

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH10258-MK-89A (03/02)

Short Title: NC Elevating Educators Act of 2015. (Public)

Sponsors: Representatives Horn, Bryan, Langdon, and Lucas (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A MULTI-YEAR PROGRAM TO PROVIDE FOR EXCELLENT  
3 TEACHERS AND HIGH-QUALITY DIGITAL INSTRUCTION; AND TO PROVIDE  
4 FOR FINANCIALLY STABLE ADVANCED TEACHING ROLES FOR K-12  
5 CLASSROOM TEACHERS.

6 Whereas, it is the goal of the General Assembly to provide all students in the State  
7 of North Carolina with an excellent, high-quality public education; and

8 Whereas, the General Assembly recognizes the importance of attracting and  
9 retaining the nation's best teachers by supporting local school administrative units in  
10 transitioning to locally designed, financially sustainable organizational structures, including  
11 professional compensation models for teachers; and

12 Whereas, the General Assembly finds it necessary to allocate essential resources  
13 into the classroom and to allow classroom teachers freedom and flexibility while promoting  
14 innovation; and

15 Whereas, it is the desire of the General Assembly to provide universal access to  
16 excellent teaching and high-quality digital instruction by granting students, educators, and  
17 parents increased access to high-quality digital instructional tools to propel 21st century  
18 learning; and

19 Whereas, the General Assembly wishes to provide well-paid, financially sustainable  
20 advanced teaching roles for teachers in North Carolina within existing budget constraints while  
21 offering models and best practices in order to establish a statewide scale-up of professional  
22 compensation models that reach students in every North Carolina public school by 2020; Now,  
23 therefore,

24 The General Assembly of North Carolina enacts:

25 **SECTION 1.(a)** Purpose. – The General Assembly shall establish a multi-year  
26 program to support local school administrative units in transitioning to universal access for  
27 students to excellent teaching and high-quality digital instruction and to provide for well-paid,  
28 financially sustainable advanced teaching roles for K-12 classroom teachers. The purpose of  
29 the program shall be to do at least the following:

- 30 (1) Enable local school administrative units to prototype advanced teaching  
31 roles and pay systems for classroom teachers, in addition to base salary and  
32 other applicable local supplements, based on a classroom teacher's  
33 demonstrated effectiveness and additional responsibilities in reaching more  
34 students.
- 35 (2) Establish advanced teaching roles in order to leverage excellent classroom  
36 teachers to impact at least seventy-five percent (75%) of students in core



1 subjects by becoming a leader for peers in positions formally accountable for  
2 students within their purview and by implementing age-appropriate blended  
3 learning and other new staffing models. Advanced teaching roles shall focus  
4 on rewarding excellent teaching with more pay while staying within regular  
5 budgetary restraints.

- 6 (3) Utilize prototypes developed in accordance with the program to form the  
7 basis for public schools statewide to provide advanced teaching roles that are  
8 sustainable and within the recurring budgets of local school administrative  
9 units.

10 **SECTION 1.(b)** Definition. – For the purposes of this act, a classroom teacher is a  
11 teacher who works in the classroom providing instruction and who is not instructional support  
12 personnel.

13 **SECTION 2.** Contract for Administration of the Program. – The State Board of  
14 Education shall contract with a North Carolina private, nonprofit corporation (nonprofit  
15 corporation), by August 1, 2015, to administer the provisions of this act. Any nonprofit  
16 corporation that the State Board of Education contracts with to administer the provisions of this  
17 act shall adhere to the following governance provisions related to its governing board and  
18 reporting requirements:

- 19 (1) The board shall be composed of 11 voting members as follows: two  
20 members appointed by the chairman of the State Board of Education, one  
21 member of the eLearning Commission, three public school educators, three  
22 members of the business community, one member appointed by the Speaker  
23 of the House of Representatives, and one member appointed by the President  
24 Pro Tempore of the Senate.
- 25 (2) By December 15, 2016, and annually thereafter, until the conclusion of all  
26 prototype development efforts, including a second cohort as described in  
27 Section 5 of this act, the nonprofit corporation shall report on all aspects of  
28 the implementation and evaluation of the advanced teaching roles prototype  
29 plans in accordance with this act to the offices of the President Pro Tempore  
30 of the Senate and the Speaker of the House of Representatives, the Senate  
31 Appropriations/Base Budget Committee, the House Appropriations  
32 Committee, the Senate Appropriations Committee on Education/Higher  
33 Education, the House Appropriations Committee on Education, the Fiscal  
34 Research Division, the Joint Legislative Education Oversight Committee, the  
35 Governor, the Lieutenant Governor, the State Superintendent of Public  
36 Instruction and the State Board of Education. The nonprofit corporation shall  
37 also submit quarterly updates to the offices of the President Pro Tempore of  
38 the Senate and the Speaker of the House of Representatives, the Chairs of  
39 the Senate Appropriations/Base Budget Committee, the House  
40 Appropriations Committee, the Senate Appropriations Committee on  
41 Education/Higher Education, the House Appropriations Subcommittee on  
42 Education, and the Fiscal Research Division on financial accounting of how  
43 the State funds appropriated to the nonprofit corporation to administer this  
44 act were expended in the previous year, including at least the following  
45 information:
- 46 a. Funds expended as grants to local school administrative units.  
47 b. Details on program costs, including operational and administrative  
48 costs.

49 **SECTION 3.(a)** Request for Proposal. – By October 1, 2015, the nonprofit  
50 corporation contracting with the State Board of Education shall issue a Request for Proposal  
51 (RFP) for local boards of education to develop advanced teaching role prototypes. The RFP is

1 to contain minimum requirements for advanced roles for classroom teachers consistent with  
2 this section. The criteria is to focus on the leadership capacity and commitment of the local  
3 school administrative unit to develop advanced teaching roles that meet the requirements of this  
4 section and that will be widely applicable across the State as demonstrated by prior efforts to  
5 advance teaching excellence, on-the-job development for classroom teachers, classroom teacher  
6 leadership or innovation in school design, and by indication of willingness to reallocate funds  
7 to pay at least the minimum supplements set forth in this section. A local board of education  
8 shall submit a letter of intent in response to the RFP to implement an advanced teaching role  
9 plan that addresses the following criteria:

- 10 (1) Describe advanced teaching role classroom teacher eligibility and duties.
- 11 (2) Enable eligible classroom teachers to progress within their careers by  
12 assuming advanced roles that do at least one of the following:
  - 13 a. Include accountability for student growth as the teacher of record for  
14 all students served by a team of teachers.
  - 15 b. Include accountability for student growth as the teacher of record for  
16 more students.
- 17 (3) Provide information in a form readily accessible to both classroom teachers  
18 and the public on the criteria and procedures for the selection of classroom  
19 teachers for advanced roles.
- 20 (4) Require a classroom teacher to be rated as "highly effective" on the North  
21 Carolina Teacher Evaluation instrument through the North Carolina  
22 Educator Evaluation System or the equivalent on an out-of-state teacher's  
23 state or district instrument to be eligible to assume an advanced teaching  
24 role. For the purposes of this act, a highly effective classroom teacher is a  
25 classroom teacher who receives a rating of at least "accomplished" on each  
26 of the teacher evaluation standards on the North Carolina Teacher  
27 Evaluation instrument and who exceeds expected student growth based on  
28 three years of teacher evaluation data as calculated by the State Board of  
29 Education or equivalent on an out-of-state teacher's state or district  
30 evaluation system. The nonprofit corporation shall encourage local school  
31 administrative units to include roles and pay supplements for effective  
32 classroom teachers, school leaders, and other staff as well.
- 33 (5) Increase the amount of time during the school day for advanced role  
34 classroom teachers and teacher teaching teams, if applicable, to plan,  
35 collaborate and participate in on-the-job development or leadership of  
36 others.
- 37 (6) Establish equally stringent eligibility requirements for a classroom teacher to  
38 remain in an advanced role as those required to initially attain that role.
- 39 (7) Establish a procedure for determining whether an advanced role classroom  
40 teacher is successfully performing the additional duties associated with the  
41 advanced role.
- 42 (8) Ensure that advanced role classroom teachers may opt out of the plan by  
43 voluntarily relinquishing additional duties associated with the advanced role.  
44 Voluntary relinquishment of duties associated with the advanced role shall  
45 not be considered a demotion under Part 3 or Part 3A of Article 22 of  
46 Chapter 115C of the General Statutes.
- 47 (9) Pay advanced role salary supplements of at least between three percent (3%)  
48 and thirty percent (30%) of the statewide average salary level of classroom  
49 teachers on the State teacher salary schedule to highly effective classroom  
50 teachers of at least the following:

- 1 a. An additional ten percent (10%) for those who assume advanced  
2 roles in which they take responsibility for at least thirty-three percent  
3 (33%) more students than the typical student-teacher ratio of  
4 comparable classroom teachers in the local school administrative  
5 unit.
- 6 b. An additional twenty-five percent (25%) for those who lead teams of  
7 two or more other teachers and who are the teachers of record for all  
8 students served by the teaching team.
- 9 c. An additional three percent (3%) for those classroom teachers that  
10 join teams led by teachers in the advanced roles described in this act.  
11 A local board of education may also provide a salary supplement  
12 under this sub-subdivision to a classroom teacher rated as "effective"  
13 on the North Carolina Teacher Evaluation instrument through the  
14 North Carolina Educator Evaluation System or the equivalent on an  
15 out-of-state teacher's state or district instrument. For the purposes of  
16 this sub-subdivision, an effective classroom teacher is a classroom  
17 teacher who is rated at least "proficient" on each of the teacher  
18 evaluation standards on the North Carolina Teacher Evaluation  
19 instrument and who meets expected student growth based on three  
20 years of teacher evaluation data as calculated by the State Board of  
21 Education or equivalent on an out-of-state teacher's state or district  
22 evaluation system.

- 23 (10) Require the salary supplements to be paid as a supplement to the classroom  
24 teacher's regular salary and not be included in the average salary calculation  
25 used for budgeting State allotments.

26 **SECTION 3.(b)** Selection of the First Cohort. – By December 1, 2015, the  
27 nonprofit corporation shall review the letters of intent submitted by local boards of education in  
28 accordance with subsection (a) of this section and shall select for the first cohort of the  
29 prototype development program up to 10 local school administrative units in accordance with  
30 the following:

- 31 (1) Size. – Selection of local school administrative units with the following  
32 average daily membership (ADM):
- 33 a. Two to three local school administrative units, each with an ADM of  
34 up to 4,000.
- 35 b. Two to three local school administrative units, each with an ADM of  
36 4,001-10,000.
- 37 c. Two to three local school administrative units, each with an ADM of  
38 10,001-30,000.
- 39 d. Two to three local school administrative units, each with an ADM of  
40 30,001 or more.
- 41 (2) Priority in Selection. – Priority shall be given to local school administrative  
42 units that demonstrate one or more of the following:
- 43 a. Because digital instruction tools alone have not necessarily  
44 transformed outcomes for students who are the most in need of  
45 learning advancement, while access to excellent classroom teachers  
46 has proven effective for those students, the combination of both  
47 highly effective classroom teachers and improvements in digital  
48 instruction shall warrant priority in selection to local school  
49 administrative units that will add digital infrastructure and tools  
50 pursuant to the North Carolina Digital Learning Plan or under other  
51 appropriations providing funding for such infrastructure and tools. A

1 local school administrative unit that is determined to not require  
2 additional digital investment to implement the staffing models in the  
3 advanced teaching role plan shall be otherwise eligible for funding  
4 and not denied solely on that basis.

5 b. Robust and meaningful proposal to grant students, educators, and  
6 parents increased access to high-quality digital learning opportunities  
7 to achieve the goals of the program.

8 c. Capacity and commitment to sharing lessons learned to streamline  
9 design and implementation in other schools and local school  
10 administrative units to implement similar models.

11 (3) Diversity. – Selection of local school administrative units shall, to the extent  
12 possible, represent a mix of school and local school administrative unit size,  
13 region, and demographics within the overall group of applicants with the aim  
14 of creating diverse models within each cohort that are consistent with the  
15 goals of this act and support lessons learned and replicability across the  
16 State.

17 **SECTION 3.(c)** Use of Funds. – Funding made available to the nonprofit  
18 corporation administering this act shall be used as follows:

19 (1) Allocation of grants. – Grants shall be made to selected local school  
20 administrative units based on a schedule determined by the nonprofit  
21 corporation with grant amounts varying in part based on the size of the local  
22 school administrative unit in accordance with the ADM categories in  
23 subdivision (b)(1) of this section. Local school administrative units shall use  
24 these funds to support the development of the advanced teaching role plans,  
25 changes required at the unit level to implement the new staffing models, and  
26 for transition costs associated with designing and implementing the new  
27 staffing models in schools within the unit. Transition costs may include  
28 employing staff members or contractors approved by the nonprofit  
29 corporation to assist with design and implementation of the staffing plan.  
30 Local school administrative units may use additional funds obtained from  
31 sources to pay for the costs of providing participating schools with access to  
32 high-speed Internet connections, software, hardware, and any other  
33 improvements needed to enable full use of digital learning resources. Grant  
34 funds used for this purpose should help local school administrative units  
35 maximize the instructional value of infrastructure improvements funded  
36 through the North Carolina Digital Learning Plan.

37 (2) Administrative and operating funds. – The nonprofit corporation may use  
38 any remaining funds made available to it under this act for the following  
39 purposes:

40 a. Technical assistance and technical providers for participating local  
41 school administrative units.

42 b. Selection, training, and oversight of technical assistance providers.

43 c. Review of local school administrative plans and implementation  
44 fidelity to the goals and requirements of the program.

45 d. Evaluation of the impact of the program on (i) teacher recruitment,  
46 retention, and satisfaction; (ii) student access to excellent and  
47 effective classroom teachers; (iii) student outcomes; and (iv) other  
48 measures of success identified by the nonprofit corporation.

49 e. Design of statewide career advancement and digital instruction  
50 models for scale-up.

- 1 f. Policy collaboration with legislative and executive leadership to  
2 complete the transition of State policies to further promote access to  
3 excellent teaching and high-quality digital instruction.
- 4 g. Raising and managing funds to support the activities of the nonprofit  
5 corporation.
- 6 h. Communicating progress toward achievement of the nonprofit  
7 corporation's goals.
- 8 i. Other uses in pursuit of the purposes of this act.
- 9 (3) Sustainability of funding. – Plans implemented by the local school  
10 administrative units must achieve financial sustainability for salary  
11 supplements as provided in subsection (a) of this section by reallocating  
12 recurring sources of funds, including local, State, or federal funds. Funds  
13 allocated in accordance with this act shall not be used by local school  
14 administrative units to pay salary supplements. This act shall not be  
15 construed to prohibit additions to the State salary schedule or other State or  
16 local supplements to classroom teacher pay.
- 17 (4) Requirements related to receipt of grants. – Local school administrative units  
18 participating in the program shall commit to achieve the following in  
19 implementing the advanced teaching role plans:
- 20 a. Full implementation of the advanced teaching role plan in at least  
21 five schools or twenty-five percent (25%) of the schools within the  
22 local school administrative unit, whichever is lesser, by the  
23 2017-2018 school year. For the purposes of this act, "full  
24 implementation" is defined as a minimum of seventy-five percent  
25 (75%) of students in the local school administrative unit having  
26 highly effective classroom teachers as their teacher of record under  
27 the North Carolina Educator Evaluation System in at least English  
28 Language Arts, math, social studies, and science.
- 29 b. Full implementation in at least fifty percent (50%) of schools within  
30 the local school administrative unit by the 2018-2019 school year.
- 31 c. Submission of a plan to the nonprofit corporation by June 1, 2016,  
32 showing the schedule for full implementation in at least ninety  
33 percent (90%) of schools by the 2019-2020 school year.

34 **SECTION 4.(a)** Phase I Prototype Design. – The local school administrative units  
35 selected for prototype development shall design their advanced teaching role plans in  
36 accordance with the requirements of Section 3 of this act and submit these plans to the  
37 nonprofit corporation no later than January 1, 2016. Plans must include the local school  
38 administrative units' approach to achieving full sustainability as provided in subdivision (3) of  
39 Section 3(c) of this act. This financial sustainability plan must include specific staffing level  
40 changes or other funding reallocations that generate sustainable funds to pay at least the  
41 minimum supplements and meet the minimum percentage of students with highly effective  
42 classroom teachers of record in subdivision (4) of Section 3(c) of this act. The nonprofit  
43 corporation shall approve a local school administrative unit's plan or provide written guidance  
44 on changes needed to meet the requirements of this act as soon as practicable, but no later than  
45 February 15, 2016. Local school administrative units must submit revised plans in response to  
46 feedback. The nonprofit corporation shall aim to approve all plans that meet the requirements  
47 of this act by March 1, 2016. Local school administrative units not receiving approval by this  
48 date may continue to submit revisions and the nonprofit corporation may approve plans at any  
49 time once they meet the requirements of this act.

50 **SECTION 4.(b)** Phase I Prototype Implementation. – Participating local school  
51 administrative units shall begin implementing their approved advanced teaching role plans in

1 the 2016-2017 school year, achieving full implementation in participating schools by the  
2 2017-2018 school year.

3 **SECTION 4.(c)** Phase I Prototype Reports. – The local boards of education for  
4 each approved local school administrative unit shall report annually, no later than August 15  
5 following each school year, through 2017-2018 school year. The nonprofit corporation shall  
6 provide forms to minimize the burden of reporting on schools and local school administrative  
7 units and shall publish a dashboard displaying data on the progress of implementation in  
8 participating schools and units where possible, comparing progress with activity in schools  
9 nationally pursuing similar approaches. The local school administrative units shall include at  
10 least the following in the report:

- 11 (1) The extent to which the advanced teaching roles plan and implementation  
12 meets each requirement of Section 3 of this act. If the nonprofit corporation  
13 determines that a local school administrative unit's plan does not meet the  
14 requirements of Section 3 of this act, it shall require the unit to make needed  
15 changes in return for continued participation in the program and receipt of  
16 transition funds provided pursuant to subdivision (1) of Section 3(c) of this  
17 act.
- 18 (2) The percentage of students with a highly effective classroom teacher as their  
19 teacher of record for English Language Arts, math, social studies and  
20 science.
- 21 (3) The educator effectiveness ratings of each classroom teacher in advanced  
22 roles and the educator effectiveness ratings of each member of teams led by  
23 teachers in advanced roles.
- 24 (4) The extent to which the advanced teaching roles program has increased the  
25 attractiveness of the teaching profession in the local school administrative  
26 unit as measured by the number of applicants per advanced role job posting  
27 compared with the typical number of applicants per teaching job posting in  
28 the unit and the retention rates of advanced role classroom teachers and  
29 members of advanced roles teachers' teams compared with typical retention  
30 rates in the local school administrative unit.
- 31 (5) Other measures deemed relevant by the nonprofit corporation to the  
32 purposes of this act and to assessing the benefit to the State.

33 **SECTION 5.** Phase II Support for First and Second Cohorts. – It is the intent of the  
34 General Assembly, subject to availability of funds, that the nonprofit corporation shall do the  
35 following:

- 36 (1) Support local school administrative units in the first cohort of up to  
37 10 advanced teaching role prototypes to scale their prototypes fully  
38 across their local school administrative units.
- 39 (2) Support a second cohort of up to 50 local school administrative units  
40 using the process and requirements set forth in this act to begin  
41 developing advanced teaching roles prototypes in the 2017-2018  
42 school year and to scale their prototypes across the local school  
43 administrative unit. This second cohort shall follow the same  
44 selection process and meet the same requirements as the first cohort  
45 but with all applicable dates adjusted forward by two years.

46 **SECTION 6.** Evaluation and Recommendation for Advanced Teaching Roles. –  
47 The nonprofit corporation shall evaluate implementation of the advanced teaching role  
48 prototype and identify successful, reliable elements to develop recommendations to the General  
49 Assembly for advanced teaching roles plans that could be adopted or adapted by local boards of  
50 education. Such recommendations may include the development of default advanced teaching  
51 role plans designed for specific local school administrative unit contexts. The nonprofit

1 corporation shall also make recommendations to the General Assembly on the policies needed  
2 to complete scaling of successful advanced teaching roles programs statewide. These  
3 recommendations shall be submitted no later than December 15, 2020, to the offices of the  
4 President Pro Tempore of the Senate and the Speaker of the House of Representatives, the  
5 Senate Appropriations/Base Budget Committee, the House Appropriations Committee, the  
6 Senate Appropriations Committee on Education/Higher Education, the House Appropriations  
7 Committee on Education, the Fiscal Research Division, the Joint Legislative Education  
8 Oversight Committee, the Governor, the Lieutenant Governor, the State Superintendent of  
9 Public Instruction and the State Board of Education.

10 **SECTION 7.** Future Cohorts. – It is the intent of the General Assembly that as  
11 soon as practicable and subject to the availability of funds, the nonprofit corporation shall do  
12 the following:

- 13 (1) Provide support for any local school administrative unit that did not  
14 participate in the first and second cohorts and seeks to establish and  
15 implement an advanced teaching role plan.
- 16 (2) Provide support to any local school that has implemented advanced teaching  
17 roles and seeks to do the following:
  - 18 a. Maintain digital learning infrastructure to support advanced teaching  
19 roles.
  - 20 b. Enhance the financially sustainable pay supplements offered to  
21 advanced role classroom teachers, either by establishing a schedule  
22 that aligns with prototype roles in the first and second cohorts or by  
23 offering lump sums to local school administrative units that must be  
24 paid in proportion to the number of students reached by advanced  
25 role classroom teachers and student outcomes achieved by these  
26 students.

27 **SECTION 8.** Flexibility for Local School Administrative Units. – The State Board  
28 of Education shall increase flexibility for any local school administrative units that implement  
29 advanced teaching roles in accordance with this act. This flexibility shall be available to any  
30 local school administrative unit that is participating in the first or second cohort of this program  
31 upon their selection into the cohort or, beginning in the 2017-2018 school year, to any unit that  
32 implements advanced teaching roles that meet the requirements of Section 3 of this act. The  
33 flexibility provided by the State Board shall include the following:

- 34 (1) Notwithstanding G.S. 115C-105.25(b)(5b), the ability to convert positions  
35 allocated for classroom teachers and instructional support personnel, as well  
36 as other positions within a school or local school administrative unit, to  
37 dollar equivalents for the purpose of creating positions and paying  
38 supplements in accordance with Section 3 of this act. These positions shall  
39 be converted at the statewide average salary level for teachers, provided that  
40 no local school administrative unit's overall funding allocation shall rise as a  
41 result of making such conversions.
- 42 (2) Notwithstanding G.S. 115C-301, the ability to exceed class size maximums,  
43 provided that a highly effective classroom teacher assuming an advanced  
44 teaching role, as defined in Section 3 of this act, is the teacher of record for  
45 all students in affected classrooms. It is the intent of the General Assembly  
46 that increases in the number of students learning with classroom teachers at  
47 any given time will not typically be needed.

48 **SECTION 9.** The provisions of this act are subject to the availability of funds for  
49 this purpose.

50 **SECTION 10.** This act becomes effective July 1, 2015.