

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1673

Short Title: Teacher Evaluations/Assessment Teams.

(Public)

Sponsors: Representatives Arnold; Shubert and Watson.

Referred to: Appropriations.

June 1, 1998

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS OF
3 THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL
4 EVALUATIONS OF ALL CERTIFIED PUBLIC SCHOOL EMPLOYEES, AND TO
5 APPROPRIATE FUNDS TO DEVELOP EVALUATION INSTRUMENTS AND
6 TO CREATE ASSESSMENT TEAMS.

7 The General Assembly of North Carolina enacts:

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

9 **"§ 115C-105.38A. Teacher competency assurance.**

10 (a) General Knowledge Test. – The State Board of Education shall require all
11 certified staff members working in schools at the time the schools are identified as low-
12 performing under this Article and to which the State Board has assigned an assistance
13 team to demonstrate their general knowledge by acquiring a passing score on a test
14 designated by the State Board. The ~~first~~ general knowledge test shall be administered at
15 the end of the 1997-98 school year. ~~In subsequent years, the State Board shall determine when~~
16 ~~to administer the test for certified staff members in schools that are identified that year as low-~~
17 ~~performing and assigned an assistance team.~~

18 (b) Exemptions. – The following certified staff members shall be exempt from
19 taking the general knowledge test required under subsection (a) of this section.

20 (1) Certified staff members who have:

- 1 a. Taken and passed the PRAXIS I exam as a condition of entry
2 into a school of education; and
3 b. Taken and passed the PRAXIS II exam after July 1, 1996.
4 (2) Certified staff members who have previously taken and passed the
5 general knowledge test.

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

8 (c) Remediation. – Certified staff members who do not acquire a passing score on
9 the general knowledge test shall engage in a remediation plan based upon the deficiencies
10 identified by the ~~test~~ test, or an assistance team or a principal. The remediation plan for
11 deficiencies of individual certified staff members shall consist of up to a semester of
12 university or community college training or coursework ~~or both~~ or other similar activity
13 to correct the deficiency. The remediation shall be developed by the State Board of
14 Education in consultation with the Board of Governors of The University of North
15 Carolina. The State Board shall reimburse the institution providing the remediation any
16 tuition and fees incurred under this section. If the remediation plan requires that the staff
17 member engage in a full-time course of study or training, the staff member shall be
18 considered on leave with pay.

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

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

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

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

38 (g) ~~Future Testing~~. – ~~The State Board shall develop a plan for testing and shall test~~
39 ~~all certified staff members in low performing schools identified at the end of the 1999-~~
40 ~~2000 school year. When developing the plan, the State Board shall consider~~
41 ~~administering tests in the area of an individual's certification as well as the general~~
42 ~~knowledge test. The State Board shall report this plan to the Joint Legislative Education~~
43 ~~Oversight Committee prior to November 15, 1998.~~

1 Action plans shall be designed to be completed within 90 instructional days or before the
2 end of the school year, whichever occurs first. The State Board shall develop guidelines
3 that include strategies to assist local boards in evaluating certified employees and
4 developing effective action plans within the time allotted under this section. Local
5 boards may adopt policies for the development and implementation of action plans or
6 professional development plans for employees who do not require action plans under this
7 section.

8 (c) Reevaluation. – Employees who have received action plans under subsection
9 (b) of this section shall be evaluated a second time before the end of the school year. If
10 the employee receives an unsatisfactory or below standard rating on any function on the
11 second evaluation, the superintendent shall recommend that the employee be dismissed or
12 demoted under G.S. 115C-325. The results of the second evaluation shall constitute
13 substantial evidence of the employee's inadequate performance.

14 (d) State Board Notification. – If a local board dismisses an employee under
15 subsection (c) of this section, it shall notify the State Board of the action. The State
16 Board annually shall provide to all local boards the names of employees who have been
17 dismissed under subsection (c) of this section. If a local board hires one of these
18 individuals, within 60 days the superintendent or the superintendent's designee shall
19 observe the employee, develop an action plan to assist the employee, and submit the plan
20 to the State Board. An assessment team shall review the action plan and may provide
21 comments and suggestions to the local board. If the employee receives an unsatisfactory
22 or below standard rating on the next evaluation, the local board shall notify the State
23 Board and the State Board shall revoke the employee's certificate under G.S. 115C-
24 296(d). If the employee receives a satisfactory rating on the next evaluation, the local
25 board shall notify the State Board that the employee is in good standing and the State
26 Board shall not continue to provide the individual's name to local boards under this
27 subsection unless the employee is subsequently dismissed under subsection (c) of this
28 section.

29 (e) Indemnification. – If any claim is made or any legal action is instituted against
30 an employee of a local school administrative unit because of an act or omission made
31 during the course of the employee's duties under this section, the local board of education
32 shall reimburse the employee for reasonable attorneys' fees if the employee is held not
33 liable.

34 **"§ 115C-334. Assessment teams; development of performance standards and**
35 **criteria for certified employees; training and remediation programs.**

36 (a) Assessment Teams; Creation; Duties. – The State Board shall create State
37 assessment teams and also shall develop guidelines for local boards to use to create local
38 assessment teams. The State Board shall determine the criteria for assigning a State
39 assessment team to a school or local school administrative unit. However, a principal,
40 superintendent, or local board may request that an assessment team be assigned to a
41 particular school or schools and the State Board shall attempt to accommodate that
42 request. If a local board creates a local assessment team, it shall ensure that the team
43 members are trained in the proper administration of the employee evaluation used by the

1 local school administrative unit, and the local board shall pay the team members at the
2 same rate as mentor teachers.

3 Assessment teams shall have the following duties:

- 4 (1) Conduct evaluations of certified employees of local boards of education;
- 5 (2) Provide technical assistance and training to principals and
6 superintendents who conduct evaluations of certified employees;
- 7 (3) Develop action plans for certified employees; and
- 8 (4) Assist principals and superintendents in the development and
9 implementation of action plans.

10 (b) Development of Performance Standards. – The State Board of Education, in
11 consultation with local boards of education, shall revise and develop uniform
12 performance standards and criteria to be used in evaluating certified public school
13 employees, including school administrators. These standards and criteria shall include
14 improving student achievement, employee skills, and employee knowledge. The
15 standards and criteria for school administrators also shall include building-level gains in
16 student learning and effectiveness in providing for school safety and enforcing student
17 discipline. The State Board shall develop rules regarding the use of these standards and
18 criteria in the employee evaluation process. The State Board also shall develop
19 guidelines for evaluating superintendents. The guidelines shall include criteria for
20 evaluating superintendent effectiveness in providing safe schools and enforcing student
21 discipline.

22 (c) Training. – The State Board, in collaboration with the Board of Governors of
23 The University of North Carolina, shall develop programs designed to train principals
24 and superintendents in the proper administration of the employee evaluations developed
25 by the State Board. The Board of Governors shall use the professional development
26 programs for public school employees that are under its authority to deliver this training
27 to all principals and superintendents at locations that are geographically convenient to
28 local school administrative units. The programs shall include methods to determine
29 whether an employee's performance has improved student learning, the development and
30 implementation of appropriate action plans, the process for contract nonrenewal, and the
31 dismissal process under G.S. 115C-325. The Board of Governors also shall ensure that
32 the subject matter of the training programs is incorporated into the masters in school
33 administration programs offered by the constituent institutions. The State Board, in
34 collaboration with the Board of Governors, also shall develop in-service programs for
35 certified personnel that may be included in an action plan created under G.S. 115C-
36 333(b). The Board of Governors shall use the professional development programs for
37 public school employees that are under its authority to deliver this training at locations
38 that are geographically convenient to the local school administrative units."

39 Section 5. G.S. 115C-296(d) reads as rewritten:

40 "(d) The State Board shall adopt rules to establish the reasons and procedures for
41 the suspension and revocation of certificates. The State Board shall revoke the certificate
42 of a teacher or school administrator if the State Board receives notification from a local
43 board that a teacher or school administrator has received an unsatisfactory or below

1 standard rating under G.S. 115C-333(d). In addition, the State Board may revoke or
2 refuse to renew a teacher's certificate when:

- 3 (1) The Board identifies the school in which the teacher is employed as
4 low-performing under G.S. 115C-105.37; and
- 5 (2) The assistance team assigned to that school under G.S. 115C-105.38
6 makes the recommendation to revoke or refuse to renew the teacher's
7 certificate for one or more reasons established by the State Board in its
8 rules for certificate suspension or revocation.

9 The State Board may issue subpoenas for the purpose of obtaining documents or the
10 testimony of witnesses in connection with proceedings to suspend or revoke certificates."

11 Section 6. G.S. 115C-276 is amended by adding a new subsection to read:

12 "(s) To Provide for Annual Evaluations and Action Plans. – The superintendent
13 shall provide for the annual evaluation of all certified employees of the local school
14 administrative unit. The superintendent shall consult with principals to determine
15 whether to request an assessment team to assist with this process. The superintendent
16 also shall determine whether all principals have been trained in the proper administration
17 of the employee evaluations and the development of action plans and shall arrange for all
18 principals to receive the appropriate training."

19 Section 7. G.S. 115C-288 is amended by adding a new subsection to read:

20 "(i) To Evaluate Certified Employees and Develop Action Plans. – Each school
21 year, the principal shall provide for the evaluation of all certified employees assigned to
22 the school as provided in G.S. 115C-333(a). The principal shall consult with the
23 superintendent to determine whether to request an assessment team to assist with this
24 duty. The principal also shall develop action plans as provided under G.S. 115C-333(b),
25 shall monitor an employee's progress under an action plan, and shall provide for a second
26 evaluation before the end of the school year."

27 Section 8. There is appropriated from the General Fund to the State Board of
28 Education the sum of two million dollars (\$2,000,000) for the 1998-99 fiscal year to
29 develop evaluation instruments for certified public school employees, to create State
30 assessment teams, and to pay members of local assessment teams. The State Board of
31 Education may allocate funds from State Aid to Local School Administrative Units to
32 pay members of local assessment teams.

33 Section 9. Sections 1 and 2 are effective when this act becomes law. All other
34 sections become effective July 1, 1998.