

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1359*

Short Title: Revise Teacher Comp. Testing.

(Public)

Sponsors: Representatives Preston; Berry, Fox, Hall, Hurley, Insko, Moore, Morris, Mosley, Oldham, Russell, Sexton, Shubert, Smith, Tolson, and Warner.

Referred to: Education.

May 20, 1998

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
2 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE
3 TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT
4 SCHOOLS ACT.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-105.38A reads as rewritten:

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

9 (a) General Knowledge Test. –

10 (1) Each assistance team assigned to a low-performing school during the
11 1997-98 school year shall review the team's evaluations of certified staff
12 members to determine which staff members have been designated by
13 the team as Category 3 teachers. The assistance team shall then
14 determine whether lack of general knowledge contributed to the
15 Category 3 designation. If the assistance team determines that a
16 certified staff member's lack of general knowledge contributed to that
17 staff member being designated as a Category 3 teacher, the assistance
18 team shall submit the staff member's name to the State Board prior to
19 June 5, 1998. Upon receipt of the notification, ~~The~~ the State Board of

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

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

23 (b) ~~Exemptions.~~— ~~The following certified staff members shall be exempt from~~
24 ~~taking the general knowledge test required under subsection (a) of this section.~~

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

26 a. ~~Taken and passed the PRAXIS I exam as a condition of entry~~
27 ~~into a school of education; and~~

28 b. ~~Taken and passed the PRAXIS II exam after July 1, 1996.~~

29 (2) ~~Certified staff members who have previously taken and passed the~~
30 ~~general knowledge test.~~

31 ~~The exemptions under this subsection shall expire July 1, 2000, unless the State Board~~
32 ~~adopts a policy to continue them.~~

33 (c) Remediation. – Certified staff members who do not acquire a passing score on
34 the general knowledge test required under subsection (a) of this section shall engage in a
35 remediation plan based upon the deficiencies identified by the test. The remediation plan
36 for deficiencies of individual certified staff members shall consist of up to a semester of
37 university or community college training or coursework or both. The remediation shall be
38 developed by the State Board of Education in consultation with the Board of Governors
39 of The University of North Carolina. The State Board shall reimburse the institution
40 providing the remediation any tuition and fees incurred under this section. If the
41 remediation plan requires that the staff member engage in a full-time course of study or
42 training, the staff member shall be considered on leave with pay.

1 (d) ~~Retesting.~~Retesting; Dismissal. – Upon completion of the ~~first remediation plan,~~
2 plan required under subsection (c) of this section, the certified staff member shall take the
3 general knowledge test a second time. If the certified staff member fails to acquire a
4 passing score on the second test, the State Board shall ~~provide a program of further~~
5 ~~remediation under subsection (e) of this section.~~ begin dismissal proceedings under G.S.
6 115C-325(q)(2a).

7 (e) ~~Dismissal.~~— Upon completion of the ~~second remediation plan,~~ the certified
8 staff member shall take the general knowledge test a third time. If the certified staff
9 member fails to acquire a passing score on the third test, the State Board shall begin
10 dismissal proceedings under G.S. 115C-325(q)(2a).

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

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

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

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

18 (4) The nonrenewal of a school administrator's or probationary teacher's
19 contract of employment; or

20 (5) The decision to grant career status.

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

1 standard evaluation shall be used as evidence of the teacher's inadequate performance.
2 ~~The State Board shall report this plan to the Joint Legislative Education Oversight~~
3 ~~Committee prior to November 15, 1998."~~

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

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

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

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