

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 662
PROPOSED COMMITTEE SUBSTITUTE H662-PCS40432-RQ-13

Short Title: NC Elevating Educators Act of 2015.

(Public)

Sponsors:

Referred to:

April 14, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A MULTI-YEAR PROGRAM TO PROVIDE FOR EXCELLENT
3 TEACHERS AND HIGH-QUALITY DIGITAL INSTRUCTION, TO PROVIDE FOR
4 FINANCIALLY STABLE ADVANCED TEACHING ROLES FOR K-12 CLASSROOM
5 TEACHERS, AND TO ALLOW LOCAL BOARDS OF EDUCATION TO USE STATE
6 FUNDS FOR SUPPLEMENTAL SALARIES AND DIFFERENTIAL PAY FOR
7 SCHOOL PERSONNEL.

8 Whereas, it is the goal of the General Assembly to provide all students in the State
9 of North Carolina with an excellent, high-quality public education; and

10 Whereas, the General Assembly wishes to create pathways in the public schools that
11 contribute to improved student outcomes and retain highly effective teachers; and

12 Whereas, the General Assembly recognizes the importance of attracting and
13 retaining the nation's best teachers by supporting local school administrative units in
14 transitioning to locally designed, financially sustainable organizational structures, including
15 professional compensation models for teachers; and

16 Whereas, the General Assembly finds it necessary to allocate essential resources
17 into the classroom and to allow classroom teachers freedom and flexibility while promoting
18 innovation; and

19 Whereas, it is the desire of the General Assembly to provide universal access to
20 excellent teaching and high-quality digital instruction by granting students, educators, and
21 parents increased access to high-quality digital instructional tools to propel 21st century
22 learning; and

23 Whereas, the General Assembly wishes to provide well-paid, financially sustainable
24 advanced teaching roles for teachers in North Carolina within existing budget constraints while
25 offering models and best practices in order to establish a statewide scale-up of professional
26 compensation models that reach students in every North Carolina public school by 2020; Now,
27 therefore,

28 The General Assembly of North Carolina enacts:

29 **SECTION 1.(a)** Purpose. – The General Assembly shall establish a multi-year
30 program to support local school administrative units in transitioning to universal access for
31 students to excellent teaching and high-quality digital instruction and to provide for well-paid,
32 financially sustainable advanced teaching roles for K-12 classroom teachers. The purpose of
33 the program shall be to do at least the following:

34 (1) Enable local school administrative units to prototype advanced teaching
35 roles and pay systems for classroom teachers, in addition to base salary and
36 other applicable local supplements, based on a classroom teacher's



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1 demonstrated effectiveness and additional responsibilities in reaching more
2 students.

3 (2) Establish advanced teaching roles in order to leverage excellent classroom
4 teachers to impact at least seventy-five percent (75%) of students in core
5 subjects by becoming a leader for peers in positions formally accountable for
6 students within their purview and by implementing age-appropriate blended
7 learning and other new staffing models. Advanced teaching roles shall focus
8 on rewarding excellent teaching with more pay while staying within regular
9 budgetary restraints.

10 (3) Utilize prototypes developed in accordance with the program to form the
11 basis for public schools statewide to provide advanced teaching roles that are
12 sustainable and within the recurring budgets of local school administrative
13 units.

14 **SECTION 1.(b)** Definition. – For the purposes of this act, a classroom teacher is a
15 teacher who works in the classroom providing instruction and who is not instructional support
16 personnel.

17 **SECTION 2.** Contract for Administration of the Program. – The State Board of
18 Education shall contract with a North Carolina private, nonprofit corporation (nonprofit
19 corporation), by August 1, 2015, to administer the provisions of this act. The nonprofit
20 corporation is authorized to subcontract with other entities to provide technical assistance to
21 local school administrative units. Any nonprofit corporation that the State Board of Education
22 contracts with to administer the provisions of this act shall adhere to the following governance
23 provisions related to its governing board and reporting requirements:

24 (1) The board shall be composed of 11 voting members as follows: two
25 members appointed by the chairman of the State Board of Education, one
26 member of the eLearning Commission, three public school educators, three
27 members of the business community, one member appointed by the Speaker
28 of the House of Representatives, and one member appointed by the President
29 Pro Tempore of the Senate.

30 (2) By December 15, 2016, and annually thereafter, until the conclusion of all
31 prototype development efforts, including a second cohort as described in
32 Section 5 of this act, the nonprofit corporation shall report on all aspects of
33 the implementation and evaluation of the advanced teaching roles prototype
34 plans in accordance with this act to the offices of the President Pro Tempore
35 of the Senate and the Speaker of the House of Representatives, the Senate
36 Appropriations/Base Budget Committee, the House Appropriations
37 Committee, the Senate Appropriations Committee on Education/Higher
38 Education, the House Appropriations Committee on Education, the Fiscal
39 Research Division, the Joint Legislative Education Oversight Committee, the
40 Governor, the Lieutenant Governor, the State Superintendent of Public
41 Instruction, and the State Board of Education. The nonprofit corporation
42 shall also submit quarterly updates to the offices of the President Pro
43 Tempore of the Senate and the Speaker of the House of Representatives, the
44 Chairs of the Senate Appropriations/Base Budget Committee, the House
45 Appropriations Committee, the Senate Appropriations Committee on
46 Education/Higher Education, the House Appropriations Committee on
47 Education, and the Fiscal Research Division on financial accounting of how
48 the State funds appropriated to the nonprofit corporation to administer this
49 act were expended in the previous year, including at least the following
50 information:

51 a. Funds expended as grants to local school administrative units.

- 1 b. Details on program costs, including operational and administrative
2 costs.

3 **SECTION 3.(a)** Request for Proposal. – By October 1, 2015, the nonprofit
4 corporation contracting with the State Board of Education shall issue a Request for Proposal
5 (RFP) for local boards of education to develop advanced teaching role prototypes. The RFP is
6 to contain minimum requirements for advanced roles for classroom teachers consistent with
7 this section. The criteria is to focus on the leadership capacity and commitment of the local
8 school administrative unit to develop advanced teaching roles that meet the requirements of this
9 section and that will be widely applicable across the State as demonstrated by prior efforts to
10 advance teaching excellence, on-the-job development for classroom teachers, classroom teacher
11 leadership or innovation in school design, and by indication of willingness to reallocate funds
12 to pay at least the minimum supplements set forth in this section. A local board of education
13 shall submit a letter of intent in response to the RFP to implement an advanced teaching role
14 plan that addresses the following criteria:

- 15 (1) Describe advanced teaching role classroom teacher eligibility and duties and
16 how teachers will participate in the design of the advanced teaching role
17 prototype.
18 (2) Enable eligible classroom teachers to progress within their careers by
19 assuming advanced roles that do at least one of the following:
20 a. Include accountability for student growth as the teacher of record for
21 all students served by a team of teachers.
22 b. Include accountability for student growth as the teacher of record for
23 more students.
24 (3) Provide information in a form readily accessible to both classroom teachers
25 and the public on the criteria and procedures for the selection of classroom
26 teachers for advanced roles.
27 (4) Require a classroom teacher to be rated as "highly effective" on the North
28 Carolina Teacher Evaluation instrument through the North Carolina
29 Educator Evaluation System or the equivalent on an out-of-state teacher's
30 state or district instrument to be eligible to assume an advanced teaching
31 role. For the purposes of this act, a highly effective classroom teacher is a
32 classroom teacher who receives a rating of at least "accomplished" on each
33 of the teacher evaluation standards on the North Carolina Teacher
34 Evaluation instrument and who exceeds expected student growth based on
35 three years of teacher evaluation data as calculated by the State Board of
36 Education or equivalent on an out-of-state teacher's state or district
37 evaluation system. The nonprofit corporation shall encourage local school
38 administrative units to include roles and pay supplements for effective
39 classroom teachers, school leaders, and other staff as well.
40 (5) Increase the amount of time during the school day for advanced role
41 classroom teachers and teacher teaching teams, if applicable, to plan,
42 collaborate, and participate in on-the-job development or leadership of
43 others.
44 (6) Establish equally stringent eligibility requirements for a classroom teacher to
45 remain in an advanced role as those required to initially attain that role.
46 (7) Establish a procedure for determining whether an advanced role classroom
47 teacher is successfully performing the additional duties associated with the
48 advanced role.
49 (8) Ensure that advanced role classroom teachers may opt out of the plan by
50 voluntarily relinquishing additional duties associated with the advanced role.
51 Voluntary relinquishment of duties associated with the advanced role shall

1 not be considered a demotion under Part 3 or Part 3A of Article 22 of
2 Chapter 115C of the General Statutes.

3 (9) Pay advanced role salary supplements of at least between three percent (3%)
4 and thirty percent (30%) of the statewide average salary level of classroom
5 teachers on the State teacher salary schedule to highly effective classroom
6 teachers of at least the following:

7 a. An additional ten percent (10%) for those who assume advanced
8 roles in which they take responsibility for at least thirty-three percent
9 (33%) more students than the typical student-teacher ratio of
10 comparable classroom teachers in the local school administrative
11 unit.

12 b. An additional twenty-five percent (25%) for those who lead teams of
13 two or more other teachers and who are the teachers of record for all
14 students served by the teaching team.

15 c. An additional three percent (3%) for those classroom teachers that
16 join teams led by teachers in the advanced roles described in this act.
17 A local board of education may also provide a salary supplement
18 under this sub-subdivision to a classroom teacher rated as "effective"
19 on the North Carolina Teacher Evaluation instrument through the
20 North Carolina Educator Evaluation System or the equivalent on an
21 out-of-state teacher's state or district instrument. For the purposes of
22 this sub-subdivision, an effective classroom teacher is a classroom
23 teacher who is rated at least "proficient" on each of the teacher
24 evaluation standards on the North Carolina Teacher Evaluation
25 instrument and who meets expected student growth based on three
26 years of teacher evaluation data as calculated by the State Board of
27 Education or equivalent on an out-of-state teacher's state or district
28 evaluation system.

29 (10) Require the salary supplements to be paid as a supplement to the classroom
30 teacher's regular salary and not be included in the average salary calculation
31 used for budgeting State allotments.

32 **SECTION 3.(b)** Selection of the First Cohort. – By December 1, 2015, the
33 nonprofit corporation shall review the letters of intent submitted by local boards of education in
34 accordance with subsection (a) of this section and shall select for the first cohort of the
35 prototype development program up to 10 local school administrative units in accordance with
36 the following:

37 (1) Size. – Selection of local school administrative units with the following
38 average daily membership (ADM):

39 a. Two to three local school administrative units, each with an ADM of
40 up to 4,000.

41 b. Two to three local school administrative units, each with an ADM of
42 4,001-10,000.

43 c. Two to three local school administrative units, each with an ADM of
44 10,001-30,000.

45 d. Two to three local school administrative units, each with an ADM of
46 30,001 or more.

47 (2) Priority in selection. – Priority shall be given to local school administrative
48 units that demonstrate one or more of the following:

49 a. Because digital instruction tools alone have not necessarily
50 transformed outcomes for students who are the most in need of
51 learning advancement, while access to excellent classroom teachers

1 has proven effective for those students, the combination of both
2 highly effective classroom teachers and improvements in digital
3 instruction shall warrant priority in selection to local school
4 administrative units that will add digital infrastructure and tools
5 pursuant to the North Carolina Digital Learning Plan or under other
6 appropriations providing funding for such infrastructure and tools. A
7 local school administrative unit that is determined to not require
8 additional digital investment to implement the staffing models in the
9 advanced teaching role plan shall be otherwise eligible for funding
10 and not denied solely on that basis.

11 b. Robust and meaningful proposal to grant students, educators, and
12 parents increased access to high-quality digital learning opportunities
13 to achieve the goals of the program.

14 c. Capacity and commitment to sharing lessons learned to streamline
15 design and implementation in other schools and local school
16 administrative units to implement similar models.

17 (3) Diversity. – Selection of local school administrative units shall, to the extent
18 possible, represent a mix of school and local school administrative unit size,
19 region, and demographics within the overall group of applicants with the aim
20 of creating diverse models within each cohort that are consistent with the
21 goals of this act and support lessons learned and replicability across the
22 State.

23 **SECTION 3.(c)** Use of Funds. – Funding made available to the nonprofit
24 corporation administering this act shall be used as follows:

25 (1) Allocation of grants. – Grants shall be made to selected local school
26 administrative units based on a schedule determined by the nonprofit
27 corporation with grant amounts varying in part based on the size of the local
28 school administrative unit in accordance with the ADM categories in
29 subdivision (1) of subsection (b) of this section. Local school administrative
30 units shall use these funds to support the development of the advanced
31 teaching role plans, changes required at the unit level to implement the new
32 staffing models, and for transition costs associated with designing and
33 implementing the new staffing models in schools within the unit. Transition
34 costs may include employing staff members or contractors to assist with
35 design and implementation of the staffing plan. Local school administrative
36 units may use additional funds obtained from sources to pay for the costs of
37 providing participating schools with access to high-speed Internet
38 connections, software, hardware, and any other improvements needed to
39 enable full use of digital learning resources. Grant funds used for this
40 purpose should help local school administrative units maximize the
41 instructional value of infrastructure improvements funded through the North
42 Carolina Digital Learning Plan.

43 (2) Administrative and operating funds. – The nonprofit corporation may use
44 any remaining funds made available to it under this act for the following
45 purposes:

46 a. Technical assistance and technical providers for participating local
47 school administrative units.

48 b. Selection, training, and oversight of technical assistance providers.

49 c. Review of local school administrative plans and implementation
50 fidelity to the goals and requirements of the program.

- 1 d. Evaluation of the impact of the program on (i) teacher recruitment,
2 retention, and satisfaction; (ii) student access to excellent and
3 effective classroom teachers; (iii) student outcomes; and (iv) other
4 measures of success identified by the nonprofit corporation.
- 5 e. Design of statewide career advancement and digital instruction
6 models for scale-up.
- 7 f. Policy collaboration with legislative and executive leadership to
8 complete the transition of State policies to further promote access to
9 excellent teaching and high-quality digital instruction.
- 10 g. Raising and managing funds to support the activities of the nonprofit
11 corporation.
- 12 h. Communicating progress toward achievement of the nonprofit
13 corporation's goals.
- 14 i. Other uses in pursuit of the purposes of this act.
- 15 (3) Sustainability of funding. – Plans implemented by the local school
16 administrative units must achieve financial sustainability for salary
17 supplements as provided in subsection (a) of this section by reallocating
18 recurring sources of funds, including local, State, or federal funds. Funds
19 allocated in accordance with this act shall not be used by local school
20 administrative units to pay salary supplements. This act shall not be
21 construed to prohibit additions to the State salary schedule or other State or
22 local supplements to classroom teacher pay.
- 23 (4) Requirements related to receipt of grants. – Local school administrative units
24 participating in the program shall commit to achieve the following in
25 implementing the advanced teaching role plans:
- 26 a. Full implementation of the advanced teaching role plan in at least
27 five schools or twenty-five percent (25%) of the schools within the
28 local school administrative unit, whichever is lesser, by the
29 2017-2018 school year. For the purposes of this act, "full
30 implementation" is defined as a minimum of seventy-five percent
31 (75%) of students in the local school administrative unit having
32 highly effective classroom teachers as their teacher of record under
33 the North Carolina Educator Evaluation System in at least English
34 Language Arts, math, social studies, and science.
- 35 b. Full implementation in at least fifty percent (50%) of schools within
36 the local school administrative unit by the 2018-2019 school year.
- 37 c. Submission of a plan to the nonprofit corporation by June 1, 2016,
38 showing the schedule for full implementation in at least seventy-five
39 percent (75%) of schools by the 2019-2020 school year.

40 **SECTION 4.(a)** Phase I Prototype Design. – The local school administrative units
41 selected for prototype development shall design their advanced teaching role plans in
42 accordance with the requirements of Section 3 of this act and submit these plans to the
43 nonprofit corporation no later than January 1, 2016. Plans must include the local school
44 administrative units' approach to achieving full sustainability as provided in subdivision (3) of
45 Section 3(c) of this act. This financial sustainability plan must include specific staffing level
46 changes or other funding reallocations that generate sustainable funds to pay at least the
47 minimum supplements and meet the minimum percentage of students with highly effective
48 classroom teachers of record in subdivision (4) of Section 3(c) of this act. The nonprofit
49 corporation shall approve a local school administrative unit's plan or provide written guidance
50 on changes needed to meet the requirements of this act as soon as practicable, but no later than
51 February 15, 2016. Local school administrative units must submit revised plans in response to

1 feedback. The nonprofit corporation shall aim to approve all plans that meet the requirements
2 of this act by March 1, 2016. Local school administrative units not receiving approval by this
3 date may continue to submit revisions and the nonprofit corporation may approve plans at any
4 time once they meet the requirements of this act.

5 **SECTION 4.(b)** Phase I Prototype Implementation. – Participating local school
6 administrative units shall begin implementing their approved advanced teaching role plans in
7 the 2016-2017 school year, achieving full implementation in participating schools by the
8 2017-2018 school year.

9 **SECTION 4.(c)** Phase I Prototype Reports. – The local boards of education for
10 each approved local school administrative unit shall report annually, no later than August 15
11 following each school year through the 2017-2018 school year. The nonprofit corporation shall
12 provide forms to minimize the burden of reporting on schools and local school administrative
13 units, and shall publish a dashboard displaying data on the progress of implementation in
14 participating schools and units where possible, comparing progress with activity in schools
15 nationally pursuing similar approaches. The local school administrative units shall include at
16 least the following in the report:

- 17 (1) The extent to which the advanced teaching roles plan and implementation
18 meets each requirement of Section 3 of this act. If the nonprofit corporation
19 determines that a local school administrative unit's plan does not meet the
20 requirements of Section 3 of this act, it shall require the unit to make needed
21 changes in return for continued participation in the program and receipt of
22 transition funds provided pursuant to subdivision (1) of Section 3(c) of this
23 act.
- 24 (2) The percentage of students with a highly effective classroom teacher as their
25 teacher of record for English Language Arts, math, social studies, and
26 science.
- 27 (3) The educator effectiveness ratings of each classroom teacher in advanced
28 roles and the educator effectiveness ratings of each member of teams led by
29 teachers in advanced roles.
- 30 (4) The extent to which the advanced teaching roles program has increased the
31 attractiveness of the teaching profession in the local school administrative
32 unit as measured by the number of applicants per advanced role job posting
33 compared with the typical number of applicants per teaching job posting in
34 the unit and the retention rates of advanced role classroom teachers and
35 members of advanced roles teachers' teams compared with typical retention
36 rates in the local school administrative unit.
- 37 (5) Other measures deemed relevant by the nonprofit corporation to the
38 purposes of this act and to assessing the benefit to the State.

39 **SECTION 5.** Phase II Support for First and Second Cohorts. – It is the intent of the
40 General Assembly, subject to availability of funds, that the nonprofit corporation shall do the
41 following:

- 42 (1) Support local school administrative units in the first cohort of up to
43 10 advanced teaching role prototypes to scale their prototypes fully
44 across their local school administrative units.
- 45 (2) Support a second cohort of up to 50 local school administrative units
46 using the process and requirements set forth in this act to begin
47 developing advanced teaching roles prototypes in the 2017-2018
48 school year and to scale their prototypes across the local school
49 administrative unit. This second cohort shall follow the same
50 selection process and meet the same requirements as the first cohort
51 but with all applicable dates adjusted forward by two years.

1 **SECTION 6.** Evaluation and Recommendation for Advanced Teaching Roles. –
2 The nonprofit corporation shall evaluate implementation of the advanced teaching role
3 prototype and identify successful, reliable elements to develop recommendations to the General
4 Assembly for advanced teaching role plans that could be adopted or adapted by local boards of
5 education. Such recommendations may include the development of default advanced teaching
6 role plans designed for specific local school administrative unit contexts. The nonprofit
7 corporation shall also make recommendations to the General Assembly on the policies needed
8 to complete scaling of successful advanced teaching role programs statewide. These
9 recommendations shall be submitted no later than December 15, 2020, to the offices of the
10 President Pro Tempore of the Senate and the Speaker of the House of Representatives, the
11 Senate Appropriations/Base Budget Committee, the House Appropriations Committee, the
12 Senate Appropriations Committee on Education/Higher Education, the House Appropriations
13 Committee on Education, the Fiscal Research Division, the Joint Legislative Education
14 Oversight Committee, the Governor, the Lieutenant Governor, the State Superintendent of
15 Public Instruction, and the State Board of Education.

16 **SECTION 7.** Future Cohorts. – It is the intent of the General Assembly that as
17 soon as practicable and subject to the availability of funds, the nonprofit corporation shall do
18 the following:

- 19 (1) Provide support for any local school administrative unit that did not
20 participate in the first and second cohorts and seeks to establish and
21 implement an advanced teaching role plan.
- 22 (2) Provide support to any local school that has implemented advanced teaching
23 roles and seeks to do the following:
 - 24 a. Maintain digital learning infrastructure to support advanced teaching
25 roles.
 - 26 b. Enhance the financially sustainable pay supplements offered to
27 advanced role classroom teachers, either by establishing a schedule
28 that aligns with prototype roles in the first and second cohorts or by
29 offering lump sums to local school administrative units that must be
30 paid in proportion to the number of students reached by advanced
31 role classroom teachers and student outcomes achieved by these
32 students.

33 **SECTION 8.** Flexibility for Local School Administrative Units. – The State Board
34 of Education shall increase flexibility for any local school administrative units that implement
35 advanced teaching roles in accordance with this act. This flexibility shall be available to any
36 local school administrative unit that is participating in the first or second cohort of this program
37 upon their selection into the cohort or, beginning in the 2017-2018 school year, to any unit that
38 implements advanced teaching roles that meet the requirements of Section 3 of this act. The
39 flexibility provided by the State Board shall include the following:

- 40 (1) Notwithstanding G.S. 115C-105.25(b)(5b), the ability to convert positions
41 allocated for classroom teachers and instructional support personnel, as well
42 as other positions within a school or local school administrative unit, to
43 dollar equivalents for the purpose of creating positions and paying
44 supplements in accordance with Section 3 of this act. These positions shall
45 be converted at the statewide average salary level for teachers, provided that
46 no local school administrative unit's overall funding allocation shall rise as a
47 result of making such conversions.
- 48 (2) Notwithstanding G.S. 115C-301, the ability to exceed class size maximums,
49 provided that a highly effective classroom teacher assuming an advanced
50 teaching role, as defined in Section 3 of this act, is the teacher of record for
51 all students in affected classrooms. It is the intent of the General Assembly

1 that increases in the number of students learning with classroom teachers at
2 any given time will not typically be needed.
3 **SECTION 8.5.** G.S. 115C-105.25 is amended by adding a new subsection to read:
4 "(a1) Except as otherwise provided in subsection (b) of this section, the State Board of
5 Education shall permit local boards of education to transfer, at the discretion of the local board,
6 any available State funds into an allotment category to provide supplemental salaries and
7 differential pay for school personnel."
8 **SECTION 9.** Sections 1 through 8 of this act are subject to the availability of funds
9 for this purpose.
10 **SECTION 10.** This act becomes effective July 1, 2015.