

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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PRINCIPAL CLERK

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SENATE BILL DRS45565-NGap-108

Short Title: SCHOOLS Act.

(Public)

Sponsors: Senators Marcus, Murdock, and Mayfield (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW USE OF REMOTE INSTRUCTION FOR SCHOOL MAKEUP DAYS,  
3 TO GRANT SCHOOL CALENDAR FLEXIBILITY STATEWIDE, TO INCREASE  
4 PRINCIPAL SALARIES, TO CREATE A TUTORING FUND FROM AVAILABLE  
5 REMAINING OPPORTUNITY SCHOLARSHIP FUNDS, TO LOOSEN ZONING  
6 RESTRICTIONS FOR SCHOOLS, TO RESTORE RETIREMENT BENEFITS TO STATE  
7 EMPLOYEES, AND TO MODIFY SCHOOL PERFORMANCE SCORES AND REPORT  
8 CARDS.

9 The General Assembly of North Carolina enacts:

10  
11 **PART I. SAVE OUR SPRING BREAK**

12 **SECTION 1.** Section 3(i) of S.L. 2021-130 reads as rewritten:

13 "**SECTION 3.(i)** This section is effective when it becomes law and applies to the 2021-2022  
14 school year. ~~This section is repealed June 30, 2022.~~ law and applies beginning with the 2022-2023  
15 school year."

16  
17 **PART II. CALENDAR FLEXIBILITY FOR ALL**

18 **SECTION 2.** G.S. 115C-84.2(d) reads as rewritten:

19 "(d) Opening and Closing Dates. – Local boards of education shall determine the dates of  
20 opening and closing the public schools under subdivision (a)(1) of this section. ~~Except for~~  
21 ~~year-round schools, the opening date for students shall be no earlier than the Monday closest to~~  
22 ~~August 26, and the closing date for students shall be no later than the Friday closest to June 11.~~  
23 ~~On a showing of good cause, the State Board of Education may waive the requirement that the~~  
24 ~~opening date for students be no earlier than the Monday closest to August 26 and may allow the~~  
25 ~~local board of education to set an opening date no earlier than the Monday closest to August 19,~~  
26 ~~to the extent that school calendars are able to provide sufficient days to accommodate anticipated~~  
27 ~~makeup days due to school closings.~~ section, including dates for year-round schools. A local  
28 board may revise the scheduled closing date if necessary in order to comply with the minimum  
29 requirements for instructional days or instructional time. ~~For purposes of this subsection, the term~~  
30 ~~"good cause" means that schools in any local school administrative unit in a county have been~~  
31 ~~closed eight days per year during any four of the last 10 years because of severe weather~~  
32 ~~conditions, energy shortages, power failures, or other emergency situations.~~

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



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**PART III. HIGHER PRINCIPAL PAY BANDS**

**SECTION 3.(a)** The following annual salary schedule for principals shall apply for the 2022-2023 fiscal year, beginning July 1, 2022:

**2022-2023 Principal Annual Salary Schedule**

<b>Avg. Daily Membership</b>	<b>Base</b>	<b>Met Growth</b>	<b>Exceeded Growth</b>
0-200	\$71,574	\$78,731	\$85,889
201-400	\$75,153	\$82,668	\$90,184
401-700	\$78,731	\$86,604	\$94,477
701-1,000	\$82,310	\$90,541	\$98,772
1,001-1,600	\$85,889	\$94,478	\$103,067
1,601-2,000	\$89,468	\$98,415	\$107,362
2,001-2,500	\$91,705	\$100,875	\$110,046
2,501-3,000	\$93,997	\$103,397	\$112,797
3,001+	\$96,347	\$105,982	\$115,617

A principal's placement on the salary schedule shall be determined according to the average daily membership of the school supervised by the principal, as described in subsection (b) of this section, and the school growth scores, calculated pursuant to G.S. 115C-83.15(c), for each school the principal supervised in at least two of the prior three school years, as described in subsection (c) of this section, regardless of a break in service and provided the principal supervised each school as a principal for at least a majority of the school year, as follows:

- (1) A principal shall be paid according to the Exceeded Growth column of the schedule if the school growth scores show the school or schools exceeded expected growth in at least two of the prior three school years.
- (2) A principal shall be paid according to the Met Growth column of the schedule if any of the following apply:
  - a. The school growth scores show the school or schools met expected growth in at least two of the prior three school years.
  - b. The school growth scores show the school or schools met expected growth in at least one of the prior three school years and exceeded expected growth in one of the prior three school years.
  - c. The principal supervised a school in at least two of the prior three school years that was not eligible to receive a school growth score.
- (3) A principal shall be paid according to the Base column if either of the following applies:
  - a. The school growth scores show the school or schools did not meet expected growth in at least two of the prior three school years.
  - b. The principal has not supervised any school as a principal for a majority of the school year in at least two of the prior three school years.

**SECTION 3.(b)** For purposes of determining the average daily membership of a principal's school, the following amounts shall be used during the following time periods:

- (1) Between July 1, 2022, and December 31, 2022, the average daily membership for the school from the 2021-2022 school year. If the school did not have an average daily membership in the 2021-2022 school year, the projected average daily membership for the school for the 2022-2023 school year.
- (2) Between January 1, 2023, and June 30, 2023, the average daily membership for the school for the 2022-2023 school year.

**SECTION 3.(c)** For purposes of determining the school growth scores for each school the principal supervised in at least two of the prior three school years, school growth

1 scores from the three most recent available school years, up to the 2021-2022 school year, shall  
2 be used.

3 **SECTION 3.(d)** Beginning with the 2017-2018 fiscal year, in lieu of providing  
4 annual longevity payments to principals paid on the principal salary schedule, the amounts of  
5 those longevity payments are included in the annual amounts under the principal salary schedule.

6 **SECTION 3.(e)** A principal compensated in accordance with this section for the  
7 2022-2023 fiscal year shall receive an amount equal to the greater of the following:

8 (1) The applicable amount on the salary schedule for the applicable year.

9 (2) For principals who were eligible for longevity in the 2016-2017 fiscal year,  
10 the sum of the following:

11 a. The salary the principal received in the 2016-2017 fiscal year pursuant  
12 to Section 9.1 or Section 9.2 of S.L. 2016-94.

13 b. The longevity that the principal would have received as provided for  
14 State employees under the North Carolina Human Resources Act for  
15 the 2016-2017 fiscal year based on the principal's current years of  
16 service.

17 (3) For principals who were not eligible for longevity in the 2016-2017 fiscal  
18 year, the salary the principal received in the 2016-2017 fiscal year pursuant to  
19 Section 9.1 or Section 9.2 of S.L. 2016-94.

20 **SECTION 3.(f)** There is appropriated from the General Fund to the Department of  
21 Public Instruction for the 2022-2023 fiscal year the additional sum of one hundred forty thousand  
22 dollars (\$140,000) in recurring funds to implement the principal salary schedule provided for in  
23 this section.

24 **SECTION 3.(g)** This section becomes effective July 1, 2022.

#### 25 **PART IV. OPPORTUNITY TUTORING PROGRAM**

26 **SECTION 4.(a)** Part 7 of Article 16 of Chapter 115C of the General Statutes is  
27 amended by adding a new section to read:

##### 28 **"§ 115C-238.35. North Carolina Tutoring Fund.**

29 (a) There is created the North Carolina Tutoring Fund to be administered by the  
30 Department of Public Instruction for the purpose of providing funds to public school units to  
31 improve student learning through tutoring. The Fund shall consist of monies appropriated from  
32 the General Fund by the General Assembly, monies transferred from the Opportunity Scholarship  
33 Grant Fund Reserve pursuant to G.S. 115C-562.8(a), and interest accrued thereon. These funds  
34 shall be allocated to public school units on the basis of average daily membership. The  
35 Department of Education shall administer the Fund in accordance with this section and adopt all  
36 necessary rules.

37 (b) If monies are transferred from the Opportunity Scholarship Grant Fund Reserve to  
38 the North Carolina Tutoring Fund pursuant to G.S. 115C-562.8(a), they shall not revert until the  
39 end of the subsequent fiscal year. Funds carried forward pursuant to this section that have not  
40 been spent by the end of the subsequent fiscal year shall revert to the General Fund.

41 (c) Of the monies in the Fund, the Department may retain up to four percent (4%) each  
42 fiscal year for administrative costs."

43 **SECTION 4.(b)** G.S. 115C-562.8, as amended by Section 8A.3(g) of S.L. 2021-105,  
44 reads as rewritten:

##### 45 **"§ 115C-562.8. The Opportunity Scholarship Grant Fund Reserve.**

46 (a) The Opportunity Scholarship Grant Fund Reserve is established as a reserve to be  
47 administered by the Board of Governors of The University of North Carolina for the purpose of  
48 allocating funds to the Authority for the award of scholarship grants in accordance with this Part.  
49 The Reserve shall consist of monies appropriated from the General Fund to the Reserve by the  
50 General Assembly and any interest accrued to it thereon. These funds shall be used to award  
51

1 scholarship grants to eligible students for the school year that begins in the fiscal year following  
2 the fiscal year in which the appropriation is made to the Reserve. The Board of Governors shall  
3 only use monies in the Reserve in accordance with the purposes set forth in this section. Funds  
4 appropriated in a particular fiscal year to be used for the award of scholarships in the following  
5 fiscal year that are unexpended at the end of the fiscal year after the fiscal year in which the funds  
6 were appropriated shall be ~~first used for the purpose set forth in subdivision (1) of subsection (d)~~  
7 ~~of this section, if applicable. After funds are used for this purpose, any unexpended funds from~~  
8 ~~the funds appropriated in a particular fiscal year to be used for the award of scholarships in the~~  
9 ~~following fiscal year shall be carried forward for one fiscal year and may be used for the purposes~~  
10 ~~set forth in this section. Funds carried forward pursuant to this section that have not been spent~~  
11 ~~within one fiscal year shall revert to the General Fund.~~ transferred to the North Carolina Tutoring  
12 Fund created pursuant to G.S. 115C-238.35."

13 ...

14 (d) ~~Any unexpended funds at the end of a fiscal year from the funds appropriated in a~~  
15 ~~particular fiscal year to be used for the award of scholarships in the following fiscal year shall be~~  
16 ~~used as follows:~~

17 (1) ~~Up to five hundred thousand dollars (\$500,000) may be used by the Authority~~  
18 ~~to contract with a nonprofit corporation representing parents and families for~~  
19 ~~outreach and scholarship education and application assistance for parents and~~  
20 ~~students pursuant to Part 4A of this Article.~~

21 (2) ~~Any remaining funds shall be carried forward for one fiscal year pursuant to~~  
22 ~~subsection (a) of this section."~~

23 **SECTION 4.(c)** Subsections (a) and (b) of this section become effective June 30,  
24 2022. The remainder of this section is effective when this act becomes law.

## 25 **PART V. OPEN VIRTUAL CODES**

26 **SECTION 5.** Notwithstanding any provision of law to the contrary, the Department  
27 of Public Instruction shall allow local school administrative units to apply for a separate school  
28 code and offer virtual instruction.  
29  
30

## 31 **PART VI. LET THEM BENEFIT**

32 **SECTION 6.(a)** Subsections (c) and (d) of Section 35.21 of S.L. 2017-57 are  
33 repealed.

34 **SECTION 6.(b)** This section is effective retroactively to December 31, 2020.  
35

## 36 **PART VII. SCHOOL PERFORMANCE GRADES/ANNUAL REPORT CARDS**

37 **SECTION 7.1.** G.S. 115C-12(9) reads as rewritten:

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

42 ...

43 c1. To issue an annual "report card" for the State and for each local school  
44 administrative unit, assessing each unit's efforts to improve student  
45 performance based on the growth in performance of the students in  
46 each school and taking into account progress over the previous years'  
47 level of performance and the State's performance in comparison with  
48 other states. This assessment shall take into account factors that have  
49 been shown to affect student performance and that the State Board  
50 considers relevant to assess the State's efforts to improve student

performance. The annual "report card" for each local school administrative unit shall include the following:

1. The State Board shall award, in accordance with G.S. 115C-83.15, ~~an overall numerical school achievement, growth, and performance score on a scale of zero to 100 achievement and school growth scores and a separate corresponding performance school achievement and school growth letter grade~~ grades of A, B, C, D, or F earned by each school within the local school administrative unit. The school ~~performance score and grade~~ achievement and growth scores and grades shall reflect the measures required for achievement and growth, respectively, by G.S. 115C-83.15, in measures such as student performance on annual subject-specific assessments, college and workplace readiness measures, graduation rates, and student progress in achieving English language proficiency. In addition, the State Board shall award separate ~~performance~~ scores and grades for the following:
  - I. School achievement and school growth performance of certain subgroups of students as provided in G.S. 115C-83.15.
  - II. For schools serving students in any grade from kindergarten to eighth grade, school achievement and school growth performance in reading and mathematics respectively.

...."

**SECTION 7.2.** G.S. 115C-47(58) reads as rewritten:

"(58) To Inform the Public About the North Carolina School Report Cards Issued by the State Board of Education. – Each local board of education shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. Each local board of education shall ensure that the ~~overall school performance score achievement and growth scores and grade grades~~ earned by each school in the local school administrative unit for the current and previous four school years ~~is~~ are prominently displayed on the Web site of the local school administrative unit. If any school in the local school administrative unit earned ~~an overall a school performance achievement or growth~~ grade of D or F, the local board of education shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school."

**SECTION 7.3.** G.S. 115C-83.15 reads as rewritten:

**"§ 115C-83.15. School ~~achievement, growth, performance scores,~~ achievement scores, growth scores, and grades.**

(a) School Scores and Grades. – The State Board of Education shall award school ~~achievement, growth, and performance~~ achievement and school growth scores and ~~an associated performance grade grades,~~ as required by G.S. 115C-12(9)c1., and calculated as provided in this section.

...

(b1) Calculation of School Achievement Grades. – For all schools, the score for school achievement, as provided in subsection (b) of this section, shall be used to determine the school achievement grade. The school achievement grade shall be based on the following scale and shall not be modified to add any other designation related to other performance measures, such as a "plus" or "minus":

1           (1)    A score of at least 85 is equivalent to a school achievement grade of A.

2           (2)    A score of at least 70 is equivalent to a school achievement grade of B.

3           (3)    A score of at least 55 is equivalent to a school achievement grade of C.

4           (4)    A score of at least 40 is equivalent to a school achievement grade of D.

5           (5)    A score of less than 40 is equivalent to a school achievement grade of F.

6           (c)    Calculation of the School Growth Score. – Using the Education Value-Added  
7 Assessment System (EVAAS), the State Board shall calculate the overall growth score earned  
8 by schools. In calculating the total growth score earned by schools, the State Board of Education  
9 shall weight student growth on the achievement measures as provided in subsection (b) of this  
10 section that have available growth values; provided that for schools serving students in grades  
11 nine through 12, the growth score shall only include growth values for measures calculated under  
12 sub-subdivisions a. and b. of subdivision (2) of subsection (b) of this section. The numerical  
13 values used to determine whether a school has met, exceeded, or has not met expected growth  
14 shall be translated to a 100-point scale and used for school reporting purposes as provided in  
15 G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8.

16          (c1)   Calculation of School Growth Grades. – For all schools, the score for school growth,  
17 as provided in subsection (c) of this section, shall be converted by the State Board of Education  
18 to a 100-point scale and used to determine the school growth grade. The school growth grade  
19 shall be based on the following scale and shall not be modified to add any other designation  
20 related to other performance measures, such as a "plus" or "minus":

21           (1)    A score of at least 90 is equivalent to a school growth grade of A.

22           (2)    A score of at least 80 is equivalent to a school growth grade of B.

23           (3)    A score of at least 70 is equivalent to a school growth grade of C.

24           (4)    A score of at least 60 is equivalent to a school growth grade of D.

25           (5)    A score of less than 60 is equivalent to a school growth grade of F.

26          (d)    ~~Calculation of the Overall School Performance Scores and Grades. – The State Board~~  
27 ~~of Education shall calculate the overall school performance score by adding the school~~  
28 ~~achievement score, as provided in subsection (b) of this section, and the school growth score, as~~  
29 ~~determined using EVAAS as provided in subsection (c) of this section, earned by a school. The~~  
30 ~~school achievement score shall account for eighty percent (80%), and the school growth score~~  
31 ~~shall account for twenty percent (20%) of the total sum. For all schools, the total school~~  
32 ~~performance score shall be converted to a 100-point scale and used to determine an overall school~~  
33 ~~performance grade. The overall school performance grade shall be based on the following scale~~  
34 ~~and shall not be modified to add any other designation related to other performance measures,~~  
35 ~~such as a "plus" or "minus":~~

36           (1)    ~~A school performance score of at least 85 is equivalent to an overall school~~  
37 ~~performance grade of A.~~

38           (2)    ~~A school performance score of at least 70 is equivalent to an overall school~~  
39 ~~performance grade of B.~~

40           (3)    ~~A school performance score of at least 55 is equivalent to an overall school~~  
41 ~~performance grade of C.~~

42           (4)    ~~A school performance score of at least 40 is equivalent to an overall school~~  
43 ~~performance grade of D.~~

44           (5)    ~~A school performance score of less than 40 points is equivalent to an overall~~  
45 ~~school performance grade of F.~~

46          (d1)   Establishment of Subgroups of Students. – The State Board shall establish the  
47 minimum number of students in a subgroup served by a school that is necessary to disaggregate  
48 information on student performance and to determine a-subgroup performance score achievement  
49 and subgroup growth scores and grade-associated grades for the following subgroups of students:

50           (1)    Economically disadvantaged students.

51           (2)    Students from major racial and ethnic groups.

1 (3) Children with disabilities.

2 (4) English learners.

3 (d2) ~~Calculation of the School Performance Scores and Achievement and School Growth~~  
4 ~~Scores and Corresponding Grades for Certain Subgroups of Students Served by a School. – In~~  
5 ~~addition to the overall-school performance-achievement and school growth scores and~~  
6 ~~corresponding grades awarded under subsections (b) through (c1) of this section, for each school~~  
7 ~~that serves a minimum number of students in a subgroup of students listed in subsection (d1) of~~  
8 ~~this section, the State Board of Education shall calculate school performance-achievement and~~  
9 ~~school growth scores and shall determine a-corresponding school performance-grade-grades for~~  
10 ~~each subgroup using the same method as set forth in subsection (d)-subsections (b) through (c1)~~  
11 ~~of this section. School performance-achievement and school growth scores for subgroups of~~  
12 ~~students shall not be included in the calculation of the overall-school performance-achievement~~  
13 ~~and school growth scores and corresponding grades under subsection (d)-subsections (b) through~~  
14 ~~(c1) of this section.~~

15 (d3) ~~Report of Subgroup Performance Scores and School Achievement and School~~  
16 ~~Growth Scores and Corresponding Grades. – The subgroup performance-school achievement and~~  
17 ~~school growth scores and associated grades shall be reported separately on the annual school~~  
18 ~~report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66, and 116-239.8 in a~~  
19 ~~way that provides the following information:~~

20 (1) For the current year and the previous two years, the achievement score for  
21 each subgroup of students defined in subsection (d1) of this section for the  
22 school.

23 (2) The statewide average achievement score for each subgroup defined in  
24 subsection (d1) of this section.

25 (3) The difference between the achievement score for all students in the school  
26 and the achievement score for each subgroup that meets the minimum number  
27 of students defined in subsection (d1) of this section.

28 (4) Based on the information reported in subdivision (3) of this subsection, the  
29 State Board shall determine and identify schools that are closing achievement  
30 gaps, experiencing a widening of gaps, or seeing no significant gap changes.

31 ...

32 (f) ~~Indication of Growth. – In addition to awarding the overall-school scores for~~  
33 ~~achievement, growth, and performance and the performance-grade, achievement and growth and~~  
34 ~~associated grades, using EVAAS, the State Board shall designate that a school has met, exceeded,~~  
35 ~~or has not met expected growth. The designation of student growth shall be clearly displayed in~~  
36 ~~the annual school report card provided under G.S. 115C-12(9)c1., 115C-218.65, 115C-238.66,~~  
37 ~~and 116-239.8.~~

38 (g) ~~Access to Annual Report Card Information on the Department's Web Site. –~~  
39 ~~Beginning with data collected in the 2017-2018 school year, the State Board of Education shall~~  
40 ~~provide user-friendly access to the public on the annual report cards issued for local school~~  
41 ~~administrative units and individual schools provided under G.S. 115C-12(9)c1., 115C-218.65,~~  
42 ~~115C-238.66, and 116-239.8 through the Department of Public Instruction's Web site. The annual~~  
43 ~~report card shall be designed and organized to display the following information more~~  
44 ~~prominently than any other information:~~

45 (1) A summary for each local school administrative unit and for each individual  
46 school of the school ~~performance-achievement and growth~~ grades, whether  
47 the school has met, exceeded, or has not met expected growth, and any other  
48 information required to be provided as part of the annual report card.

49 (2) The percentage of schools receiving ~~an overall-a school performance~~  
50 ~~achievement~~ letter grade of A, B, C, D, or F earned by each school located  
51 within a local school administrative unit and statewide.

- 1           (2a) The percentage of schools receiving a school growth letter grade of A, B, C,  
 2           D, or F earned by each school located within a local school administrative unit  
 3           and statewide.
- 4           (3) The number and percentage of schools that have met, exceeded, or have not  
 5           met expected growth by each school located within a local school  
 6           administrative unit and statewide.
- 7           (4) A Web page for each individual school that prominently displays the school's  
 8           ~~performance~~ achievement and growth grades, whether the school has met,  
 9           exceeded, or has not met expected growth, and the school's ~~performance~~  
 10           achievement and growth scores in a way that is easy for the user to read.
- 11           (5) The ability to easily compare annual report card information, including school  
 12           ~~performance~~ achievement and growth grades and whether schools have met,  
 13           exceeded, or have not met expected growth, for local school administrative  
 14           units and for individual schools for a time span of at least three years."

15           **SECTION 7.4.** G.S. 115C-83.17 reads as rewritten:

16   **"§ 115C-83.17. Definitions.**

17       The following definitions apply in this Part:

- 18           (1) Achievement score. – A numerical score ~~on a scale of zero to 100~~ that is based  
 19           on the sum of points earned by a school or by a subgroup of students pursuant  
 20           to G.S. 115C-83.15.
- 21           (2) Growth score. – A numerical score measuring student growth calculated for a  
 22           school or for a subgroup of students pursuant to G.S. 115C-83.15.
- 23           (3) ~~Overall school performance grade. School grades.~~ – The letter ~~grade~~ grades  
 24           earned by a school for achievement and growth for all students served by a  
 25           school pursuant to ~~G.S. 115C-83.15(d)~~ G.S. 115C-83.15(b1) and (c1).
- 26           (4) ~~Overall school performance score. School scores.~~ – The numerical ~~score~~  
 27           scores earned by a school ~~that is calculated by adding the school achievement~~  
 28           ~~score and the school growth score earned by a school~~ for achievement and  
 29           growth pursuant to ~~G.S. 115C-83.15(d)~~ G.S. 115C-83.15(b) and (c).
- 30           (5) ~~Subgroup performance grade. grades.~~ – The letter ~~grade~~ grades earned by a  
 31           school for achievement and growth for a subgroup of students served by the  
 32           school pursuant to G.S. 115C-83.15(d2).
- 33           (6) ~~Subgroup performance score. scores.~~ – The numerical ~~score~~ scores earned by  
 34           a school ~~that is calculated by adding the~~ for subgroup achievement ~~score~~ and  
 35           ~~the~~ subgroup growth score ~~earned by a school~~ that are converted to a 100-point  
 36           scale pursuant to G.S. 115C-83.15(d2)."

37           **SECTION 7.5.** G.S. 115C-83.16 reads as rewritten:

38   **"§ 115C-83.16. School performance indicators for the purpose of compliance with federal**  
 39   **law.**

40           (a) The State Board of Education shall use the school ~~performance~~ achievement and  
 41           growth scores and grades as calculated ~~required~~ under G.S. 115C-83.15 to satisfy the federal  
 42           requirement under the Elementary and Secondary Education Act of 1965, as amended by the  
 43           Every Student Succeeds Act (ESSA), P.L. 114-95, to meaningfully differentiate the performance  
 44           of schools on an annual basis. For the purpose of compliance with federal law, the State Board  
 45           of Education shall calculate the overall school performance score by adding the school  
 46           achievement score and the school growth score earned by a school. The school achievement score  
 47           shall account for eighty percent (80%), and the school growth score shall account for twenty  
 48           percent (20%) of the total sum. Additionally, the indicators shall be defined as follows:

49           ...

50           (b) Notwithstanding subsection (a) of this section and only for the purpose of conforming  
 51           with ESSA, the State Board may label measures as indicators different from those described in



1 subsection (a) of this section; ~~provided that each measure shall be calculated in accordance with~~  
2 ~~the requirements of G.S. 115C-83.15, section.~~"

3 **SECTION 7.6.** G.S. 115C-105.37 reads as rewritten:

4 **"§ 115C-105.37. Identification of low-performing schools.**

5 (a) Identification of Low-Performing Schools. – The State Board of Education shall  
6 identify low-performing schools on an annual basis. Low-performing schools are those that earn  
7 ~~an overall a school performance achievement~~ grade of D or F and a school growth score of "met  
8 expected growth" or "not met expected growth" as defined by G.S. 115C-83.15.

9 (a1) Plan for Improvement of Low-Performing Schools. – If a school has been identified  
10 as low-performing as provided in this section and the school is not located in a local school  
11 administrative unit identified as low-performing under G.S. 115C-105.39A, the following  
12 actions shall be taken:

13 (1) The superintendent shall proceed under G.S. 115C-105.39.

14 (2) Within 30 days of the initial identification of a school as low-performing by  
15 the State Board, the superintendent shall submit to the local board of education  
16 a preliminary plan for improving ~~both the school performance grade and~~  
17 ~~school growth score, grades,~~ including how the superintendent and other  
18 central office administrators will work with the school and monitor the  
19 school's progress.

20 ...

21 (b) Parental Notice of Low-Performing School Status. – Each school that the State Board  
22 identifies as low-performing shall provide written notification to the parents and guardians of  
23 students attending that school within 30 days of the identification that includes the following  
24 information:

25 (1) A statement that the State Board of Education has found that the school has  
26 earned ~~an overall a school performance achievement~~ grade of D or F and a  
27 school growth score of "met expected growth" or "not met expected growth"  
28 and has been identified as a low-performing school as defined by  
29 ~~G.S. 115C-105.37, this section.~~ The statement shall include an explanation of  
30 the school ~~performance grades and growth scores.~~ achievement and growth  
31 scores and grades.

32 (2) The school ~~performance grade and growth score~~ achievement and growth  
33 scores and grades earned.

34 (3) Information about the preliminary plan developed under subsection (a1) of  
35 this section and the availability of the final plan on the local school  
36 administrative unit's Web site.

37 (4) The meeting date for when the preliminary plan will be considered by the local  
38 board of education.

39 (5) A description of any additional steps the school is taking to improve student  
40 performance."

41 **SECTION 7.7.** G.S. 115C-105.39A reads as rewritten:

42 **"§ 115C-105.39A. Identification of low-performing local school administrative units.**

43 (a) Identification of Low-Performing Local School Administrative Units. – The State  
44 Board of Education shall identify low-performing local school administrative units on an annual  
45 basis. A low-performing local school administrative unit is a unit in which the majority of the  
46 schools in that unit that earned ~~an overall school performance grade and school growth score~~  
47 achievement and growth scores and grades as provided in G.S. 115C-83.15 have been identified  
48 as low-performing schools, as provided in G.S. 115C-105.37.

49 (b) Plan for Improvement of Low-Performing Local School Administrative Units. – Once  
50 a local school administrative unit has been identified as low-performing under this section, the  
51 following actions shall be taken:

- 1 (1) The superintendent shall proceed under G.S. 115C-105.39.
- 2 (2) Within 30 days of the identification of a local school administrative unit as
- 3 low-performing by the State Board, the superintendent shall submit to the
- 4 local board of education a preliminary plan for improving ~~both the school~~
- 5 ~~performance grade and school growth score~~ achievement and growth scores
- 6 and grades of each low-performing school in the unit, including how the
- 7 superintendent and other central office administrators will work with each
- 8 low-performing school and monitor the low-performing school's progress and
- 9 how current local school administrative unit policy should be changed to
- 10 improve student achievement throughout the local school administrative unit.
- 11 The plan shall also include specific strategies to improve early childhood
- 12 learning along with measurable goals.

13 ...

14 (c) Parental Notice of Low-Performing Local School Administrative Unit Status. – Each

15 local school administrative unit that the State Board identifies as low-performing shall provide

16 written notification to the parents and guardians of all students attending any school in the local

17 school administrative unit within 30 days of the identification that includes the following

18 information:

- 19 (1) A statement that the State Board of Education has found that a majority of the
- 20 schools in the local school administrative unit have earned ~~an overall a school~~
- 21 ~~performance achievement~~ grade of D or F and a school growth score of "met
- 22 expected growth" or "not met expected growth" and have been identified as
- 23 low-performing schools as defined by G.S. 115C-105.37. The statement shall
- 24 also include an explanation of the school ~~performance grades and school~~
- 25 ~~growth scores~~ achievement and growth scores and grades.
- 26 (2) The percentage of schools identified as low-performing.
- 27 (3) Information about the preliminary plan developed under subsection (b) of this
- 28 section and the availability of the final plan on the local school administrative
- 29 unit's Web site.
- 30 (4) The meeting date for when the preliminary plan will be considered by the local
- 31 board of education.
- 32 (5) A description of any additional steps the local school administrative unit and
- 33 schools are taking to improve student performance.
- 34 (6) For notifications sent to parents and guardians of students attending a school
- 35 that is identified as low-performing under G.S. 115C-105.37, a statement that
- 36 the State Board of Education has found that the school has earned ~~an overall~~
- 37 ~~a school performance achievement~~ grade of D or F and a school growth score
- 38 of "met expected growth" or "not met expected growth" and has been
- 39 identified as a low-performing school as defined by G.S. 115C-105.37. This
- 40 notification also shall include the ~~overall school performance grade and school~~
- 41 ~~growth score the school achievement and growth scores and grades~~ earned
- 42 and an explanation of the school ~~performance grades and school growth~~
- 43 ~~scores achievement and growth scores and grades.~~"

44 **SECTION 7.8.** G.S. 115C-218.65 reads as rewritten:

45 **"§ 115C-218.65. North Carolina School Report Cards.**

46 A charter school shall ensure that the report card issued for it by the State Board of Education

47 receives wide distribution to the local press or is otherwise provided to the public. A charter

48 school shall ensure that the ~~overall school performance score achievement and growth scores and~~

49 ~~grade grades~~ earned by the charter school for the current and previous four school years ~~is are~~

50 prominently displayed on the school Web site. If a charter school earned ~~an overall a school~~

1 ~~performance achievement or growth~~ grade of D or F, the charter school shall provide notice of  
2 the grade in writing to the parent or guardian of all students enrolled in that school."

3 **SECTION 7.9.** G.S. 115C-218.94(a) reads as rewritten:

4 "(a) Identification of Low-Performing Charter Schools. – The State Board of Education  
5 shall identify low-performing charter schools on an annual basis. Low-performing charter  
6 schools are those that earn ~~an overall a school performance achievement~~ grade of D or F and a  
7 school growth score of "met expected growth" or "not met expected growth" as defined by  
8 G.S. 115C-83.15."

9 **SECTION 7.10.** G.S. 115C-238.66(11) reads as rewritten:

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

19 **SECTION 7.11.** G.S. 116-239.8(b)(14) reads as rewritten:

20 "(14) North Carolina school report cards. – A laboratory school shall ensure that the  
21 report card issued for it by the State Board of Education receives wide  
22 distribution to the local press or is otherwise provided to the public. A  
23 laboratory school shall ensure that the ~~overall school performance score~~  
24 achievement and growth scores and grade grades earned by the laboratory  
25 school for the current and previous four school years ~~is~~ are prominently  
26 displayed on the school Web site. If a laboratory school earned ~~an overall a~~  
27 school performance achievement or growth grade of D or F, the laboratory  
28 school shall provide notice of the grade in writing to the parent or guardian of  
29 all students enrolled in that school."

30 **SECTION 7.12.** G.S. 116-239.13(3) reads as rewritten:

31 "(3) Public school student achievement data, including school ~~performance grades~~  
32 and student achievement scores and student growth, achievement and growth  
33 scores and grades, at each laboratory school."

## 34 35 **PART VIII. MISCELLANEOUS**

### 36 37 **EFFECT OF HEADINGS**

38 **SECTION 8.1.** The headings to the Parts, subparts, and sections of this act are a  
39 convenience to the reader and are for reference only. The headings do not expand, limit, or define  
40 the text of this act, except for effective dates referring to a Part or subpart.

### 41 42 **SEVERABILITY CLAUSE**

43 **SECTION 8.2.** If any section or provision of this act is declared unconstitutional or  
44 invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
45 the part so declared to be unconstitutional or invalid.

### 46 47 **EFFECTIVE DATE**

48 **SECTION 8.3.** Except as otherwise provided, this act is effective when it becomes  
49 law.