
**JOINT LEGISLATIVE
EDUCATION OVERSIGHT COMMITTEE**



**REPORT TO THE
1997 GENERAL ASSEMBLY
OF
NORTH CAROLINA**

1998 REGULAR SESSION

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May 11, 1998

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT
PRO TEMPORE OF THE SENATE, THE LIEUTENANT GOVERNOR, AND
MEMBERS OF THE 1998 SESSION OF THE 1997 GENERAL ASSEMBLY:

The Joint Legislative Education Oversight Committee, pursuant to G.S. 120-70.80,
submits its report and recommendations to the 1997 General Assembly.

Respectfully submitted,


Representative Jean Preston


Senator Leslie Winner

Cochairs

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

**JOINT LEGISLATIVE
EDUCATION OVERSIGHT COMMITTEE
1997-1999
Membership**

President Pro Tempore Appointments

Sen. Leslie J. Winner, Cochair
2120 Greenway Avenue
Charlotte, NC 28202
(704) 376-8201

Sen. Walter H. Dalton
1108 North Main Street
Rutherfordton, NC 28139
(704) 287-2908

Sen. Charles S. Dannelly
3167 Dawnshire Avenue
Charlotte, NC 28216
(704) 392-1227

Sen. John A. Garwood
453 Mark Lane
North Wilkesboro, NC 28659
(910) 838-5378

Sen. Fletcher L. Hartsell, Jr.
PO Box 368
Concord, NC 28026-0368
(704) 786-5161

Sen. Howard N. Lee
109 Glenview Place
Chapel Hill, NC 27514
(919) 942-6528

Sen. Jeanne H. Lucas
4504 Glenn Road
Durham, NC 27704
(919) 688-2838

Sen. Eric M. Reeves
PO Box 510
Raleigh, NC 27602
(919) 821-4334

Speaker's Appointments

Rep. Jean R. Preston, Cochair
211 Pompano Drive
Emerald Isle, NC 28594
(919) 354-6993

Rep. Gene G. Arnold
1225 Cheshire Lane
Rocky Mount, NC 27803
(919) 443-1073

Rep. Donald S. Davis
PO Box 363
Erwin, NC 28339
(910) 897-7282

Rep. W. Robert Grady
107 Jean Circle
Jacksonville, NC 28540
(910) 455-9359

Rep. William C. Owens, Jr.
113 Hunters Trail East
Elizabeth City, NC 27909
(919) 335-0167

Rep. R. Eugene Rogers
908 Woodlawn Drive
Williamston, NC 27892
(919) 792-6352

Rep. Carolyn B. Russell
304 Glen Oak Drive
Goldsboro, NC 27534
(919) 736-2665

Rep. Fern Shubert
106 East Main Street
Marshville, NC 28103
(704) 624-2720

Sen. Robert A. Rucho
400 Trafalgar Place
Matthews, NC 28105
(704) 847-3461

Rep. Douglas Y. Yongue
604 Prince Street
Laurinburg, NC 28352
(910) 276-1727



Staff:

Ms. Robin Johnson
Ms. Kory Goldsmith
Ms. Sara Kamprath
Dr. Shirley Iorio
Research Division
(919) 733-2578

Clerk:

Ms. Vickie Spears
(919) 715-3038

AUTHORIZING LEGISLATION

ARTICLE 12H.

Joint Legislative Education Oversight Committee

§ 120-70.80. Creation and membership of Joint Legislative Education Oversight Committee.

The Joint Legislative Education Oversight Committee is established. The Committee consists of 18 members as follows:

- (1) Nine members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and
- (2) Nine members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1991 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

§ 120-70.81. Purpose and powers of Committee.

(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education. In this examination, the Committee shall:

- (1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the Department of Community Colleges, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;
- (2) Examine, in particular, the Basic Education Plan and the School Improvement and Accountability Act of 1989, to determine whether changes need to be built into the plans, whether implementation schedules need to be restructured, and how to manage the ongoing development of the policies underlying these legislative plans, including a determination of whether there is a need for the legislature to develop ongoing funding patterns for these plans;
- (3) Study other states' educational initiatives in public schools, community colleges, and public universities, in order to provide an ongoing commentary to

the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other educational matters that the Committee considers necessary to fulfill its mandate.

- (b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

§ 120-70.82. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Education Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is 10 members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.



COMMITTEE PROCEEDINGS



JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

**Tuesday, October 28, 1997, 10:00 A.M.
Room 421, Legislative Office Building**

Senator Winner, Presiding

WELCOME AND INTRODUCTIONS

COMMENTS FROM PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA (10:30)

President Molly Broad

ADOPTION OF PROPOSED BUDGET

Sara Kamprath, Committee Staff

REVIEW OF STATUTORY CHARGE / DISCUSSION OF WORKPLAN

Robin Johnson, Committee Counsel

LEGISLATIVE UPDATE

Kory Goldsmith, Committee Counsel

LUNCH BREAK

COMMENTS FROM PRESIDENT OF THE NORTH CAROLINA SYSTEM OF COMMUNITY COLLEGES

President Martin Lancaster

NEW AND EXPANDING INDUSTRIES

Dr. Scott Rawlls, Director of Economic Development, Community Colleges

EXPENDITURES OF STATE BOARD RESERVE FUNDS

Kennon D. Briggs, Vice-President for Business & Finance, Community Colleges

UNIFORM ADMISSIONS FOR NONPUBLIC STUDENTS

Dr. Charles Coble, Associate Vice-President for Academic Affairs, UNC

Agenda
Wednesday, October 29, 1997, 9:00 A.M.
Room 421, Legislative Office Building

Representative Preston, Presiding

WELCOME

COMMENTS FROM SUPERINTENDENT OF PUBLIC INSTRUCTION

Superintendent Mike Ward

ABC'S PROGRAM

Richard Thompson, Deputy Superintendent

Henry Johnson, Associate Superintendent, Division of Instructional & Accountability Services

Elsie Leak, Director, Division of School Improvement

SBE & DHHS PROGRESS REPORT ON THEIR PLAN TO IMPLEMENT ABC'S PLAN FOR RESIDENTIAL SCHOOLS

Richard Thompson, Deputy Superintendent, DPI

Peter Leousis, Assistant Secretary for Children, Youth & Families, DHHS

OUT-OF-SCHOOL SUSPENSIONS AND ALTERNATIVE LEARNING PROGRAMS

Richard Thompson, Deputy Superintendent

Henry Johnson, Assoc. Superintendent, Instructional & Accountability Services

EO: agenda 10/97

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

**November 12, 1997, 9:30 A.M.
Room 421, Legislative Office Building**

WELCOME AND INTRODUCTIONS

STUDENT TESTING ISSUES

Robin Johnson, Committee Counsel

Dr. Henry Johnson, Associate Superintendent of Instructional & Accountability Services, DPI

Dr. Louis "Lou" Fabrizio, Director of Accountability, DPI

OUT-OF-SCHOOL SUSPENSIONS AND ALTERNATIVE LEARNING PROGRAMS

Kory Goldsmith, Committee Counsel

Dr. Henry Johnson, Assoc. Superintendent, Instructional & Accountability Services, DPI

Stephon Bowens, Senior Attorney, NC Education & Law Project

IMPLEMENTATION OF LOCAL PLANS FOR THE ACADEMICALLY GIFTED

Sara Kamprath, Committee Staff

Dr. Henry Johnson, Associate Superintendent, Instructional & Accountability Services, DPI

Rebecca Garland, AG Consultant, DPI

Panel

Carrie Wilson, AG Coordinator, Granville County

Laura Elliott, Parent, Granville County

Joe Mitchell, Teacher, Granville County

Dr. William P. Steed, Superintendent, Davie County

Dr. Nancy Dominick, Director of Exceptional Children Programs, Davie County

Patsy Crenshaw, Director of Instruction, Davie County

Marlene Shamel, Member, Davie County Board of Education

Linda Robinson, Legislative Liaison, North Carolina Association for the Gifted and Talented

**UNC's REPORT ON THE PRODUCTION OF PRIMARY CARE PHYSICIANS &
MID-LEVEL PRACTITIONERS**

Kory Goldsmith, Committee Counsel

Dr. Tom Bacon, Director of NC Area Health Education Centers

ANNOUNCEMENTS

EO: agenda 11/97

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

January 22, 1998, 9:00 A.M.

Room 421, Legislative Office Building

WELCOME

Representative Preston, presiding

APPROVAL OF MINUTES FROM PREVIOUS MEETING

REMARKS FROM CHAIRMAN OF STATE BOARD OF EDUCATION

Phil Kirk

CHARTER SCHOOLS (Authorizing legislation and current charter school law are in members' notebooks behind tab marked "Charter Schools")

Overview: Dr. Richard Thompson, Deputy Superintendent of Public Instruction
Dr. Henry Johnson, Associate Superintendent of Instructional and Accountability Services
Michael Fedewa, Chairman, Charter Schools Advisory Committee

Panel: Dr. Jim Surratt, Superintendent, Wake County Schools
Ms. Kathryn Meyers, Chair, Durham Board of Education
Dr. Larry Wilson, Director, Magellan Charter School (Wake Co.)
Dr. Celia Dickerson, Director, Durham Community Charter School
Ms. Rosa McNeill, Director, Bright Horizons Charter School (Wayne Co.)

K-2 TESTING

Robin Johnson, Committee Counsel
Dr. Henry Johnson, Associate Superintendent of Instructional and Accountability Services
Dr. Donna Bryant, Frank Porter Graham

PURCHASING PILOTS (Authorizing legislation and report are in members' notebooks behind tab marked "Purchasing Pilots")

Sara Kamprath, Committee Staff
Dr. Richard Thompson, Deputy Superintendent of Public Instruction
Jim Barber, Associate Superintendent of Financial and Personnel Services
John Leaston, State Purchasing Officer, Purchase & Contract Division, Department of Administration

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

January 23, 1998, 9:00 A.M.

Room 421, Legislative Office Building

WELCOME

Senator Winner, presiding

MASTERS/ADVANCED COMPETENCIES CERTIFICATION (Authorizing legislation and reports are in members' notebooks behind the tab marked "Masters/Advanced Competencies")

Dr. Richard Thompson, Deputy Superintendent of Public Instruction

Jim Barber, Associate Superintendent of Financial and Personnel Services

REPORT ON PLAN TO REVISE CURRENT MASTERS OF EDUCATION DEGREE PROGRAMS TO REQUIRE A MORE RIGOROUS COURSE OF STUDY INCLUDING CONCENTRATION IN THE ACADEMIC CONTENT AREAS TO BE TAUGHT

Dr. Charles Coble, Associate Vice-President for Academic Affairs, UNC

TIME TO DEGREE

Gary Barnes, Vice-President for Program Assessment and Public Affairs, UNC

EO: agenda 1/98

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

February 19, 1998, 9:00 A.M.

Room 421, Legislative Office Building

WELCOME Senator Winner, presiding

APPROVAL OF MINUTES FROM PREVIOUS MEETING

HIGH SCHOOLS THAT WORK

June Atkinson, Director of Instructional Services, DPI

INTERNATIONAL BACCALAUREATE PROGRAMS

Vann Langston, Assistant Superintendent of Curriculum & Instruction, Johnston Schools

ADVANCED PLACEMENT CLASSES

Robin Johnson, Committee Counsel

Vann Langston, Assistant Superintendent of Curriculum & Instruction, Johnston Schools

Dr. Gary Barnes, Vice-President for Program Assessment & Public Service, UNC

IMPROVING THE TEACHING PROFESSION

Sara Kamprath, Committee Staff

Thomas Blanford, Executive Director, N.C. Professional Teaching Standards Commission

INFORMATION AND FEEDBACK PROGRAMS

Jim Newlin, Committee Staff

- **Reports to high schools on freshman performance and applications for admission**
Dr. Gary Barnes, Vice-President for Program Assessment & Public Service, UNC
- **Electronic transfer of high school transcripts**
Dr. Gary Barnes, Vice-President for Program Assessment & Public Service, UNC
- **Early Math Placement Exams initiative**
Myra Cain, Associate Vice-President for Academic Affairs, UNC

**EFFORT TO ENCOURAGE HIGH SCHOOL STUDENTS TO COMPLETE
COLLEGE GENERAL EDUCATION COURSES IN COMMUNITY COLLEGES**

Kory Goldsmith, Committee Counsel

Dr. Elizabeth Johns, Vice-President for Academic & Student Services,

Community Colleges

June Atkinson, Director of Instructional Services, DPI

TRANSFER AGREEMENTS BETWEEN UNC AND COMMUNITY COLLEGES

Kory Goldsmith, Committee Counsel

Myra Cain, Associate Vice-President for Academic Affairs, UNC

Dr. Barry Russell, Senior Vice-President, Department of Community Colleges

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

February 20, 1998, 9:00 A.M.

Room 421, Legislative Office Building

WELCOME Representative Preston, Presiding

EXCELLENT SCHOOLS ACT REPORTS

- **Report on the plans for schools of education performance reports and performance reports for all master degree programs in education and school administration**
Kory Goldsmith, Committee Counsel
Richard Thompson, Deputy Superintendent
Peggy Hopkins, Director of Human Resource Management, DPI
- **Report on the progress in implementing the mentor teacher program**
Sara Kamprath, Committee Staff
Richard Thompson, Deputy Superintendent
Peggy Hopkins, Director of Human Resource Management, DPI
- **Report on the results of the study to modify the administrator recertification process to insure that all schools have well-qualified administrators**
Dr. Shirley Iorio, Committee Staff
Richard Thompson, Deputy Superintendent
Peggy Hopkins, Director of Human Resource Management, DPI

IMPROVING THE PROFESSION OF PUBLIC SCHOOL ADMINISTRATION

Dr. Shirley Iorio, Committee Staff
Linda Stevens, Executive Director, N.C. Standards Board for Public School Administration

EO: agenda 2/98

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

March 12, 1998, 10:00 A.M.

Room 415, Legislative Office Building

WELCOME.

OVERVIEW OF 1997 SAFE SCHOOLS ACT AND APPROPRIATIONS.

Robin Johnson, Committee Counsel

PLAN FOR ENSURING THAT SCHOOL ADMINISTRATOR AND TEACHER PREPARATION PROGRAMS PROVIDE TRAINING TO MAINTAIN SCHOOL SAFETY.

Dr. Shirley Iorio, Committee Staff

Dr. Pam Riley, Director of Center for Prevention of School Violence

Dr. Charles Coble, Vice-President for University-School Programs, UNC

PLAN TO REWARD PRINCIPALS FOR SCHOOL SAFETY & CLIMATE.

Robin Johnson, Committee Staff

Dr. Henry Johnson, Associate Superintendent for Instructional & Accountability Services, DPI

DEVELOPMENT OF PROGRAM TO PROMOTE THE COLLABORATION OF LOCAL SCHOOL OFFICIALS, LOCAL LAW ENFORCEMENT OFFICIALS, AND LOCAL COURT OFFICIALS ON SCHOOL SAFETY AND DISCIPLINE.

Robin Johnson, Committee Staff

Dr. Pam Riley, Director of Center for Prevention of School Violence

PLAN TO DEVELOP INTERAGENCY AGREEMENTS BETWEEN LOCAL SCHOOL ADMINISTRATIVE UNITS AND OTHER LOCAL PUBLIC AGENCIES.

Robin Johnson, Committee Staff

Evelyn Monroe, Member, State Board of Education, & Chair, At-Risk Students Task Force

REPORT ON GUIDELINES TO REQUIRE LOCAL SCHOOL UNITS TO USE TEACHERS ALLOCATED FOR STUDENTS IN ALTERNATIVE SCHOOLS ONLY FOR THOSE STUDENTS.

Robin Johnson, Committee Staff

Jim Barber, Associate Superintendent for Financial & Personnel Services, DPI

ADVISABILITY OF CREATING REGIONAL RESIDENTIAL SCHOOLS FOR STUDENTS WITH SEVERE EMOTIONAL AND BEHAVIORAL PROBLEMS.

Robin Johnson, Committee Staff

Dr. Henry Johnson, Associate Superintendent for Instructional & Accountability Services, DPI

Peter Leousis, Assistant Secretary, DHHS

EFFORT TO GET ACCURATE AND CONSISTENT REPORTS ON VIOLENT ACTS IN SCHOOL AND STUDENT SUSPENSIONS OR EXPULSIONS.

Robin Johnson, Committee Staff

Dr. Henry Johnson, Associate Superintendent for Instructional & Accountability Services, DPI

Bob Bateman, Safe Schools Security Officer, Guilford County Schools

REVIEW SCHOOL FACILITY GUIDELINES TO IMPROVE SCHOOL CLIMATE AND ORDER.

Robin Johnson, Committee Staff

Dr. Ben Matthews, Director, School Support, DPI

GOVERNOR'S TASK FORCE ON JUVENILE CRIME: Prevention Subcommittee

Senator Jeanne Lucas, Chair, Prevention Subcommittee

EO: agenda 3/12/98

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

March 19, 1998, 10:00 A.M.

Room 421, Legislative Office Building

WELCOME.

Representative Preston, Cochair

HOW GOOD IS GOOD ENOUGH?

Mark Musick President, Southern Regional Education Board

PLAN TO CREATE RIGOROUS STUDENT ACADEMIC PERFORMANCE STANDARDS BASED ON NAEP STANDARDS.

Robin Johnson, Committee Staff

Henry Johnson, Associate Superintendent for Instructional & Accountability Svcs, DPI

June Atkinson, Director, Division of Instructional Services, DPI

LUNCH BREAK

FACULTY TEACHING WORKLOAD REPORT.

Jim Newlin, Committee Staff

Dr. Gary Barnes, Vice-President for Program Assessment & Public Service, UNC

REVIEW OF TEACHER ASSISTANT EDUCATION PROGRAMS & STANDARDS/CERTIFICATION.

Sara Kamprath, Committee Staff

James Barber, Associate Superintendent, DPI

Elizabeth Jones, Department of Community Colleges

Jan Ramquist, N.C. Association of Teacher Assistants

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

March 20, 1998, 9:00 A.M.

Room 421, Legislative Office Building

WELCOME.

Senator Winner, Cochair

NATIONAL COUNCIL ON ACCREDITATION OF TEACHER EDUCATION (NCATE).

Shari Francis, Vice-President for State Relations, NCATE

Charles Coble, Vice-President for University-School Programs, UNC

Jane Norwood, Member, State Board of Education

Hope Williams, President, North Carolina Association of Independent Colleges

IMPLEMENTATION OF UNIVERSITY/SCHOOLS PARTNERSHIPS.

Kory Goldsmith, Committee Staff

Charles Coble, Vice-President for University-School Programs, UNC

CURRENT STATUS OF ASSESSMENTS FOR CERTIFICATION.

Dr. Shirley Iorio, Committee Staff

Dr. Peggy Hopkins, Director, Human Resource Management, DPI

ADMISSIONS STANDARDS FOR TEACHER EDUCATION PROGRAMS & STANDARDS FOR THE THREE STAGES OF TEACHER CERTIFICATION.

Dr. Shirley Iorio, Committee Staff

Dr. Peggy Hopkins, Director, Human Resource Management, DPI

EO: agenda 3/19 & 20/98

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

AGENDA

April 29, 1998, 9:00 A.M.

Room 414, Legislative Office Building

Senator Winner, Presiding

PRINCIPAL SUSPENSION PROCESS

Robin Johnson, Committee Counsel

Dr. Richard Thompson, Deputy Superintendent

Willie J. Gilchrist, Superintendent, Halifax Schools

Alternative Proposals

Leanne Winner, N.C. School Boards Association

Jan Crotts, Executive Director, Association of School Administrators

W. Lloyd Thrower, Executive Director, Tar Heel Principals Association

John Wilson, Executive Director, NCAE

TEACHER TEST

Kory Goldsmith, Committee Counsel

Dr. Richard Thompson, Deputy Superintendent

Monty Coggins, 1997-98 Teacher of the Year

Elsie Leak, Director, School Improvement, DPI

Assistance Team Member (To Be Named)

Alternative Proposals

John Wilson, Executive Director, NCAE

Amy Van Oostrom, Executive Director, PENC

Leanne Winner, N.C. School Boards Association

AFT (handout, probably no presentation)

LATERAL ENTRY

Dr. Shirley Iorio, Committee Staff

Dr. Richard Thompson, Deputy Superintendent

Peggy Hopkins, Director, Human Resource Management, DPI

Proposal to allow Local Boards to Obtain Waivers to Hire Teachers Certified in other States

LAWS THAT APPLY TO PUBLIC SCHOOLS, BUT NOT TO CHARTER SCHOOLS

Leanne Winner, North Carolina School Boards Association

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

AGENDA

April 30, 1998, 8:00 A.M.

Room 414, Legislative Office Building

Representative Preston, Presiding

LATERAL ENTRY

Dr. Shirley Iorio, Committee Staff

Dr. Richard Thompson, Deputy Superintendent

Peggy Hopkins, Director, Human Resource Management, DPI

Proposal to allow Local Boards to Obtain Waivers to Hire Teachers Certified in other States

LAWS THAT APPLY TO PUBLIC SCHOOLS, BUT NOT TO CHARTER SCHOOLS

Leanne Winner, Director of Governmental Relations, NC School Boards Association

SCHOOL CONSTRUCTION

Use of single prime contractors & bidding more than one school at a time

Frayda S. Bluestein, Faculty, Institute of Government

Pending Legislation: Sales tax on capital outlay

Proposed Legislation: Make permanent the earmarking for public school capital outlay purposes from the two ½ cent sales taxes

Ed Regan, NC Association of County Commissioners

PROPOSED LEGISLATION

Purchasing pilots - amend to ease the paperwork and reporting requirements

Miscellaneous changes to various education laws

Changes to Excellent Schools Act

THE FOLLOWING REPORTS ARE IN NOTEBOOKS, BUT THERE WILL BE NO FORMAL PRESENTATION:

1. *THE REVISION AND DEVELOPMENT OF UNIFORM PERFORMANCE STANDARDS AND CRITERIA TO BE USED IN EVALUATION OF PROFESSIONAL PUBLIC SCHOOL EMPLOYEES, INCLUDING SCHOOL ADMINISTRATORS AND SUPERINTENDENTS*
2. *THE DEVELOPMENT OF PROGRAMS TO TRAIN ADMINISTRATORS TO IMPROVE THE EVALUATION OF PROFESSIONAL PUBLIC SCHOOL EMPLOYEES*
3. *THE PLAN TO COORDINATE THE PROFESSIONAL DEVELOPMENT PROGRAMS FOR PUBLIC SCHOOL EMPLOYEES*
4. *THE SECOND MAJOR REQUIREMENT*

**JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE
AGENDA**

**May 7, 1998, 1:00 P.M.
Room 421, Legislative Office Building
Senator Winner, Presiding**

REVIEW OF PROPOSED LEGISLATION

1. Miscellaneous education changes
Robin Johnson, Committee Counsel
2. Purchasing flexibility
Kory Goldsmith, Committee Counsel
3. Excellent Schools Act amendments
Kory Goldsmith, Committee Counsel
4. Teacher Certification Waivers
Robin Johnson, Committee Counsel
5. Single-prime, multi-prime, or both
Kory Goldsmith, Committee Counsel
6. Extend two half-cent local sales tax proceeds for capital outlay
Robin Johnson, Committee Counsel

PRINCIPAL SUSPENSION/DISMISSAL OPTIONS

Robin Johnson, Committee Counsel

PROPOSALS TO REVISE TEACHER COMPETENCY TESTING

Kory Goldsmith, Committee Counsel



RECOMMENDATIONS



The Committee makes the following recommendations:

1. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND VARIOUS EDUCATION LAWS.
2. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS.
3. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S.115C-325.
4. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA.
5. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER \$500,000.
6. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL BOARDS TO ADMINISTER STANDARDIZED TESTS IN GRADES K-2.
7. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE PERMANENT THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.
8. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO PROVIDE INCENTIVES TO PRINCIPALS WHO GO TO LOW-PERFORMING SCHOOLS AND TO PRINCIPALS WHOSE LOW-PERFORMING SCHOOLS MAKE IMPROVEMENT.

9. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS.
10. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT.



APPENDICES



DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D

D98-RHZ-004.2 (4/22/98)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Misc. Education Changes. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO AMEND VARIOUS EDUCATION LAWS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-102.5(b) reads as rewritten:
6 "(b) The Commission shall consist of the following 18 members:
7 (1) The State Superintendent of Public Instruction or a
8 designee;
9 (2) One representative of The University of North
10 Carolina, appointed by the President of The
11 University of North Carolina;
12 (3) One representative of the North Carolina Community
13 College System, appointed by the President of the
14 North Carolina Community College System;
15 (4) A person with management responsibility concerning
16 information technology related State Government
17 functions, designated by the Secretary of Commerce;
18 (5) Four members appointed by the Governor;
19 (6) Six members appointed by the President Pro Tempore
20 of the Senate two of whom shall be members of the
21 Senate. One of these six members shall be appointed
22 by the President Pro Tempore of the Senate to serve
23 as cochair; and

1 (7) Six members appointed by the Speaker of the House
2 of Representatives two of whom shall be members of
3 the House of Representatives. One of these six
4 members shall be appointed by the Speaker of the
5 House of Representatives to serve as cochair.
6 In appointing members pursuant to subdivisions (5), (6), and (7)
7 of this subsection, the appointing persons shall select
8 individuals with technical or applied knowledge or experience in
9 learning and instructional management technologies or individuals
10 with expertise in curriculum or instruction who have successfully
11 used learning and instructional management technologies.

12 No producers, vendors, or consultants to producers or vendors
13 of learning or instructional management technologies shall serve
14 on the Commission.

15 Members shall serve for two-year terms. Vacancies in terms of
16 members shall be filled by the appointing officer. Persons
17 appointed to fill vacancies shall qualify in the same manner as
18 persons appointed for full terms."

19 Section 2. G.S. 115C-105.36(b) reads as rewritten:

20 "(b) The State Board shall establish a procedure to allocate
21 the funds for these awards to the local school administrative
22 units in which the eligible schools are located. Funds shall
23 become available for expenditure July 1 of each fiscal year.
24 Funds shall remain available until November 30 of the subsequent
25 fiscal year for expenditure for:

- 26 ~~(1) Awards to the personnel; or~~
27 ~~(2) The purposes authorized in a plan that has been:~~
28 ~~a. Developed and voted on by the personnel in the~~
29 ~~same manner that a school improvement plan is~~
30 ~~approved under G.S. 115C-105.27;~~
31 ~~b. Approved by a majority of the personnel who~~
32 ~~vote on the plan; and~~
33 ~~c. Submitted to and approved by the local board~~
34 ~~of education.~~

35 ~~The local board shall approve this plan unless the~~
36 ~~plan involves expenditures of funds that are not~~
37 ~~for a public purpose or that are otherwise~~
38 ~~unlawful. for awards to the personnel that are made~~
39 ~~within 30 days of the local board's receipt of the~~
40 ~~funds."~~

41 Section 3. G.S. 115C-244 reads as rewritten:

42 "§ 115C-244. Assignment of pupils to school buses.

43 (a) ~~The principal of a school, to which any school bus has been~~
44 ~~assigned by the superintendent of the schools of the local school~~
45 ~~administrative unit embracing such school, shall assign to such~~
46 ~~bus or buses the pupils and employees who may be transported to~~
47 ~~and from such school upon such bus or buses. The superintendent~~
48 ~~or superintendent's designee shall assign the pupils and~~
49 ~~employees who may be transported to and from school upon the bus~~

1 or buses assigned to each school and shall implement and enforce
2 the plan developed under G.S. 115C-246. No pupil or employee
3 shall be permitted to ride upon any school bus to which such
4 pupil or employee has not been so assigned by the principal,
5 superintendent or superintendent's designee, except by the
6 express direction of the principal, superintendent or
7 superintendent's designee.

8 (b) In the event that the superintendent of any local school
9 administrative unit shall assign or superintendent's designee
10 assigns a school bus to be used in the transportation of pupils
11 to two or more schools, the superintendent or superintendent's
12 designee shall designate the number of assign the pupils to be
13 transported to and from each such school by such that bus, and
14 the principals of the respective schools shall assign pupils to
15 such buses in accordance with such designation. implement and
16 enforce this assignment of pupils.

17 (c) Any pupil enrolled in any school, or the parent or guardian
18 of any such pupil, or the person standing in loco parentis to
19 such pupil, may apply to the principal of such school for
20 transportation of such pupil to and from such school by school
21 bus for the regularly organized school day. Upon application, the
22 principal The principal shall deliver the application to the
23 superintendent or superintendent's designee, who shall assign a
24 pupil to a school bus if the pupil is entitled to school bus
25 transportation under this Article and the rules of the State
26 Board of Education. Such assignment shall be made by the
27 principal superintendent or superintendent's designee so as to
28 provide for the orderly, safe and efficient transportation of
29 pupils to such school and so as to promote the orderly and
30 efficient administration of the school and the health, safety and
31 general welfare of the pupils to be so transported. Assignments
32 of pupils and employees to school buses may be changed by the
33 principal of the school superintendent or superintendent's
34 designee as he may from time to time find proper for the safe and
35 efficient transportation of such pupils and employees.

36 (d) The parent or guardian of any pupil enrolled in any school,
37 or the person standing in loco parentis to any such pupil, who
38 shall apply to the principal of such school under subsection (c)
39 of this section for the transportation of such pupil to and from
40 such school by school bus, may, if such application is denied,
41 or if such pupil is assigned to a school bus not satisfactory to
42 such parent, guardian, or person standing in loco parentis to
43 such pupil, pursuant to rules and regulations established by the
44 local board of education, apply to such board for such
45 transportation upon a school bus designated in such application,
46 and shall be entitled to a prompt and fair hearing by such board
47 in accordance with the rules and regulations established by it.
48 The majority of such board shall be a quorum for the purpose of
49 holding such hearing and passing upon such application, and the

1 decision of the majority of the members present at such hearing
2 shall be the decision of the board. If, at such hearing, the
3 board shall find that pupil is entitled to be transported to and
4 from such school upon the school bus designated in such
5 application, or if the board shall find that the transportation
6 of such pupil upon such bus to and from such school will be for
7 the best interests of such pupil, will not interfere with the
8 proper administration of such school, or with the safe and
9 efficient transportation by school bus of other pupils enrolled
10 in such school and will not endanger the health or safety of the
11 children there enrolled, the board shall direct that such child
12 be assigned to and transported to such school upon such bus.

13 (e) A decision of a local board under subsection (d) is final
14 and, except as provided in this subsection, is subject to
15 judicial review in accordance with Article 4 of Chapter 150B of
16 the General Statutes. A person seeking judicial review shall
17 file a petition in the superior court of the county where the
18 local board made its decision.

19 (f) No employee shall be assigned to or permitted to ride upon
20 a school bus when to do so will result in the overcrowding of
21 such bus or will prevent the assignment to such bus of a pupil
22 entitled to ride thereon, or will otherwise, in the opinion of
23 the ~~principal~~, superintendent or superintendent's designee, be
24 detrimental to the comfort or safety of the pupils assigned to
25 such bus, or to the safe, efficient and proper operation of such
26 bus."

27 Section 4. G.S. 115C-245 reads as rewritten:

28 "§ 115C-245. School bus drivers; monitors; safety assistants.

29 (a) Each local board, which elects to operate a school bus
30 transportation system, shall employ the necessary drivers for
31 such school buses. The drivers shall have all qualifications
32 prescribed by the regulations of the State Board of Education
33 herein provided for and must be at least 18 years old and have at
34 least six months driving experience as a licensed operator of a
35 motor vehicle before employment as a regular or substitute
36 driver, but the selection and employment of each driver shall be
37 made by the local board of education, and the driver shall be the
38 employee of such local school administrative unit. Each local
39 board of education shall assign the bus drivers employed by it to
40 the respective schools within the jurisdiction of such board, and
41 the ~~principal of each such school~~ superintendent or
42 superintendent's designee shall assign the drivers to the school
43 buses to be driven by them. No school bus shall at any time be
44 driven or operated by any person other than the bus driver
45 assigned by ~~such principal~~ to such bus except by the express
46 direction of ~~such principal~~ the superintendent or
47 superintendent's designee or in accordance with rules and
48 regulations of the appropriate local board of education.

1 (b) The driver of a school bus subject to the direction of the
2 ~~principal superintendent or superintendent's designee~~ shall have
3 complete authority over and responsibility for the operation of
4 the bus and the maintaining of good order and conduct upon such
5 bus, and shall report promptly to the principal any misconduct
6 upon such bus or disregard or violation of the driver's
7 instructions by any person riding upon such bus. The principal
8 may take such action with reference to any such misconduct upon a
9 school bus, or any violation of the instructions of the driver,
10 as he might take if such misconduct or violation had occurred
11 upon the grounds of the school.

12 (c) The driver of any school bus shall permit no person to
13 ride upon such bus except pupils or school employees assigned
14 thereto or persons permitted by the express direction of the
15 ~~principal superintendent or superintendent's designee~~ to ride
16 thereon.

17 (d) ~~The principal of a school, to which a school bus has been~~
18 ~~assigned, may, in his discretion, appoint a monitor for any bus~~
19 ~~so assigned to such school. The superintendent or~~
20 ~~superintendent's designee may, in his discretion, appoint a~~
21 ~~monitor for any bus assigned to any school. It shall be the duty~~
22 ~~of such monitor, subject to the direction of the driver of the~~
23 ~~bus, to preserve order upon the bus and do such other things as~~
24 ~~may be appropriate for the safety of the pupils and employees~~
25 ~~assigned to such bus while boarding such bus, alighting therefrom~~
26 ~~or being transported thereon, and to require such pupils and~~
27 ~~employees to conform to the rules and regulations established by~~
28 ~~the local board of education for the safety of pupils and~~
29 ~~employees upon school buses. Such monitors shall be unpaid~~
30 ~~volunteers who shall serve at the pleasure of the principal-~~
31 ~~superintendent or superintendent's designee.~~

32 (e) A local board of education may, in its discretion within
33 funds available, employ transportation safety assistants upon
34 recommendation of the principal through the superintendent. The
35 safety assistants thus employed shall assist the bus drivers with
36 the safety, movement, management, and care of children boarding
37 the bus, leaving the bus, or being transported in it. The safety
38 assistant should be either an adult or a certified student driver
39 who is available as a substitute bus driver."

40 Section 5. G.S. 115C-290.8 reads as rewritten:

41 "§ 115C-290.8. Exemptions from requirements.

42 (a) The requirements of this Article do not apply to a person
43 who, at any time during the five years preceding January 1, 1998,
44 ~~(i) completed an administrative internship as part of an approved~~
45 ~~graduate program in school administration and obtained an active~~
46 ~~State administrator/supervisor certificate, (ii) was engaged in~~
47 ~~school administration while in possession of an active State~~
48 ~~administrator/supervisor certificate, or (iii) was employed in a~~
49 ~~North Carolina college or university as an instructor while in~~

1 possession of an active State administrator/supervisor
2 certificate and whose major responsibilities included the
3 preparation or supervision of individuals enrolled in a public
4 school administration program that meets the public school
5 administrator program approval standards set by the State Board.
6 obtained a State administrator/supervisor certificate.

7 (b) The State Board may adopt policies governing the
8 requirements for the certification of individuals who hold a
9 certificate issued in any other state that authorizes them to be
10 employed as school administrators in that state. These policies
11 may exempt some or all of these individuals from the requirements
12 of this Article.

13 (c) A person who is exempt from the requirements of this
14 Article but applies to the Standards Board under this Article
15 shall be subject to the Article."

16 Section 6. G.S. 115C-174.21(b) reads as rewritten:

17 "(b) Competency Testing Program.

18 (1) The State Board of Education shall adopt tests or
19 other measurement devices which may be used to
20 assure that graduates of the public high schools
21 and graduates of nonpublic schools supervised by
22 the State Board of Education pursuant to the
23 provisions of Part 1 of Article 39 of this Chapter
24 possess the skills and knowledge necessary to
25 function independently and successfully in assuming
26 the responsibilities of citizenship.

27 (2) The tests shall be administered annually to all
28 ~~tenth~~ ninth grade students in the public schools.
29 Students who fail to attain the required minimum
30 standard for graduation in the ~~tenth~~ ninth grade
31 shall be given remedial instruction and additional
32 opportunities to take the test up to and including
33 the last month of the twelfth grade. Students who
34 fail to pass parts of the test shall be retested on
35 only those parts they fail. Students in the ~~tenth~~
36 ninth grade who are enrolled in special education
37 programs or who have been officially designated as
38 eligible for participation in such programs may be
39 excluded from the testing programs.

40 (3) The State Board of Education may develop and
41 validate alternate means and standards for
42 demonstrating minimum competence. These standards,
43 which must be more difficult than the tests adopted
44 pursuant to subdivision (1) of this subsection, may
45 be passed by students in lieu of the testing
46 requirement of subdivision (2) of this subsection.

47 (4) Repealed by Session Laws 1996, Second Extra
48 Session, c. 18, s. 18.14."

49 Section 7. This act is effective when it becomes law.

EXPLANATION OF D98-RHZ-004.2 MISCELLANEOUS EDUCATION CHANGES

SECTION 1: This section amends G.S. 102.5(b) to substitute President Pro Tempore for President of the Senate as the person who appoints one of the cochairs of the School Technology Commission. Currently, this statute directs the President Pro Tem to appoint six members and the President to appoint a cochair from one of these six.

SECTION 2: This section amends G.S. 115C-105.36(b) to require local boards to make ABC's bonuses to teachers and teacher assistants within 30 days of the boards' receipt of the funds. It also deletes the authority for the teachers and teacher assistants to develop and vote on a plan to use the funds for any other lawful purpose.

SECTIONS 3 & 4: G.S. 115C-244 is amended to clarify that the superintendent or superintendent's designee develops the bus assignment plan.

SECTION 5: This section amends G.S. 115C-290.8, which provides the exemptions from the new school administrator exam that went into effect this past January. Since January 1, 1998, current law requires school administrators from other states to take the exam if they want to receive school administrator certification here. Current law also requires individuals who may have received a State administrator/supervisor certificate within the five years before January 1, 1998, but who were not engaged in the business of school administration, to take this exam. At this time, only a few other states are using this exam as a requirement for school administrator certification; however, it is predicted that this will be a rapidly growing trend. Section 4 would exempt from the exam those individuals who obtained a State administrator/supervisor at any time during the five years preceding January 1, 1998, even if they were not engaged in school administration during those years. It also would direct the State Board to adopt policies governing the requirements for certification of out-of-state school administrators.

SECTION 6: This section would amend G.S. 115C-174.11(b) to move the competency test from tenth to ninth grade. Currently, the eighth grade end-of-grade tests are used to identify which students will be required to pass the competency test. Students who fail the competency test are required to receive remedial instruction and additional opportunities to take and pass the exam, up to and including the last month of 12th grade. Many school systems offer early remediation to students who will be required to take the exam; however, some wait until the students take and fail the exam in 10th grade. By moving the exam to ninth grade, there will be an additional year to offer remediation to students who fail the exam.

The bill would take effect when it becomes law.

D98-RHZ-004.2 SUMMARY

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D98-RCZ-008(4/22/98)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Pub. Sch. Purchasing Flexibility. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO INCREASE PURCHASING
4 FLEXIBILITY FOR ALL PUBLIC SCHOOLS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-522.1 reads as rewritten:
7 "§ 115C-522.1. Pilot program for provision of equipment from
8 other sources. Purchasing flexibility.
9 (a) The State Board of Education shall develop and implement a
10 pilot program allowing selected local school administrative units
11 to purchase supplies, equipment, and materials from noncertified
12 sources. In developing the program, the State Board shall
13 collaborate with the Department of Administration on establishing
14 standards, specifications, and any other measures necessary to
15 implement and evaluate the pilot program. The State Board shall
16 initially select twelve (12) local school administrative units
17 that are diverse in geography and size to participate in the
18 pilot program. If the State Board thereafter determines that the
19 pilot program is effective, efficient, and in the best interest
20 of the public schools, the State Board shall have the authority

1 ~~to expand the pilot program to additional local school~~
2 ~~administrative units.~~

3 (b) Local school administrative units ~~participating in the~~
4 ~~pilot program~~ shall have the authority to purchase the same
5 supplies, equipment, and materials from noncertified sources as
6 are available under State term contracts, subject to the
7 following conditions:

8 (1) The purchase price, including the cost of delivery,
9 is less than the cost under the State term
10 contract;

11 (2) The cost of the purchase shall not exceed the bid
12 value benchmark established under ~~G.S. 143-53.1;~~
13 G.S. 143-53.1; and

14 (3) The local school administrative unit ~~documents in~~
15 writing maintains written documentation of the cost
16 savings; and savings.

17 ~~(4) The local school administrative unit shall provide~~
18 ~~annually by August 15 an itemized report of the~~
19 ~~cost savings to the State Board of Education.~~

20 (c) The requirements listed in subsection (b) of this section
21 shall not apply to purchases from noncertified sources that fall
22 below the economic ordering quantity of a State term contract.

23 ~~(d) The State Board of Education shall provide to the~~ Upon the
24 request of the Department of Administration ~~Administration,~~
25 ~~copies of the itemized annual reports produced by the local~~
26 ~~school administrative units participating in the pilot program.~~
27 ~~The State Board shall evaluate the information provided by the~~
28 ~~participating units and shall report its findings and~~
29 ~~recommendations to the Joint Legislative Education Oversight~~
30 ~~Committee by October 1, 1997, and annually thereafter.~~ a local
31 school administrative unit shall provide the written
32 documentation of cost savings required under subdivision (3) of
33 of subsection (b) of this section."

34 Section 2. G.S. 115C-522(a) reads are rewritten:

35 "§ 115C-522. Provision of equipment for buildings.

36 (a) ~~It~~ Except as provided in G.S. 115C-522.1, it shall be the
37 duty of local boards of education to purchase or exchange all
38 supplies, equipment and materials in accordance with contracts
39 made by or with the approval of the Department of Administration.
40 Title to instructional supplies, office supplies, fuel and

1 janitorial supplies, enumerated in the current expense fund
2 budget and purchased out of State funds, shall be taken in the
3 name of the local board of education which shall be responsible
4 for the custody and replacement: Provided, that no contracts
5 shall be made by any local school administrative unit for
6 purchases unless provision has been made in the budget of the
7 unit to pay for the purchases, unless surplus funds are on hand
8 to pay for the purchases, or unless the contracts are made
9 pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds
10 are available to pay in the current fiscal year the sums
11 obligated for the current fiscal year, and in order to protect
12 the State purchase contractor, it is made the duty of the
13 governing authorities of the local units to pay for these
14 purchases promptly and in accordance with the terms of the
15 contract of purchase."

16 Section 3. G.S. 115C-47(23) reads as rewritten:

17 "(23) To Purchase Equipment and Supplies. -- Local
18 boards shall contract for equipment and
19 supplies ~~pursuant to the provisions of~~ under
20 ~~G.S. 115C-522(a)~~ 115C-522(a), 115C-522.1, and
21 115C-528."

22 Section 4. This act is effective when it becomes law.



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To: Representative Preston and Senator Winner, cochairs, Joint Legislative Education
Oversight Committee

From: Kory Goldsmith, Committee Counsel *KJL*

Date: April 29, 1998

Re: Public School Purchasing Flexibility- Draft Legislation, D98-RCZ-008

Background: In 1996, the General Assembly passed legislation directing the State Board of Education to develop a purchasing flexibility pilot program. The program was to be implemented in 12 local school administrative units. Those school boards would be allowed to purchase equipment, materials, and supplies off the State term contracts if they could find the same item for less than the term contract price, including the cost of delivery. The local units had to document in writing the cost savings and provide an itemized, annual report to the State Board regarding those savings. The State Board was directed to provide the itemized reports to the Department of Administration. The State Board was authorized to expand the program to additional local school administrative units if it found the pilot program was effective, efficient, and in the best interest of the public schools.

In 1997, the State Board reported to the Joint Legislative Education Oversight Committee that the pilot programs had been a success and that it recommended expanding the program to all local school administrative units. The State Board also recommended certain changes in the documentation and reporting process. The Department of Administration concurred in the proposed changes.

Section 1 amends G.S. 115C-522.1. It repeals subsection (a) which created the pilot program. It amends subsection (b) to provide that all local school administrative units have the purchasing flexibility. Under the revised law, a local board may purchase supplies, equipment, and materials from noncertified sources if the board can find the same item for less, including cost of delivery, and the cost of the purchase does not exceed the bid level benchmark. Currently, the bid level benchmark for all school administrative units is \$10,000. However, local boards may apply to the Department of Administration to have the benchmark raised to \$25,000. The school administrative unit must retain written documentation of the cost savings, but is not required to submit an itemized report to the State Board. Subsection (d) is amended to delete the State Board's duty to submit itemized reports to the Department of Administration. Instead, the Department may request the documentation directly from the local school administrative unit.

Sections 2 and 3 contain conforming changes.

The act would be effective upon becoming law

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D98-RCZ-011(4/30/98)
(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Misc. Corrections/G.S. 115C-325. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING,
4 AND CLARIFYING CHANGES TO G.S. 115C-325.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-325(c)(1) reads as rewritten:
7 "(c)(1) Election of a Teacher to Career Status. --
8 Except as otherwise provided in subdivision
9 (3) of this subsection, when a teacher has
10 been employed by a North Carolina public
11 school system for four consecutive years, the
12 board, near the end of the fourth year, shall
13 vote upon whether to grant the teacher career
14 status. The board shall give the teacher
15 written notice of that decision by June 15. If
16 a majority of the board votes to grant career
17 status to the teacher, and if it has notified
18 the teacher of the decision, it may not
19 rescind that action but must proceed under the
20 provisions of this section for the demotion or

1 dismissal of a teacher if it decides to
2 terminate the teacher's employment. If a
3 majority of the board votes against granting
4 career status, the teacher shall not teach in
5 that local school administrative unit beyond
6 the current school term. If the board fails to
7 vote on granting career status:

- 8 a. It shall not reemploy the teacher for a
9 fifth consecutive year;
10 b. As of June 16, the teacher shall be
11 entitled to one month's pay as
12 compensation for the board's failure to
13 vote upon the issue of granting career
14 status; and
15 c. The teacher shall be entitled to an
16 additional month's pay for every 30 days
17 after June 16 that the board fails to
18 vote upon the issue of granting career
19 status."

20 Section 2. G.S. 115C-325(h)(3) reads as rewritten:

21 "(3) Within the 14-day period after receipt of the
22 notice, the career employee may file with the
23 superintendent a written request for either
24 (i) a hearing on the grounds for the
25 superintendent's proposed recommendation by a
26 case manager or (ii) a hearing within ~~five~~ 10
27 days before the board on the superintendent's
28 recommendation. If the career employee
29 requests an immediate hearing before the
30 board, he forfeits his right to a hearing by a
31 case manager. If no request is made within
32 that period, the superintendent may file his
33 recommendation with the board. The board, if
34 it sees fit, may by resolution (i) reject the
35 superintendent's recommendation or (ii) accept
36 or modify the superintendent's recommendation
37 and dismiss, demote, reinstate, or suspend the
38 employee without pay. If a request for review
39 is made, the superintendent shall not file his
40 recommendation for dismissal with the board

1 until a report of the case manager is filed
2 with the superintendent."

3 Section 3. G.S. 115C-325(j)(3) reads as rewritten:

4 "(3) At the hearing the career employee and the
5 ~~superintendent~~ superintendent, or the
6 superintendent's designee, shall have the right to
7 be present and to be heard, to be represented by
8 counsel and to present through witnesses any
9 competent testimony relevant to the issue of
10 whether grounds for dismissal or demotion exist or
11 whether the procedures set forth in G.S. 115C-325
12 have been followed."

13 Section 4. G.S. 115C-325(j1)(1) reads as rewritten:

14 "(j1) Board Determination.

15 (1) Within two days after receiving the
16 superintendent's notice of intent to recommend the
17 career employee's dismissal to the board, the
18 career employee shall decide whether to request a
19 hearing before the board and shall notify the
20 superintendent, in writing, of the decision. If the
21 career employee can show that the request for a
22 hearing was postmarked within the time provided,
23 the career employee shall not forfeit the right to
24 a board hearing. Within two days after receiving
25 the career employee's request for a board hearing,
26 the superintendent shall request that a transcript
27 of the case manager hearing be made. Within two
28 days of receiving a copy of the transcript, the
29 superintendent shall submit to the board the
30 written recommendation and shall provide a copy of
31 the recommendation to the career employee. The
32 superintendent's recommendation shall state the
33 grounds for the recommendation and shall be
34 accompanied by a copy of the case manager's ~~report~~
35 report and a copy of the transcript of the case
36 manager hearing."

37 Section 5. G.S. 115C-325(j3)(5) reads as rewritten:

38 "(5) At least ~~10~~ eight days before the hearing, the
39 superintendent shall provide to the career employee
40 a list of witnesses the superintendent intends to

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

5 Section 6. G.S. 115C-325(o) reads as rewritten:

6 "(o) Resignation; Nonrenewal of Contract. -- A teacher, career
7 or probationary, should not resign without the consent of the
8 superintendent unless he has given at least 30 days' notice. If
9 the teacher does resign without giving at least 30 days' notice,
10 the board may request that the State Board of Education revoke
11 the teacher's certificate for the remainder of that school year.
12 A copy of the request shall be placed in the teacher's personnel
13 file.

14 A probationary teacher whose contract will not be renewed for
15 the next school year shall be notified of this fact by June ~~1~~
16 15."

17 Section 7. This act is effective when it becomes law.
18 Sections 2, 3, 4, and 5 apply to proceedings initiated on or
19 after that date.



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To: Representative Preston and Senator Winner, cochairs, Joint Legislative Education
Oversight Committee

From: Kory Goldsmith, Committee Counsel *KSG*

Date: May 5, 1998

Re: Misc. Corrections/G.S. 115C-325; D98-RCZ-011

Section 1 amends G.S. 115C-325 (c)(1) to clarify that if a local board votes to deny career status to a teacher, that teacher may not be re-employed by that local school administrative unit. The teacher may seek employment and be hired by other local school administrative units.

Section 2 amends G.S. 115C-325 (h)(3) to increase from 5 to 10 the number of days within which a local board must hold a hearing if a teacher opts to have the hearing directly before the local board of education. This change does not apply to proceedings that involve a case manager. This change is necessary due to another provision in the statute that directs the local board to provide the teacher with all documentary evidence 7 days prior to the hearing.

Section 3 amends G.S. 115C-325(j)(3) to clarify that either the superintendent, or the superintendent's designee, may be present at the case manager hearing.

Section 4 amends G.S. 115C-325(j1)(1) to build in time for the superintendent to obtain a transcript of the case manager hearing prior to holding the local board hearing. Under current law, the superintendent must arrange to have the case manager hearing recorded. However, in an effort to hold down costs, there is no requirement to have the case manager hearing transcribed unless the teacher requests an appeal to the local board.

Section 5 amends G.S. 115C-325(j3)(5) to decrease to 8 the number of days within which the superintendent must submit the list of witnesses that will be called at a board hearing when there has been a reduction in force. This change is necessary due to another provision in the statute that requires the local board hold the hearing within 10 days of receiving the teacher's request.

Section 6 amends G.S. 115C-325(o) to change the date when a local board must inform teachers whether their probationary contract will be renewed. The change, from June 1 to June 15, makes this provision consistent with the date when local boards must inform teachers whether they have been granted career status.

The act is effective when it becomes law. Section 2, 3, 4, and 5 (which involve the timelines and procedures for dismissal proceedings) will apply to proceedings initiated on or after the effective date.

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D

D98-RHZ-003.3 (4/22/98)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Teacher Certification Waivers.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO
3 ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY
4 NOT BE CERTIFICATED IN NORTH CAROLINA.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-105.26(c) reads as rewritten:
7 "(c) The State Board ~~also~~ may grant requests received from
8 local boards for waivers of State laws, rules, or policies that
9 affect the organization, duties, and assignment of central office
10 staff only. However, none of the duties to be performed under
11 G.S. 115C-436 may be waived. The State Board also may grant
12 requests received from local boards for waivers of State laws,
13 rules, or policies governing teacher certification when the
14 boards demonstrate the following: (i) they need to employ
15 teachers who are lawfully certificated in another state; (ii) the
16 certification of these teachers authorizes them to teach the
17 grade or subject matter they will be employed to teach; and (iii)
18 there is a plan to demonstrate the teachers' competence before
19 the boards employ these teachers. Teachers who are employed
20 under a waiver must meet the State Board's requirements for
21 continuing certification."
22 Section 2. This act is effective when it becomes law,
23 and expires June 30, 2003, except that it remains effective for
24 any teacher employed under this act before July 1, 2003.

EXPLANATION OF D98-RHZ-003.2

TO: Joint Legislative Education Oversight Committee
FROM: Robin S. Johnson, Committee Counsel
RE: Teacher Certification Waivers
DATE: May 8, 1998

BACKGROUND: Currently, teachers who are certified to teach in other states must meet our standards before they can be certified to teach in North Carolina. A local board may employ one of these teachers, so long as they apply for State certification. G.S. 115C-296(c) allows individuals who do not meet our certification standards to receive a provisional teaching certificate. This provisional certificate allows these individuals to teach for a maximum of five years in order to give them time to meet the requirements.

An exception is provided in G.S. 115C-105.26(b), which allows an individual school the opportunity to seek a waiver of our teacher certification requirements. The school must include this request as a part of its school improvement plan. If the local board approves the school improvement plan, then it must submit to the State Board the waiver request, along with an explanation of how the waiver will allow the school to improve student performance.

BILL SUMMARY: The proposed legislation would allow local boards to seek a waiver of the laws and regulations governing teacher certification when the boards demonstrate (i) the need to employ teachers who are lawfully certified in another state, (ii) the teachers' certification authorizes them to teach the grade or subject matter they will be employed to teach, and (iii) a plan to demonstrate the teachers' competence before they are employed. Teachers who are hired under a waiver must meet the State Board's requirements for continuing certification.

The bill would take effect when it becomes law, but would expire five years later on June 30, 2003. The law would remain in effect for teachers employed during these five years.

D98-RHZ-003.3 SUMMARY

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D98-RCZ-010(4/29/98)
(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: School Construction Bidding.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO ALLOW LOCAL SCHOOL
4 ADMINISTRATIVE UNITS TO USE SINGLE-PRIME BIDDING, MULTI-PRIME
5 BIDDING, OR BOTH, FOR CONSTRUCTION PROJECTS OVER \$500,000.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 143-128 is amended by adding a new
8 subsection to read:
9 "(d1) Local School Administrative Units; Building projects over
10 five hundred thousand dollars (\$500,000). -- Notwithstanding
11 subsection (d) of this section or any other provision of law,
12 when the entire cost of the building project is more than five
13 hundred thousand dollars (\$500,000) local school administrative
14 units may accept bids under the single-prime contract system, the
15 separate prime contract system, or both. All other provisions of
16 G.S. 143-128 which are not inconsistent with this subsection
17 shall apply to local school administrative units."
18 Section 2. This act is effective when it becomes law
19 and applies to bids solicited on or after that date.



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To: Representative Preston and Senator Winner, cochairs, Joint Legislative Education
Oversight Committee

From: Kory Goldsmith, Committee Counsel *KJG*

Date: May 11, 1998

Re: School Construction Bidding; D98-RCZ-010

Section 1 amends G.S. 143-128 by adding a new subsection (d1) that allows local boards to use either the single prime, the multi-prime, or both forms of bidding for projects over \$500,000.

Under current law, local boards and other units of State and local government may use either or both forms of bidding for projects under \$500,000. However, for projects over \$500,000, they must use multi-prime and may additionally use single prime. All other provisions of G.S. 143-128 would apply, such as the requirement that if bids are accepted under a single prime system, all bidders must identify the contractors they have selected to provide certain categories of work.

The act is effective when it becomes law and applies to bids solicited on or after that date.

D98-RCZ-010(summary)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D

D98-RH-001(12/29/97)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Testing in Grades K-2.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS TO ADMINISTER STANDARDIZED TESTS IN
3 GRADES K-2.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-174.11(a) reads as rewritten:
6 "**§ 115C-174.11. Components of the testing program.**
7 (a) Assessment Instruments for First and Second Grades. -- The
8 State Board of Education shall adopt and provide to the local
9 school administrative units developmentally appropriate
10 individualized assessment instruments consistent with the Basic
11 Education Program for the first and second grades, rather than
12 standardized tests. Local school administrative units may use
13 these assessment instruments provided to them by the State Board
14 for first and second grade ~~students, and shall not use~~
15 ~~standardized tests.~~ students. Local school administrative units
16 also may use valid, age-appropriate standardized tests or
17 assessments in kindergarten and first and second grades so long
18 as they are used for individual student diagnostic or program
19 evaluation purposes. If a test or an assessment is used for
20 individual diagnostic purposes or if the results are placed in a

1 student's record, the school shall provide the results to that
2 student's parent or legal guardian. Local school administrative
3 units are encouraged to notify parents and guardians of students
4 in kindergarten and first and second grades before administering
5 tests or assessments to those students."

6 Section 2. This act is effective upon becoming law.

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D

D98-RHZ-005 (4/22/98)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Amend Local Sales Tax.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE PERMANENT THE REQUIREMENT THAT COUNTIES USE PART
3 OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC
4 SCHOOL CAPITAL OUTLAY PURPOSES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 105-487(a) reads as rewritten:

7 "(a) Except as provided in subsection (c), ~~forty percent (40%)~~
8 ~~of the revenue received by a county from additional one-half~~
9 ~~percent (1/2%) sales and use taxes levied under this Article~~
10 ~~during the first five fiscal years in which the additional taxes~~
11 ~~are in effect in the county and (c) of this section, thirty~~
12 ~~percent (30%) of the revenue received by a county from these~~
13 ~~taxes in the next 10 fiscal years in which the taxes are in~~
14 ~~effect in the county additional one-half percent (1/2%) sales and~~
15 ~~use taxes levied under this Article~~ may be used by the county
16 only for public school capital outlay purposes as defined in G.S.
17 115C-426(f) or to retire any indebtedness incurred by the county
18 for these purposes."

19 Sec. 2. G.S. 105-502(a) reads as rewritten:

1 "(a) Sixty percent (60%) of the revenue received by a county
2 under this Article ~~during the first 16 fiscal years in which the~~
3 ~~tax is in effect~~ may be used by the county only for public school
4 capital outlay purposes as defined in G.S. 115C-426(f) or to
5 retire any indebtedness incurred by the county for these purposes
6 during the period beginning five years prior to the date the
7 taxes took effect."

8 Sec. 3. This act becomes effective July 1, 1998.

EXPLANATION OF D98-RHZ-005

TO: Joint Legislative Education Oversight Committee
FROM: Robin Johnson, Committee Counsel
RE: Amend Local Sales Taxes
DATE: April 30, 1998

There are three Articles of the Revenue Act that authorize counties to levy local sales and use taxes. Article 39 authorizes a one-cent tax, Article 40 authorizes a half-cent tax, and Article 42 authorizes an additional half-cent tax. Article 40, enacted in 1983, and Article 42, enacted in 1986, each provided that for the first ten fiscal years in which the tax was in effect in a county, the county was required to use a percentage of the tax revenue for public school capital outlay purposes, including retirement of outstanding debt. In 1993, the earmarking was extended for an additional five years.

The proposed bill makes this earmarking permanent. The first earmarking expires this year; the second will expire in 2002. Under the bill, counties will be required to use 30% of the tax revenue from the first half-cent local sales tax (Article 40) and 60% of the tax revenue from the second half-cent local sales tax (Article 42) only for public school capital outlay purposes. In 1985, the General Assembly exempted Burke County from the restriction that 30% of the first half-cent local sales tax must be spent on public school capital outlay purposes. This exemption will remain in effect.

If a county can demonstrate that it does not need the earmarked revenue to meet its public school capital needs, it may petition the Local Government Commission to authorize it to use the money for any public purpose. In making its decision, the Commission must consider not only the public school capital needs but also the other capital needs of the county.

The bill also defines public school capital outlay purposes as the term is defined in the School Budget and Fiscal Control Act. The term is defined broadly in this Act to include appropriations for the acquisition of real property and buildings for school purposes as well as the acquisition of furniture, computers, equipment, buses, etc. The Local Government Commission currently interprets the term as it is defined in the School Budget and Fiscal Control Act. Therefore, this clarification of the law will not affect the way counties are currently using the money.

The School Capital Construction Commission recommended similar legislation to the 1996 Session of the 1995 General Assembly. That Commission had spent a considerable amount of time debating the purposes for which this money should be used and decided to make it clear that the money could be used for a variety of school needs.

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D

D98-RHZ-008.1 (4/22/98)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Incentives for Principals/Low-Perf. Schs. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE INCENTIVES TO PRINCIPALS WHO GO TO LOW-
3 PERFORMING SCHOOLS AND TO PRINCIPALS WHOSE LOW-PERFORMING
4 SCHOOLS MAKE IMPROVEMENT.
5 The General Assembly of North Carolina enacts:
6 Section 1. There is appropriated from the General Fund
7 a sum sufficient to provide financial incentives to individuals
8 who accept employment as principals of schools after the schools
9 are identified as low-performing. These funds also may be used
10 to provide a financial incentive to any principal who is assigned
11 to a school after it is identified as low-performing when the
12 school meets its goals within two years after the principal is
13 assigned to that school. These incentives may be in the form of a
14 one-time bonus or as an enhancement to their retirement benefits.
15 Section 2. This act becomes effective July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

DRAFT

D

D98-RHZ-007.1 (4/22/98)
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: ABC's Plan/Consequences for Principals. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR
3 PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE
4 ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO
5 DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 115C-105.37 reads as rewritten:
8 "§ 115C-105.37. Identification of low-performing schools.
9 (a) The State Board of Education shall design and implement a
10 procedure to identify low-performing schools on an annual basis.
11 Low-performing schools are those in which there is a failure to
12 meet the minimum growth standards, as defined by the State Board,
13 and a majority of students are performing below grade level.
14 (a1) By July 10 of each year, each local school administrative
15 unit shall do a preliminary analysis of test results to determine
16 which of its schools the State Board may identify as low-
17 performing under this section. The superintendent then shall
18 proceed under G.S. 115C-105.39. In addition, within 30 days of
19 the initial identification of a school as low-performing by the
20 local school administrative unit or the State Board, whichever

1 occurs first, the superintendent shall submit to the local board
2 a preliminary plan for addressing the needs of that school.
3 Within 30 days of its receipt of this plan, the local board shall
4 vote to approve, modify, or reject this plan. Before the board
5 makes this vote, it shall make the plan available to the public,
6 and in particular to the parents and guardians of the students
7 who are assigned to the school, and shall allow for written
8 comments. The board shall submit the plan to the State Board
9 within 15 days of the board's vote. The State Board shall review
10 the plan expeditiously and, if appropriate, may offer
11 recommendations to modify the plan. The local board shall
12 consider any recommendations made by the State Board.

13 (b) ~~Each identified low-performing school~~ school that the State
14 Board identifies as low-performing shall provide written
15 notification to the parents of students attending that school.
16 The written notification shall include a statement that the State
17 Board of Education has found that the school has "failed to meet
18 the minimum growth standards, as defined by the State Board, and
19 a majority of students in the school are performing below grade
20 level." This notification also shall include ~~a description of the~~
21 information about the plan developed under subsection (a1) of
22 this section and a description of any additional steps the school
23 is taking to improve student performance."

24 Section 2. G.S. 115C-105.39(a) reads as rewritten:

25 "(a) ~~Upon the identification of a school as low-performing~~
26 ~~under this Part, the State Board shall proceed under G.S.~~
27 ~~115C-325(q)(1) for the dismissal of the principal assigned to~~
28 ~~that school.~~ Within 30 days of the initial identification of a
29 school as low-performing, whether by the local school
30 administrative unit under G.S. 115C-105.37(a1) or by the State
31 Board under G.S. 115C-105.37(a), the superintendent shall
32 recommend to the local board one of the following concerning the
33 school's principal: (i) the principal should be retained in the
34 same position; (ii) the principal should be retained in the same
35 position and a plan for remediation should be developed; (iii)
36 the principal should be transferred or demoted; or (iv) the
37 principal should be dismissed. The principal shall be retained
38 in the same position without a plan for remediation only if the
39 principal was in that position for no more than two years before
40 the school is identified as low-performing. The principal shall

1 be transferred only to a previously held position in which the
2 principal demonstrated success, shall not be transferred to
3 another low-performing school in the local school administrative
4 unit, and shall be transferred only if there is a plan to
5 evaluate the principal for at least one year after the transfer
6 to assure that the principal does not impede student performance
7 at the school to which the principal is transferred. If the
8 superintendent intends to recommend demotion or dismissal, then
9 the superintendent shall proceed under G.S. 115C-325. Within 15
10 days of its decision concerning the superintendent's
11 recommendation, but no later than September 30, the local board
12 shall submit to the State Board a written notice of the action
13 taken and the basis for that action. If the State Board does not
14 assign an assistance team to that school, then the Board shall
15 take no further action. If the State Board assigns an assistance
16 to the school, then the Board shall proceed under G.S. 115C-
17 325(q)(1)."

18 Section 3. G.S. 115C-325(q)(1) reads as rewritten:

19 (1) ~~Notwithstanding any other provision of this section~~
20 ~~or any other law, the State Board:~~

21 a. ~~Shall suspend with pay a principal who has~~
22 ~~been assigned to a school for more than two~~
23 ~~years before the State Board identifies that~~
24 ~~school as low-performing and assigns an~~
25 ~~assistance team to that school under Article~~
26 ~~8B of this Chapter; and~~

27 b. ~~May suspend with pay a principal who has been~~
28 ~~assigned to a school for no more than two~~
29 ~~years before the State Board identifies that~~
30 ~~school as low-performing and assigns an~~
31 ~~assistance team to that school under Article~~
32 ~~8B of this Chapter.~~

33 Upon the receipt of the local board's
34 recommendations as required under G.S. 115C-105.39
35 concerning the principal in a low-performing school
36 to which the State Board has assigned an assistance
37 team, the State Board shall vote to accept, reject,
38 or modify those recommendations. The local board
39 shall implement any changes the State Board
40 recommends.

1 Notwithstanding any other provision of this section
2 or any other law, the State Board may, at any time,
3 suspend with pay any principal who is assigned to a
4 low-performing school to which an assistance team
5 has been assigned. These principals shall be
6 suspended with pay pending a hearing before a panel
7 of three members of the State Board. The purpose
8 of this hearing, which shall be held within 60 days
9 after the principal is suspended, is to determine
10 whether the principal shall be dismissed. The
11 panel shall order the dismissal of the principal
12 when the State Board receives two consecutive
13 evaluations that include written findings and
14 recommendations regarding that person's inadequate
15 performance from the assistance team. These
16 findings and recommendations shall be substantial
17 evidence of the inadequate performance of the
18 principal. The panel also shall order the
19 dismissal of the principal when it determines from
20 available information, including the findings of
21 the assistance team, that the low performance of
22 the school is due to the principal's inadequate
23 performance. The panel may order the dismissal of
24 the principal when (i) it determines that the
25 school has failed to make satisfactory improvement
26 after the State Board assigned an assistance team
27 to that school; or (ii) the assistance team makes
28 the recommendation to dismiss the principal for one
29 or more grounds established in G.S. 115C-325(e)(1)
30 for dismissal or demotion of a career employee. In
31 all hearings under this subdivision, the burden of
32 proof is on the principal to establish that the
33 factors leading to the school's low performance
34 were not due to the principal's inadequate
35 performance. The panel shall order the dismissal
36 of the principal, at which time the period of
37 suspension with pay shall expire, unless the panel
38 makes a public determination that the principal has
39 established that the factors that led to the
40 identification of the school as low-performing were

1 ~~not due to the inadequate performance of the~~
2 ~~principal.~~ The State Board shall adopt procedures
3 to ensure that due process rights are afforded to
4 principals under this subsection. Decisions of the
5 panel may be appealed on the record to the State
6 Board, with further right of judicial review under
7 Chapter 150B of the General Statutes."
8 Section 4. This act is effective when it becomes law,
9 and applies to principals in schools that the State Board of
10 Education identifies as low-performing after July 1, 1998.

EXPLANATION OF D98-RHZ-007.1 ABC'S PLAN/CONSEQUENCES FOR PRINCIPALS

1. By July 10, each LEA shall do a preliminary analysis of test results to identify which schools the SBE may identify as low-performing.
2. Within 30 days of LEA's identification of a low-performing school or within 30 days of SBE's identification of a low-performing school to which it will assign an assistance team, whichever occurs first, superintendent must make one of following recommendations to local board concerning the principal of that school:
 - a. Retain in same position. This is only an option if the principal has been in that position no more than two years.
 - b. Remain in same position, but with a plan for remediation.
 - c. Transfer or demote. Transfers must be limited: (i) cannot transfer to another low-performing school in LEA; (ii) may transfer to school where principal previously demonstrated success; and (iii) must track principal for at least one year after transfer to assure that principal is not impeding student progress at new school.
 - d. Dismiss.

If superintendent recommends dismissal or demotion, superintendent must suspend with pay or demote the principal and proceed under G.S. 115C-325 by reporting to the local board. If the superintendent recommends retention or transfer, the board must vote to accept, reject, or modify superintendent's recommendation. If local board opts to demote or dismiss, then proceed under G.S. 115C-325. Within 15 days of board's action, board must submit its decision and the basis for that decision to State Board.

3. SBE shall review the local board's decision concerning the principal of any school it has identified as low-performing and needing an assistance team. The Board must vote to accept, reject, or modify local board's decision to retain, transfer or demote the principal. The local board must implement any changes the State Board recommends. The State Board, at any time, may suspend with pay any principal at low-performing school to which it assigns an assistance team, pending a hearing before a panel of three Board members. The panel must recommend dismissal when the principal receives two negative evaluations from the assistance team and when the panel determines from available information, including the findings of the assistance team, that the school's low-performance is due to the principal's inadequate performance. The principal may be dismissed when the panel determines the school has failed to make satisfactory progress after an assistance team is assigned to that school or when an assistance team recommends dismissal for one of the grounds for dismissal or demotion of a career employee under G.S. 115C-325(e)(1). In all hearings, the burden of proof is on the principal to establish that the factors leading to the

school's low performance were not due to the principal's inadequate performance.

4. Within 30 days of the initial identification, whether by the LEA or the State Board, of a low-performing school, the local superintendent must submit to the local board a preliminary plan for addressing the needs of that school. Within 30 days of its receipt of this plan, the board shall vote to approve, reject or modify the plan. Before this vote, board shall make plan available to public and must allow for written comments. G.S. 115C-105.37(b) would be amended to require the notification that goes to parents when the State Board identifies a low-performing school to include information about the plan. Within 15 days of the board's vote, it must submit its plan to the State Board for its review. The State Board shall review plans expeditiously and, if appropriate, offer recommendations to modify them.

The bill would take effect when it becomes law, and would apply to principals in schools identified as low-performing after July 1, 1998..

D98-RHZ-007.1 SUMMARY

DRAFT

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D98-RCZ-009.3(4/30/98)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Revise Teacher Comp. Testing.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO REVISE THE TEACHER COMPETENCY
4 TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-105.38A reads as rewritten:
7 "§ 115C-105.38A. Teacher competency assurance.
8 (a) General Knowledge Test. --
9 (1) Each assistance team assigned to a low-performing
10 school during the 1997-98 school year shall review
11 the team's evaluations of certified staff members
12 to determine which staff members have been
13 designated by the team as Category 3 teachers.
14 The assistance team shall then determine whether
15 lack of general knowledge contributed to the
16 Category 3 designation. If the assistance team
17 determines that a certified staff member's lack of
18 general knowledge contributed to that staff member
19 being designated as a Category 3 teacher, the
20 assistance team shall submit the staff member's

1 name to the State Board prior to June 5, 1998.
2 Upon receipt of the notification, ~~The the State~~
3 ~~Board of Education~~ shall require ~~all~~ that the
4 certified staff members working in schools at the
5 time the schools are identified as low-performing
6 under this Article and to which the State Board has
7 assigned an assistance team to identified by the
8 assistance teams demonstrate their general
9 knowledge by acquiring a passing score on a test
10 designated by the State Board. The ~~first general~~
11 ~~knowledge test~~ shall be administered State Board
12 shall administer the general knowledge test
13 required under this subdivision at the end of the
14 1997-98 school year. In subsequent years, the State
15 Board shall determine when to administer the test
16 for certified staff members in schools that are
17 identified that year as low-performing and assigned
18 an assistance team.

19 (2) During the 1998-99 school year and thereafter,
20 either the principal or the assistance team
21 assigned to a low-performing school may recommend
22 to the State Board that a certified staff member
23 take a general knowledge test. A principal or an
24 assistance team shall not make this recommendation
25 unless the principal or the assistance team
26 determines that the certified staff member's
27 performance is impaired by the staff member's lack
28 of general knowledge. After receipt of the
29 notification, but prior to the end of the fiscal
30 year, the State Board shall require that all
31 certified staff members identified under this
32 subdivision demonstrate their general knowledge by
33 acquiring a passing score on a test designated by
34 the State Board.

35 (b) ~~Exemptions. -- The following certified staff members shall~~
36 ~~be exempt from taking the general knowledge test required under~~
37 ~~subsection (a) of this section.~~

38 (1) ~~Certified staff members who have:~~

- 1 a. ~~Taken and passed the PRAXIS I exam as a~~
2 ~~condition of entry into a school of education;~~
3 ~~and~~
4 b. ~~Taken and passed the PRAXIS II exam after July~~
5 ~~1, 1996.~~
6 ~~(2) Certified staff members who have previously taken~~
7 ~~and passed the general knowledge test.~~
8 ~~The exemptions under this subsection shall expire July 1, 2000,~~
9 ~~unless the State Board adopts a policy to continue them.~~
10 (c) Remediation. -- Certified staff members who do not acquire
11 a passing score on the general knowledge test required under
12 subsection (a) of this section shall engage in a remediation plan
13 based upon the deficiencies identified by the test. The
14 remediation plan for deficiencies of individual certified staff
15 members shall consist of up to a semester of university or
16 community college training or coursework or both. The remediation
17 shall be developed by the State Board of Education in
18 consultation with the Board of Governors of The University of
19 North Carolina. The State Board shall reimburse the institution
20 providing the remediation any tuition and fees incurred under
21 this section. If the remediation plan requires that the staff
22 member engage in a full-time course of study or training, the
23 staff member shall be considered on leave with pay.
24 (d) ~~Retesting.~~ Retesting; Dismissal. -- Upon completion of the
25 ~~first remediation plan,~~ plan required under subsection (c) of
26 this section, the certified staff member shall take the general
27 knowledge test a second time. If the certified staff member fails
28 to acquire a passing score on the second test, the State Board
29 shall ~~provide a program of further remediation under subsection~~
30 ~~(c) of this section.~~ begin dismissal proceedings under G.S. 115C-
31 325(q)(2a).
32 ~~(e) Dismissal. -- Upon completion of the second remediation~~
33 ~~plan, the certified staff member shall take the general knowledge~~
34 ~~test a third time. If the certified staff member fails to acquire~~
35 ~~a passing score on the third test, the State Board shall begin~~
36 ~~dismissal proceedings under G.S. 115C-325(q)(2a).~~
37 (f) Other Actions Not Precluded. -- Nothing in this section
38 shall be construed to restrict or postpone the following actions:
39 (1) The dismissal of a principal under G.S. 115C-
40 325(q)(1);

1 (2) The dismissal of a teacher, assistant principal,
2 director, or supervisor under G.S. 115C-325(q)(2);
3 (3) The dismissal or demotion of a career employee for
4 any of the grounds listed under G.S. 115C-325(e);
5 (4) The nonrenewal of a school administrator's or
6 probationary teacher's contract of employment; or
7 (5) The decision to grant career status.

8 (g) ~~Future Testing.~~ Performance Assessments. -- The State
9 Board shall develop a ~~plan for testing and shall test all~~
10 ~~certified staff members in low-performing schools identified at~~
11 ~~the end of the 1999-2000 school year. When developing the plan,~~
12 ~~the State Board shall consider administering tests in the area of~~
13 ~~an individual's certification as well as the general knowledge~~
14 ~~test.~~ performance assessment for both teaching presentation
15 skills and subject matter knowledge. Beginning with the 1999-
16 2000 school year, either the principal or the assistance team
17 assigned to a low-performing school may recommend to the State
18 Board that a certified staff member receive an evaluation using
19 the performance assessment developed under this subsection. A
20 principal or an assistance team shall not make this
21 recommendation unless the certified staff member has received a
22 below standard or unsatisfactory rating on at least one of the
23 functions of the Teacher Performance Assessment Instrument, or
24 any other performance standard or criteria adopted by the State
25 Board, and that function is related to either presentation
26 skills, subject matter knowledge, or both. Upon receiving a
27 recommendation from a principal or assistance team, the State
28 Board shall provide for a performance assessment of the certified
29 staff member. If the staff member receives a below standard
30 rating on the performance assessment, the staff member shall
31 receive a remediation plan addressing the deficiencies identified
32 by the performance assessment. The remediation may consist of
33 coursework or training under subsection (c) of this section, or
34 any other services the State Board determines are appropriate.
35 Upon completion of the remediation plan, the staff member shall
36 receive another performance assessment. If the staff member
37 receives a second below standard rating on the performance
38 assessment, the local board of education shall begin a dismissal
39 proceeding under G.S. 115C-325. The second below standard
40 evaluation shall be used as evidence of the teacher's inadequate

1 performance. ~~The State Board shall report this plan to the Joint~~
2 ~~Legislative Education Oversight Committee prior to November 15,~~
3 ~~1998."~~

4 Section 2. G.S. 115C-325(q)(2a) reads as rewritten:

5 "(2a) Notwithstanding any other provision of this
6 section or any other law, this subdivision
7 shall govern the State Board's dismissal of
8 certified staff members who have engaged in a
9 remediation plan under G.S. ~~115C-105.38A(a)~~
10 115C-105.38A(c) but who, after ~~two retests,~~
11 one retest, fail to meet the general knowledge
12 standard set by the State Board. The failure
13 to meet the general knowledge standard after
14 ~~two retests~~ one retest shall be substantial
15 evidence of the inadequate performance of the
16 certified staff member.

17 A certified staff member may request a hearing
18 before a panel of three members of the State Board
19 within 30 days of any dismissal under this
20 subdivision. The State Board shall adopt procedures
21 to ensure that due process rights are afforded to
22 certified staff members recommended for dismissal
23 under this subdivision. Decisions of the panel may
24 be appealed on the record to the State Board, with
25 further right of judicial review under Chapter 150B
26 of the General Statutes."

27 Section 3. This act is effective when it becomes law.



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To: Representative Preston and Senator Winner, cochairs, Joint Legislative Education Oversight Committee

From: Kory Goldsmith, Committee Counsel *KJG*

Date: May 11, 1998

Re: Revise Teacher Competency Testing; D98-RCZ-009.3

Background: In 1997, the General Assembly passed, and the Governor signed into law, The Excellent Schools Act. One of the provisions of the bill required that all certified staff in a low-performing school that received an assistance team demonstrate their competency by obtaining a passing score on a general knowledge test designated by the State Board of Education. The State Board has set June 12, 1998 as the test date for this year. A teacher who does not pass the test will receive up to a semester of course work or training or both provided by a UNC institution or a community college. After the remediation, the teacher must take the test again. If the teacher fails the test a second time, he or she receives another semester of remediation. After the second remediation, the teacher must take the test a third time. If the teacher does not obtain a passing score on the third test, the State Board must begin dismissal proceedings. Beginning with the 1999-2000 school year, all certified staff members in all low-performing schools must take the competency exam, and the State Board must examine the possibility of also testing areas of certification.

Section 1 amends G.S. 115C-105.38A to revise the teacher competency assurance testing. For the 1997-98 school year, only teachers selected by an assistance team would have to take the test. An assistance team would recommend that a staff member take the test if the assistance team had classified the staff member as a Category 3 teacher and the assistance team determines that lack of general knowledge contributed to the Category 3 classification. Beginning with the 1998-99 school year, either the principal or the assistance team assigned to a low-performing school may recommend that a teacher take the general knowledge exam. The principal or assistance team would make that recommendation if they found the teacher's performance is impaired due to a lack of general knowledge. Teachers who do not pass the general knowledge test would receive up to one semester of remediation consisting of either course work, training, or both. After the remediation, the teacher would take the test again. If the teacher fails the test a second time, the State Board shall begin dismissal proceedings.

The bill also revises the provisions related to future testing. The State Board is directed to develop a performance assessment for both teaching presentation skills and subject matter knowledge. Beginning with the 1999-2000 school year, the principal or an assistance team assigned to a low-performing school may recommend that a teacher receive the performance assessment. The recommendation would not be made unless the teacher received a below

standard or unsatisfactory rating on at least one of the functions of the Teacher Performance Assessment Instrument, and the function is related to presentation skills, subject matter knowledge, or both. If the teacher receives a below standard rating on the performance assessment, the State Board shall develop a remediation plan which may consist of course work, training, or any other services the State Board determines are appropriate. After the remediation plan is completed, the teacher will receive another performance assessment. If the teacher receives another below standard rating, the local board of education must begin dismissal proceedings. The second below standard rating shall be used as evidence of the teacher's inadequate performance.

Section 2 amends G.S. 115C-325(a)(2a) to reflect that the State Board shall begin dismissal proceedings if a teacher fails the general knowledge exam twice.

The act is effective when it becomes law.

D98-RCZ-09.3(summary)

