

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 26, 2015
S.B. 597
PRINCIPAL CLERK

S

D

SENATE DRS15206-MK-122A (03/12)

Short Title: Education Statutes Revision. (Public)

Sponsors: Senators Tillman, Soucek, and Curtis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING CHANGES AND REVISIONS TO VARIOUS
3 STATUTES IN CHAPTER 115C OF THE GENERAL STATUTES TO REFLECT
4 CURRENT PRACTICES IN EDUCATION.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. REPEAL OF ABC STATUTES**

8 **SECTION 1.1.** G.S. 115C-12(30a) is repealed.

9 **SECTION 1.2.** G.S. 115C-17 is repealed.

10 **SECTION 1.3.** G.S. 115C-174.11(c)(1) reads as rewritten:

11 "(1) The State Board of Education shall adopt the tests for grades three through
12 12 that are required by federal law or as a condition of a federal grant. These
13 tests shall be designed to measure progress toward reading, communication
14 skills, and mathematics for grades three through eight, measure progress
15 toward science once in grades three through five, once in grades six through
16 eight, and once in grades 10 through 12, and toward competencies for grades
17 nine through 12. Students who do not pass the tests adopted for eighth grade
18 shall be provided remedial instruction in the ninth grade."
19

20 **PART II. LOW-PERFORMING SCHOOLS**

21 **SECTION 2.1.** G.S. 115C-105.37 reads as rewritten:

22 "**§ 115C-105.37. Identification of and service for low-performing schools and local school**
23 **administrative units.**

24 (a) The State Board of Education shall design and implement a procedure to identify
25 and serve low-performing schools and local school administrative units on an annual basis.
26 Low-performing schools and local school administrative units are those ~~in which there is a~~
27 ~~failure to meet the minimum growth standards, as defined by the State Board, and a majority of~~
28 ~~students are performing below grade level identified by the State Board annually.~~

29 (a1) ~~By July 10 of each year, each local school administrative unit shall do a preliminary~~
30 ~~analysis of test results to determine which of its schools the State Board may identify as~~
31 ~~low-performing under this section. The superintendent then shall proceed under~~
32 ~~G.S. 115C-105.39. In addition, within 30 days of the initial identification of a school as~~
33 ~~low-performing by the local school administrative unit or the State Board, whichever occurs~~
34 ~~first, the superintendent shall submit to the local board a preliminary plan for addressing the~~
35 ~~needs of that school, including how the superintendent and other central office administrators~~
36 ~~will work with the school and monitor the school's progress. Within 30 days of its receipt of~~



* D R S 1 5 2 0 6 - M K - 1 2 2 A *

1 this plan, the local board shall vote to approve, modify, or reject this plan. Before the board
2 makes this vote, it shall make the plan available to the public, including the personnel assigned
3 to that school and the parents and guardians of the students who are assigned to the school, and
4 shall allow for written comments. The board shall submit the plan to the State Board within
5 five days of the board's vote. The State Board shall review the plan expeditiously and, if
6 appropriate, may offer recommendations to modify the plan. The local board shall consider any
7 recommendations made by the State Board.

8 (b) ~~Each school that the State Board identifies as low performing shall provide written~~
9 ~~notification to the parents of students attending that school. The written notification shall~~
10 ~~include a statement that the State Board of Education has found that the school has "failed to~~
11 ~~meet the minimum growth standards, as defined by the State Board, and a majority of students~~
12 ~~in the school are performing below grade level." This notification also shall include information~~
13 ~~about the plan developed under subsection (a1) of this section and a description of any~~
14 ~~additional steps the school is taking to improve student performance.~~ At the direction of the
15 State Board of Education, the Department of Public Instruction shall serve low-performing
16 schools and local school administrative units by providing the following:

- 17 (1) An assessment of the local school administrative unit, school, or schools, as
18 appropriate.
- 19 (2) A determination of the appropriate model for providing services, including
20 State, local school administrative unit, or school model.
- 21 (3) A review of leadership effectiveness of the local board of education,
22 superintendent, and principal, as appropriate.
- 23 (4) The development of a plan for improvement and monitoring of progress for
24 the local school administrative unit, school, or schools, as appropriate.

25 (c) The State Board of Education shall identify continually low-performing schools on
26 an annual basis.

27 (d) When the State Board of Education determines, upon sufficient evidence, that a
28 local school administrative unit is experiencing a continued decline in academic performance
29 and the unit lacks the demonstrated governing capabilities to operate adequately and fulfill the
30 educational obligations of the State Board of Education and the State, the State Board may
31 adopt an action plan that contains the necessary steps required to ensure educational
32 opportunities for students. The action plan may include replacement of the superintendent,
33 school personnel, including the finance officer, and any other appropriate measures. The State
34 Board of Education is also authorized to suspend the powers of the local board of education
35 consistent with the State Board's statutory powers and the constitutional powers and duties of
36 the State Board under Section 5 of Article IX of the Constitution of North Carolina. Upon
37 determination by the State Board that the exercise of one or more of the specific powers of the
38 local board of education is more effectively performed by the State Board, the State Board may
39 suspend those specific powers of the local board of education. The State Board shall adopt a
40 policy to establish additional criteria for action by the State Board as it deems necessary and
41 appropriate."

42 **SECTION 2.2.** G.S. 115C-105.37A is repealed.

43 **SECTION 2.3.** G.S. 115C-105.37B is repealed.

44 **SECTION 2.4.** G.S. 115C-105.38 is repealed.

45 **SECTION 2.5.** G.S. 115C-105.38A is repealed.

46 **SECTION 2.6.** G.S. 115C-105.39 is repealed.

47 **SECTION 2.7.** G.S. 115C-333 is repealed.

48 **SECTION 2.8.** G.S. 115C-39(b) reads as rewritten:

49 "(b) In the event the State Board of Education has appointed an interim superintendent
50 ~~under G.S. 115C-105.39~~ for a local school administrative unit identified as low-performing
51 under G.S. 115C-105.37 and the State Board determines that the local board of education has

1 failed to cooperate with the interim superintendent, the State Board shall have the authority to
2 suspend any of the powers and duties of the local board and to act on its behalf under
3 ~~G.S. 115C-105.39.~~ G.S. 115C-105.37."

4 **SECTION 2.9.** G.S. 115C-105.20(b) reads as rewritten:

5 "(b) In order to support local boards of education and schools in the implementation of
6 this Program, the State Board of Education shall adopt guidelines, including guidelines to:

- 7 (1) Assist local boards and schools in the development and implementation of
8 school-based management under Part 2 of this Article.
- 9 (2) Recognize the schools that meet or exceed their goals.
- 10 (3) Identify low-performing schools under ~~G.S. 115C-105.37,~~ and create
11 assistance teams that the Board may assign to schools identified as
12 low-performing under ~~G.S. 115C-105.37.~~ The assistance teams should
13 consist of currently practicing teachers and staff, representatives of
14 institutions of higher education, school administrators, and others the State
15 Board considers appropriate. G.S. 115C-105.37.
- 16 (4) ~~Enable assistance teams to make appropriate recommendations under~~
17 ~~G.S. 115C-105.38.~~
- 18 (5) Establish a process to resolve disputes between local boards and schools in
19 the development and implementation of school improvement plans under
20 G.S. 115C-105.27. This process shall provide for final resolution of the
21 disputes."

22 **SECTION 2.10.** G.S. 115C-105.33 reads as rewritten:

23 **"§ 115C-105.33. Safe and orderly schools.**

24 A school improvement team or a parent organization at a school may ask the local board of
25 education to provide assistance in promoting or restoring safety and an orderly learning
26 environment at a school. The school improvement team or parent organization shall file a copy
27 of this request with the State Board. ~~If the local board fails to provide adequate assistance to the~~
28 ~~school, then the school improvement team or parent organization may ask the State Board to~~
29 ~~provide an assistance team to the school.~~

30 ~~The State Board may provide an assistance team, established under G.S. 115C-105.38, to a~~
31 ~~school in order to promote or restore safety and an orderly learning environment at that school~~
32 ~~if one of the following applies:~~

- 33 (1) ~~The local board of education or superintendent requests that the State Board~~
34 ~~provide an assistance team to a school and the State Board determines that~~
35 ~~the school needs assistance.~~
- 36 (2) ~~The State Board determines within 10 days after its receipt of the request for~~
37 ~~assistance from a school improvement team or parent organization of a~~
38 ~~school that the school needs assistance and that the local board has failed to~~
39 ~~provide adequate assistance to that school.~~

40 ~~If an assistance team is assigned to a school under this section, the team shall spend a~~
41 ~~sufficient amount of time at the school to assess the problems at the school, assist school~~
42 ~~personnel with resolving those problems, and work with school personnel and others to develop~~
43 ~~a long-term plan for restoring and maintaining safety and an orderly learning environment at~~
44 ~~the school. The assistance team also shall make recommendations to the local board of~~
45 ~~education and the superintendent on actions the board and the superintendent should consider~~
46 ~~taking to resolve problems at the school. These recommendations shall be in writing and are~~
47 ~~public records. If an assistance team is assigned to a school under this section, the powers given~~
48 ~~to the State Board and the assistance team under G.S. 115C-105.38 and G.S. 115C-105.39 shall~~
49 ~~apply as if the school had been identified as low-performing under this Article."~~

50 **SECTION 2.11.** G.S. 115C-274(c) reads as rewritten:

1 "(c) The identification by the State Board of Education of more than half the schools in a
2 local school administrative unit as low-performing under G.S. 115C-105.37 is evidence that the
3 superintendent is unable to fulfill the duties of the office, and the State Board may appoint an
4 interim superintendent to carry out the duties of the ~~superintendent~~—under
5 ~~G.S. 115C-105.39,superintendent,~~ may revoke the superintendent's certificate under this
6 section, may dismiss the ~~superintendent~~—under ~~G.S. 115C-105.39,superintendent,~~ or may take
7 any combination of these actions."

8 **SECTION 2.12.** G.S. 115C-296(d) reads as rewritten:

9 "(d) The State Board shall adopt rules to establish the reasons and procedures for the
10 suspension and revocation of licenses. The State Board shall revoke the license of a teacher or
11 school administrator if the State Board receives notification from a local board or the Secretary
12 of Health and Human Services that a teacher or school administrator has received a rating on
13 any standard that was identified as an area of concern on the mandatory improvement plan that
14 was below proficient or otherwise represented unsatisfactory or below standard performance
15 under ~~G.S. 115C-333(d)~~ and G.S. 115C-333.1(f). In addition, the State Board may revoke or
16 refuse to renew a teacher's license when:

17 "

18 **SECTION 2.13.** G.S. 115C-325.11 reads as rewritten:

19 "**§ 115C-325.11. Dismissal of school administrators and teachers employed in**
20 **low-performing residential schools.**

21 (a) Notwithstanding any other provision of this section or any other law, this section
22 shall govern the dismissal by the State Board of Education of teachers, principals, assistant
23 principals, directors, supervisors, and other licensed personnel assigned to a residential school
24 that the State Board has identified as low-performing ~~and to which the State Board has assigned~~
25 ~~an assistance team pursuant to G.S. 115C-105.37.~~ The State Board shall dismiss a teacher,
26 principal, assistant principal, director, supervisor, or other licensed personnel when the State
27 Board receives two consecutive evaluations that include written findings and recommendations
28 regarding that person's inadequate ~~performance from the assistance team.~~ performance. These
29 findings and recommendations shall be substantial evidence of the inadequate performance of
30 the teacher or school administrator.

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

33 (1) ~~The State Board determines that the school has failed to make satisfactory~~
34 ~~improvement after the State Board assigned an assistance team to that~~
35 ~~school.~~

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

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

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

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

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

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

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

14 **SECTION 2.14.** G.S. 115C-325.13 reads as rewritten:

15 **"§ 115C-325.13. Procedure for dismissal of teachers employed in low-performing schools.**

16 (a) Notwithstanding any other provision of this Part or any other law, this section shall
17 govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors
18 assigned to schools that the State Board has identified as low-performing ~~and to which the State~~
19 ~~Board has assigned an assistance team under Article 8B of this Chapter, pursuant to~~
20 G.S. 115C-105.37. The State Board shall dismiss a teacher, assistant principal, director, or
21 supervisor when the State Board receives two consecutive evaluations that include written
22 findings and recommendations regarding that person's inadequate ~~performance from the~~
23 ~~assistance team performance~~. These findings and recommendations shall be substantial
24 evidence of the inadequate performance of the teacher, assistant principal, director, or
25 supervisor.

26 (b) ~~The State Board may dismiss a teacher, assistant principal, director, or supervisor~~
27 ~~when:~~

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

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

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

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

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

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

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

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

5 **SECTION 2.15.** G.S. 115C-335(b) reads as rewritten:

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

25 **PART III. REVISE TEACHER EVALUATION CYCLE**

26 **SECTION 3.1.** G.S. 115C-276(s) reads as rewritten:

27 "(s) To Provide for Annual Evaluations and Mandatory Improvement Plans. – The
28 superintendent shall provide for the annual evaluation of all licensed ~~employees assigned to~~
29 ~~low-performing schools that did not receive an assistance team.~~employees. The superintendent
30 shall determine whether all principals and assistant principals who evaluate licensed employees
31 are trained in the proper administration of the employee ~~evaluations and the development of~~
32 ~~appropriate mandatory improvement plans.~~evaluation process. The superintendent also shall
33 arrange for principals and assistant principals who evaluate licensed employees to receive the
34 appropriate training."

35 **SECTION 3.2.** G.S. 115C-288(i) reads as rewritten:

36 "(i) To Evaluate Licensed Employees and Develop Mandatory Improvement Plans. –
37 Each school year, the principal ~~assigned to a low-performing school that has not received an~~
38 ~~assistance team shall provide for the evaluation of~~shall evaluate all licensed employees
39 assigned to the school. The principal also shall develop mandatory improvement plans as
40 provided under ~~G.S. 115C-333(b)~~ and G.S. 115C-333.1(b) and shall monitor an employee's
41 progress under a mandatory improvement plan."
42

43 **SECTION 3.3.** G.S. 115C-325 reads as rewritten:

44 **"§ 115C-325. System of employment for public school teachers.**

45 ...

46 (p1) Procedure for Dismissal of School Administrators and Teachers Employed in
47 Low-Performing Residential Schools. –

48 (1) Notwithstanding any other provision of this section or any other law, this
49 subdivision shall govern the dismissal by the Secretary of Health and Human
50 Services of teachers, principals, assistant principals, directors, supervisors,
51 and other licensed personnel assigned to a residential school that the State
Board has identified as low-performing ~~and to which the State Board has~~

1 assigned an assistance team under Part 3A of Article 3 of Chapter 143B of
2 the General Statutes pursuant to G.S. 115C-105.37. The Secretary shall
3 dismiss a teacher, principal, assistant principal, director, supervisor, or other
4 licensed personnel when the Secretary receives two consecutive evaluations
5 that include written findings and recommendations regarding that person's
6 inadequate performance from the assistance team. performance. These
7 findings and recommendations shall be substantial evidence of the
8 inadequate performance of the teacher or school administrator.

9 The Secretary may dismiss a teacher, principal, assistant principal,
10 director, supervisor, or other licensed personnel when:

- 11 a. The Secretary determines that the school has failed to make
12 satisfactory improvement after the State Board assigned an assistance
13 team to that school under Part 3A of Article 3 of Chapter 143B of the
14 General Statutes; and
15 b. That assistance team makes the recommendation to dismiss the
16 teacher, principal, assistant principal, director, supervisor, or other
17 licensed personnel for one or more grounds established in
18 G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

19 Within 30 days of any dismissal under this subdivision, subsection, a teacher,
20 principal, assistant principal, director, supervisor, or other licensed personnel
21 may request a hearing before a panel of three members designated by the
22 Secretary. The Secretary shall adopt procedures to ensure that due process
23 rights are afforded to persons recommended for dismissal under this
24 subdivision, subsection. Decisions of the panel may be appealed on the
25 record to the Secretary, with further right of judicial review under Chapter
26 150B of the General Statutes.

- 27 (2) Notwithstanding any other provision of this section or any other law, this
28 subdivision shall govern the dismissal by the Secretary of Health and Human
29 Services of licensed staff members who have engaged in a remediation plan
30 under G.S. 115C-105.38A(e) but who, after one retest, fail to meet the
31 general knowledge standard set by the State Board. The failure to meet the
32 general knowledge standard after one retest shall be substantial evidence of
33 the inadequate performance of the licensed staff member.

34 Within 30 days of any dismissal under this subdivision, a licensed staff
35 member may request a hearing before a panel of three members designated
36 by the Secretary of Health and Human Services. The Secretary shall adopt
37 procedures to ensure that due process rights are afforded to licensed staff
38 members recommended for dismissal under this subdivision. Decisions of
39 the panel may be appealed on the record to the Secretary, with further right
40 of judicial review under Chapter 150B of the General Statutes.

- 41 (3) The Secretary of Health and Human Services or the superintendent of a
42 residential school may terminate the contract of a school administrator
43 dismissed under this subsection. Nothing in this subsection shall prevent the
44 Secretary from refusing to renew the contract of any person employed in a
45 school identified as low-performing under Part 3A of Article 3 of Chapter
46 143B of the General Statutes.

- 47 (4) Neither party to a school administrator contract is entitled to damages under
48 this subsection.

- 49 (5) The Secretary of Health and Human Services shall have the right to
50 subpoena witnesses and documents on behalf of any party to the proceedings
51 under this subsection.

- 1 (q) Procedure for Dismissal of School Administrators and Teachers Employed in
2 Low-Performing Schools. –
- 3 ~~(1) Notwithstanding any other provision of this section or any other law, this~~
4 ~~subdivision governs the State Board's dismissal of principals assigned to~~
5 ~~low performing schools to which the Board has assigned an assistance team:~~
- 6 a. ~~The State Board through its designee may, at any time, recommend~~
7 ~~the dismissal of any principal who is assigned to a low performing~~
8 ~~school to which an assistance team has been assigned. The State~~
9 ~~Board through its designee shall recommend the dismissal of any~~
10 ~~principal when the Board receives from the assistance team assigned~~
11 ~~to that principal's school two consecutive evaluations that include~~
12 ~~written findings and recommendations regarding the principal's~~
13 ~~inadequate performance.~~
- 14 b. ~~If the State Board through its designee recommends the dismissal of~~
15 ~~a principal under this subdivision, the principal shall be suspended~~
16 ~~with pay pending a hearing before a panel of three members of the~~
17 ~~State Board. The purpose of this hearing, which shall be held within~~
18 ~~60 days after the principal is suspended, is to determine whether the~~
19 ~~principal shall be dismissed.~~
- 20 c. ~~The panel shall order the dismissal of the principal if it determines~~
21 ~~from available information, including the findings of the assistance~~
22 ~~team, that the low performance of the school is due to the principal's~~
23 ~~inadequate performance.~~
- 24 d. ~~The panel may order the dismissal of the principal if (i) it determines~~
25 ~~that the school has not made satisfactory improvement after the State~~
26 ~~Board assigned an assistance team to that school; and (ii) the~~
27 ~~assistance team makes the recommendation to dismiss the principal~~
28 ~~for one or more grounds established in G.S. 115C-325(e)(1) for~~
29 ~~dismissal or demotion of a career employee.~~
- 30 e. ~~If the State Board or its designee recommends the dismissal of a~~
31 ~~principal before the assistance team assigned to the principal's school~~
32 ~~has evaluated that principal, the panel may order the dismissal of the~~
33 ~~principal if the panel determines from other available information~~
34 ~~that the low performance of the school is due to the principal's~~
35 ~~inadequate performance.~~
- 36 f. ~~In all hearings under this subdivision, the burden of proof is on the~~
37 ~~principal to establish that the factors leading to the school's low~~
38 ~~performance were not due to the principal's inadequate performance.~~
39 ~~In all hearings under sub-subdivision d. of this subdivision, the~~
40 ~~burden of proof is on the State Board to establish that the school~~
41 ~~failed to make satisfactory improvement after an assistance team was~~
42 ~~assigned to the school and to establish one or more of the grounds~~
43 ~~established for dismissal or demotion of a career employee under~~
44 ~~G.S. 115C-325(e)(1).~~
- 45 g. ~~In all hearings under this subdivision, two consecutive evaluations~~
46 ~~that include written findings and recommendations regarding that~~
47 ~~person's inadequate performance from the assistance team are~~
48 ~~substantial evidence of the inadequate performance of the principal.~~
- 49 h. ~~The State Board shall adopt procedures to ensure that due process~~
50 ~~rights are afforded to principals under this subdivision. Decisions of~~
51 ~~the panel may be appealed on the record to the State Board, with~~

1 further right of judicial review under Chapter 150B of the General
2 Statutes.

- 3 (2) Notwithstanding any other provision of this section or any other law, this
4 subdivision shall govern the State Board's dismissal of teachers, assistant
5 principals, directors, and supervisors assigned to schools that the State Board
6 has identified as low-performing and to which the State Board has assigned
7 an assistance team under Article 8B of this Chapter pursuant to
8 G.S. 115C-105.37. The State Board shall dismiss a teacher, assistant
9 principal, director, or supervisor when the State Board receives two
10 consecutive evaluations that include written findings and recommendations
11 regarding that person's inadequate performance from the assistance
12 team performance. These findings and recommendations shall be substantial
13 evidence of the inadequate performance of the teacher or school
14 administrator.

15 The State Board may dismiss a teacher, assistant principal, director, or
16 supervisor when:

- 17 a. The State Board determines that the school has failed to make
18 satisfactory improvement after the State Board assigned an assistance
19 team to that school under G.S. 115C-105.38; and
20 b. That assistance team makes the recommendation to dismiss the
21 teacher, assistant principal, director, or supervisor for one or more
22 grounds established in G.S. 115C-325(e)(1) for dismissal or
23 demotion of a career teacher.

24 A teacher, assistant principal, director, or supervisor may request a hearing
25 before a panel of three members of the State Board within 30 days of any
26 dismissal under this subdivision-subsection. The State Board shall adopt
27 procedures to ensure that due process rights are afforded to persons
28 recommended for dismissal under this subdivision-subsection. Decisions of
29 the panel may be appealed on the record to the State Board, with further
30 right of judicial review under Chapter 150B of the General Statutes.

- 31 (2a) ~~Notwithstanding any other provision of this section or any other law, this
32 subdivision shall govern the State Board's dismissal of licensed staff
33 members who have engaged in a remediation plan under
34 G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general
35 knowledge standard set by the State Board. The failure to meet the general
36 knowledge standard after one retest shall be substantial evidence of the
37 inadequate performance of the licensed staff member. A licensed staff
38 member may request a hearing before a panel of three members of the State
39 Board within 30 days of any dismissal under this subdivision. The State
40 Board shall adopt procedures to ensure that due process rights are afforded
41 to licensed staff members recommended for dismissal under this subdivision.
42 Decisions of the panel may be appealed on the record to the State Board,
43 with further right of judicial review under Chapter 150B of the General
44 Statutes.~~

- 45 (3) The State Board of Education or a local board may terminate the contract of
46 a school administrator dismissed under this subsection. Nothing in this
47 subsection shall prevent a local board from refusing to renew the contract of
48 any person employed in a school identified as low-performing under
49 G.S. 115C-105.37.

- 50 (4) Neither party to a school administrator contract is entitled to damages under
51 this subsection.

1 (5) The State Board shall have the right to subpoena witnesses and documents
2 on behalf of any party to the proceedings under this subsection."

3 **SECTION 3.4.(a)** G.S. 115C-333.1(a) reads as rewritten:

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

20 **SECTION 3.4.(b)** This section is effective when the act becomes law and expires
21 June 30, 2018.

22 **SECTION 3.5.(a)** G.S. 115C-333.1(a) reads as rewritten:

23 "(a) Annual Evaluations. – All teachers who ~~are assigned to schools that are not~~
24 ~~designated as low performing and who have not been employed for at least three consecutive~~
25 ~~years shall be observed at least three times annually by the principal or the principal's designee~~
26 ~~and at least once annually by a teacher and~~ hold a Standard Professional II License shall be
27 evaluated at least once annually provided an annual evaluation by a principal. ~~All teachers who~~
28 ~~have been employed for three or more years who are assigned to schools that are not designated~~
29 ~~as low performing shall be evaluated annually unless a local board adopts rules that allow~~
30 ~~teachers employed for three or more years to be evaluated more or less frequently, provided~~
31 ~~that such rules are not inconsistent with State or federal requirements.~~ All teachers who do not
32 hold a Standard Professional II License shall be observed at least three times annually by the
33 principal or the principal's designee and at least once annually by a teacher and shall be
34 evaluated at least once annually by a principal. Local boards also may adopt rules requiring the
35 annual evaluation of nonlicensed employees. A local board shall use the performance standards
36 and criteria adopted by the State Board and may adopt additional evaluation criteria and
37 standards. ~~All other provisions of this section shall apply if a local board uses an evaluation~~
38 ~~other than one adopted by the State Board."~~

39 **SECTION 3.5.(b)** This section is effective June 30, 2018.

40 **SECTION 3.6.** G.S. 115C-333.1 reads as rewritten:

41 "**§ 115C-333.1. Evaluation of teachers in schools not identified as**
42 **low performing; schools; mandatory improvement plans; State Board**
43 **notification upon dismissal of teachers.**

44 ...

45 (b) Mandatory Improvement Plans for Teachers. – If, in an observation report or
46 year-end evaluation, a teacher receives a rating that is below proficient or otherwise represents
47 unsatisfactory or below standard performance on any standard that the teacher was expected to
48 demonstrate, the principal may place the teacher on a mandatory improvement plan as defined
49 in ~~G.S. 115C-333(b)(1a)~~ subsection (b1) of this section. The mandatory improvement plan shall
50 be utilized only if the superintendent or superintendent's designee determines that an individual,
51 monitored, or directed growth plan will not satisfactorily address the deficiencies.

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

14 (b1) A mandatory improvement plan is an instrument designed to improve a teacher's
15 performance or the performance of any licensed employee by providing the individual with
16 notice of specific performance areas that have substantial deficiencies and a set of strategies,
17 including the specific support to be provided to the individual, so that the individual, within a
18 reasonable period of time, should satisfactorily resolve such deficiencies.

19 (c) Observation by a Qualified Observer. –

- 20 (1) The term "qualified observer" as used in this section is any administrator or
21 teacher who is licensed by the State Board of Education and working in
22 North Carolina; any employee of the North Carolina Department of Public
23 Instruction who is trained in evaluating licensed employees; or any instructor
24 or professor who teaches in an accredited North Carolina school of
25 education and holds an educator's license.
- 26 (2) The local board of education shall create a list of qualified observers who are
27 employed by that board and available to do observations of employees on
28 mandatory improvement plans. This list shall be limited to names of
29 administrators and teachers selected by the local board of education. The
30 local board of education shall strive to select administrators and teachers
31 with excellent reputations for competence and fairness.
- 32 (3) ~~Any teacher, other than a teacher assigned to a school designated as~~
33 ~~low-performing, teacher~~ who has been placed on a mandatory improvement
34 plan shall have a right to be observed by a qualified observer in the area or
35 areas of concern identified in the mandatory improvement plan. The affected
36 teacher and the principal shall jointly choose the qualified observer within
37 20 instructional days after the commencement of the mandatory
38 improvement plan. If the teacher and the principal cannot agree on a
39 qualified observer within this time period, they each shall designate a person
40 from the list of qualified observers created pursuant to subdivision (2) of this
41 subsection, and these two designated persons shall choose a qualified
42 observer within five instructional days of their designation. The qualified
43 observer shall draft a written report assessing the teacher in the areas of
44 concern identified in the mandatory improvement plan. The report shall be
45 submitted to the principal before the end of the mandatory improvement plan
46 period. If a teacher or administrator from the same local school
47 administrative unit is selected to serve as the qualified observer, the
48 administration of the local school administrative unit shall provide such
49 qualified observer with the time necessary to conduct the observation and
50 prepare a report. If someone who is not employed by the same local school
51 administrative unit is selected to serve as the qualified observer, the teacher

1 who is the subject of the mandatory improvement plan will be responsible
2 for any expenses related to the observations and reports prepared by the
3 qualified observer. The qualified observer shall not unduly disrupt the
4 classroom when conducting an observation.

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

12"

13 **SECTION 3.7.** G.S. 115C-334 is repealed.

14 **PART IV. REPORT CHANGES**

15 **SECTION 4.1.** G.S. 115C-156.2(b) reads as rewritten:

16 "(b) Beginning in 2014, the State Board of Education shall report to the Joint Legislative
17 Education Oversight Committee by ~~September~~November 15 of each year on the number of
18 students in career and technical education courses who earned (i) community college credit and
19 (ii) related industry certifications and credentials."

20 **SECTION 4.2.** G.S. 115C-174.26(h) reads as rewritten:

21 "(h) ~~Beginning October 15, November 15, 2014, the~~The State Board of Education shall
22 report ~~annually~~ to the Joint Legislative Education Oversight Committee by December 15 each
23 year on advanced courses in North Carolina. The report shall include, at a minimum, the
24 following information:
25

- 26 (1) The North Carolina Advanced Placement Partnership's report to the
27 Department of Public Instruction as required by subsection (g) of this section
28 and the State Board's assessment of that report.
29 (2) Number of students enrolled in advanced courses and participating in
30 advanced course examinations, including demographic information by
31 gender, race, and free and reduced-price lunch status.
32 (3) Student performance on advanced course examinations, including
33 information by course, local school administrative unit, and school.
34 (4) Number of students participating in 10th grade PSAT/NMSQT testing.
35 (5) Number of teachers attending summer institutes offered by the North
36 Carolina Advanced Placement Partnership.
37 (6) Distribution of funding appropriated for advanced course testing fees and
38 professional development by local school administrative unit and school.
39 (7) Status and efforts of the North Carolina Advanced Placement Partnership.
40 (8) Other trends in advanced courses and examinations."

41 **SECTION 4.3.** G.S. 115C-296(b1)(4) reads as rewritten:

42 "(4) Annual State Board of Education report. – The educator preparation program
43 report cards shall be submitted to the Joint Legislative Education Oversight
44 Committee on an annual basis by ~~November~~December 15."

45 **SECTION 4.4.** Section 8.3(j) of S.L. 2013-360, as amended by Section 92 of S.L.
46 2014-115, is repealed.

47 **SECTION 4.5.** Section 8.4(i) of S.L. 2013-360, as amended by Section 93 of S.L.
48 2014-115, is repealed.

49 **PART V. CONFORMING CHANGES TO DHHS RESIDENTIAL SCHOOLS**

50 **SECTION 5.1.** G.S. 143B-146.1 reads as rewritten:
51

1 **"§ 143B-146.1. Mission of schools; definitions.**

2 (a) It is the intent of the General Assembly that the mission of the residential school
3 community is to challenge with high expectations each child to learn, to achieve, and to fulfill
4 his or her potential.

5 (b) The following definitions apply in this Part:

6 (1) ~~ABC's Program or Program.~~ – The School-Based Management and
7 Accountability Program developed by the State Board.

8 (2) Department. – The Department of Health and Human Services.

9 (3) Instructional personnel. – Assistant principals, teachers, instructional
10 personnel, instructional support personnel, and teacher assistants employed
11 in a residential school.

12 (4) Participating school. – A residential school that is required to participate in
13 the ~~ABC's Program~~.

14 (4a) Residential school. – A school operated by the Department of Health and
15 Human Services that provides residential services to students. For the
16 purposes of this Part, "residential school" does not include a school operated
17 pursuant to Article 9C of Chapter 115C.

18 (5) Residential school personnel. – The individuals included in
19 G.S. 143B-146.16(a)(2).

20 (6) Schools. – The residential schools under the control of the Secretary.

21 (7) Secretary. – The Secretary of Health and Human Services.

22 (8) State Board. – The State Board of Education."

23 **SECTION 5.2.** G.S. 143B-146.2 reads as rewritten:

24 **"§ 143B-146.2. ABC's School-Based Management and Accountability Program in**
25 **residential schools.**

26 (a) The Secretary, in consultation with the General Assembly and the State Board, may
27 designate residential schools that must participate in the ~~ABC's Program~~. The primary goal of
28 the ~~ABC's Program~~ is to improve student performance. The Program is based upon an
29 accountability, recognition, assistance, and intervention process in order to hold each
30 participating school, its principal, and the instructional personnel accountable for improved
31 student performance in that school.

32 (b) In order to support the participating schools in the implementation of this Program,
33 the State Board, in consultation with the Secretary, shall adopt guidelines, including guidelines
34 to:

35 (1) Assist the Secretary and the participating schools in the development and
36 implementation of the ~~ABC's Program~~.

37 (2) Recognize the participating schools that meet or exceed their goals.

38 (3) Identify participating schools that are ~~low performing and assign assistance~~
39 ~~teams to those schools. The assistance teams should include individuals with~~
40 ~~expertise in residential schools, individuals with experience in the education~~
41 ~~of children with disabilities, and others the State Board, in consultation with~~
42 ~~the Secretary, considers appropriate.~~ low performing.

43 ~~(4) Enable assistance teams to make appropriate recommendations.~~

44 (c) The ~~ABC's Program~~ shall provide increased decision making and parental
45 involvement at the school level with the goal of improving student performance.

46 (d) Consistent with improving student performance, the Secretary shall provide
47 maximum flexibility to participating schools in the use of funds to enable those schools to
48 accomplish their goals."

49 **SECTION 5.3.** G.S. 143B-146.3 reads as rewritten:

50 **"§ 143B-146.3. Annual performance goals.**

1 The ABC's-Program shall (i) focus on student performance in the basics of reading,
2 mathematics, and communications skills in elementary and middle schools, (ii) focus on
3 student performance in courses required for graduation and on other measures required by the
4 State Board in the high schools, and (iii) hold participating schools accountable for the
5 educational growth of their students. To those ends, the State Board shall design and implement
6 an accountability system that sets annual performance standards for each participating school in
7 order to measure the growth in performance of the students in each individual school."

8 **SECTION 5.4.** G.S. 143B-146.4 is repealed.

9 **SECTION 5.5.** G.S. 143B-146.5 reads as rewritten:

10 **"§ 143B-146.5. Identification of low-performing schools.**

11 (a) The State Board shall design and implement a procedure to identify low-performing
12 schools on an annual basis. ~~Low-performing schools are those participating schools in which~~
13 ~~there is a failure to meet the minimum growth standards, as defined by the State Board, and a~~
14 ~~majority of students are performing below grade level.~~basis and provide any services in
15 accordance with G.S. 115C-105.37.

16 (b) ~~By July 10 of each year, the Secretary shall do a preliminary analysis of test results~~
17 ~~to determine which participating schools the State Board may identify as low-performing under~~
18 ~~this section. The Secretary then shall proceed under G.S. 143B-146.7. In addition, within 30~~
19 ~~days of the initial identification of a school as low-performing by the Secretary or the State~~
20 ~~Board, whichever occurs first, the Secretary shall develop a preliminary plan for addressing the~~
21 ~~needs of that school. Before the Secretary adopts this plan, the Secretary shall make the plan~~
22 ~~available to the residential school personnel and the parents and guardians of the students of the~~
23 ~~school, and shall allow for written comments. Within five days of adopting the plan, the~~
24 ~~Secretary shall submit the plan to the State Board. The State Board shall review the plan~~
25 ~~expeditiously and, if appropriate, may offer recommendations to modify the plan. The~~
26 ~~Secretary shall consider any recommendations made by the State Board.~~

27 (c) ~~Each identified low-performing school shall provide written notification to the~~
28 ~~parents of students attending that school. The written notification shall include a statement that~~
29 ~~the State Board of Education has found that the school has "failed to meet the minimum growth~~
30 ~~standards, as defined by the State Board, and a majority of students in the school are~~
31 ~~performing below grade level." This notification also shall include a description of the steps the~~
32 ~~school is taking to improve student performance."~~

33 **SECTION 5.6.** G.S. 143B-146.6 is repealed.

34 **SECTION 5.7.** G.S. 143B-146.7 is repealed.

35 **SECTION 5.8.** G.S. 143B-146.8 is repealed.

36 **SECTION 5.9.** G.S. 143B-146.9 is repealed.

37 38 **PART VI. EFFECTIVE DATE**

39 **SECTION 6.** Except as otherwise provided in this act, this act is effective when it
40 becomes law.