
22 Justice and Adult Correction of the Department of Public Safety, regardless of the age of the
23 students.

24 **"§ 115C-325.11. Dismissal of school administrators and teachers employed in**
25 **low-performing residential schools.**

26 (a) Notwithstanding any other provision of this section or any other law, this section
27 shall govern the dismissal by the State Board of Education of teachers, principals, assistant
28 principals, directors, supervisors, and other licensed personnel assigned to a residential school
29 that the State Board has identified as low-performing and to which the State Board has assigned
30 an assistance team. The State Board shall dismiss a teacher, principal, assistant principal,
31 director, supervisor, or other licensed personnel when the State Board receives two consecutive
32 evaluations that include written findings and recommendations regarding that person's
33 inadequate performance from the assistance team. These findings and recommendations shall
34 be substantial evidence of the inadequate performance of the teacher or school administrator.

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

37 (1) The State Board determines that the school has failed to make satisfactory
38 improvement after the State Board assigned an assistance team to that
39 school.

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

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

49 (c) Notwithstanding any other provision of this section or any other law, this subsection
50 shall govern the dismissal by the State Board of licensed staff members who have engaged in a
51 remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general

1 knowledge standard set by the State Board. The failure to meet the general knowledge standard
2 after one retest shall be substantial evidence of the inadequate performance of the licensed staff
3 member.

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

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

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

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

17 **§ 115C-325.12. Procedure for dismissal of principals employed in low-performing**
18 **schools.**

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

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

29 (c) Procedures for Dismissal of Principal. –

30 (1) If the State Board through its designee recommends the dismissal of a
31 principal under this section, the principal shall be suspended with pay
32 pending a hearing before a panel of three members of the State Board. The
33 purpose of this hearing, which shall be held within 60 days after the
34 principal is suspended, is to determine whether the principal shall be
35 dismissed.

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

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

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

50 (5) In all hearings under this section, the burden of proof is on the principal to
51 establish that the factors leading to the school's low performance were not

1 due to the principal's inadequate performance. In all hearings under this
2 section, the burden of proof is on the State Board to establish that the school
3 failed to make satisfactory improvement after an assistance team was
4 assigned to the school and to establish one or more of the grounds
5 established for dismissal or demotion of a teacher under G.S. 115C-325.4.

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

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

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

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

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

19 **"§ 115C-325.13. Procedure for dismissal of teachers employed in low-performing schools.**

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

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

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

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

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

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

48 (d) A licensed staff member may request a hearing before a panel of three members of
49 the State Board within 30 days of any dismissal under this section. The State Board shall adopt
50 procedures to ensure that due process rights are afforded to licensed staff members

1 recommended for dismissal under this section. Decisions of the panel may be appealed on the
2 record to the State Board.

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

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

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

9 **SECTION 6.(c)** G.S. 115C-45(c) reads as rewritten:

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

- 12 (1) The discipline of a student under G.S. 115C-390.7, 115C-390.10, or
13 115C-390.11;
- 14 (2) An alleged violation of a specified federal law, State law, State Board of
15 Education policy, State rule, or local board policy, including policies
16 regarding grade retention of students;
- 17 (3) The terms or conditions of employment or employment status of a school
18 employee; and
- 19 (4) Any other decision that by statute specifically provides for a right of appeal
20 to the local board of education and for which there is no other statutory
21 appeal procedure.

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

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

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

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

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

48 **SECTION 6.(d)** G.S. 115C-287.1 reads as rewritten:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

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

...

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

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

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

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

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

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

...."

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

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

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

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

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

20"

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) Mandatory Improvement Plans. –

28 ...

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

48 ...

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

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

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

35"

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

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

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

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

3 ...

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

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

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

1"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5"

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

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

9 ...

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

15 ...

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

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

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

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

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

25"

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

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

31"

32 **SECTION 7.(q)** G.S. 115C-238.29F(e)(3) reads as rewritten:

33 "(3) If a teacher employed by a local school administrative unit makes a written
 34 request for a leave of absence to teach at a charter school, the local school
 35 administrative unit shall grant the leave for one year. For the initial year of a
 36 charter school's operation, the local school administrative unit may require
 37 that the request for a leave of absence be made up to 45 days before the
 38 teacher would otherwise have to report for duty. After the initial year of a
 39 charter school's operation, the local school administrative unit may require
 40 that the request for a leave of absence be made up to 90 days before the
 41 teacher would otherwise have to report for duty. A local board of education
 42 is not required to grant a request for a leave of absence or a request to extend
 43 or renew a leave of absence for a teacher who previously has received a
 44 leave of absence from that school board under this subdivision. A teacher
 45 who has ~~career status under G.S. 115C-325~~ prior to ~~receiving~~ received a
 46 leave of absence to teach at a charter school may return to a public school in
 47 the local school administrative unit ~~with career status~~ at the end of the leave
 48 of absence or upon the end of employment at the charter school if an
 49 appropriate position is available. ~~If an appropriate position is unavailable, the~~
 50 ~~teacher's name shall be placed on a list of available teachers and that teacher~~

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

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

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

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

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

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

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

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

48 (b) Mandatory Improvement Plans. –

49 ...

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

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

18 ...

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

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

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

3"

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

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

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

22 ...

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

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

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

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

20"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8"

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

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

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