

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1126\*

Short Title: Revise Teacher Comp. Testing.

(Public)

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Sponsors: Senators Lee, Winner; Dalton, Dannelly, Forrester, Garwood, Hartsell, Hoyle, Jordan, Kinnaird, Lucas, Odom, Phillips, Reeves, Rucho, and Wellons.

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Referred to: Education/Higher Education.

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May 14, 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.