

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 662  
Committee Substitute Favorable 4/27/15

Short Title: NC Elevating Educators Act of 2015.

(Public)

Sponsors:

Referred to:

April 14, 2015

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, TO PROVIDE FOR  
4 FINANCIALLY STABLE ADVANCED TEACHING ROLES FOR K-12 CLASSROOM  
5 TEACHERS, AND TO ALLOW LOCAL BOARDS OF EDUCATION TO USE STATE  
6 FUNDS FOR SUPPLEMENTAL SALARIES AND DIFFERENTIAL PAY FOR  
7 SCHOOL PERSONNEL.

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

10 Whereas, the General Assembly wishes to create pathways in the public schools that  
11 contribute to improved student outcomes and retain highly effective teachers; and

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

16 Whereas, the General Assembly finds it necessary to allocate essential resources  
17 into the classroom and to allow classroom teachers freedom and flexibility while promoting  
18 innovation; and

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

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

28 The General Assembly of North Carolina enacts:

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

- 34 (1) Enable local school administrative units to prototype advanced teaching  
35 roles and pay systems for classroom teachers, in addition to base salary and  
36 other applicable local supplements, based on a classroom teacher's



- 1 demonstrated effectiveness and additional responsibilities in reaching more  
2 students.
- 3 (2) Establish advanced teaching roles in order to leverage excellent classroom  
4 teachers to impact at least seventy-five percent (75%) of students in core  
5 subjects by becoming a leader for peers in positions formally accountable for  
6 students within their purview and by implementing age-appropriate blended  
7 learning and other new staffing models. Advanced teaching roles shall focus  
8 on rewarding excellent teaching with more pay while staying within regular  
9 budgetary restraints.
- 10 (3) Utilize prototypes developed in accordance with the program to form the  
11 basis for public schools statewide to provide advanced teaching roles that are  
12 sustainable and within the recurring budgets of local school administrative  
13 units.

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

17 **SECTION 2.** Contract for Administration of the Program. – The State Board of  
18 Education shall contract with a North Carolina private, nonprofit corporation (nonprofit  
19 corporation), by August 1, 2015, to administer the provisions of this act. The nonprofit  
20 corporation is authorized to subcontract with other entities to provide technical assistance to  
21 local school administrative units. Any nonprofit corporation that the State Board of Education  
22 contracts with to administer the provisions of this act shall adhere to the following governance  
23 provisions related to its governing board and reporting requirements:

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

- 1                   b.       Details on program costs, including operational and administrative  
2                   costs.

3                   **SECTION 3.(a)** Request for Proposal. – By October 1, 2015, the nonprofit  
4 corporation contracting with the State Board of Education shall issue a Request for Proposal  
5 (RFP) for local boards of education to develop advanced teaching role prototypes. The RFP is  
6 to contain minimum requirements for advanced roles for classroom teachers consistent with  
7 this section. The criteria is to focus on the leadership capacity and commitment of the local  
8 school administrative unit to develop advanced teaching roles that meet the requirements of this  
9 section and that will be widely applicable across the State as demonstrated by prior efforts to  
10 advance teaching excellence, on-the-job development for classroom teachers, classroom teacher  
11 leadership or innovation in school design, and by indication of willingness to reallocate funds  
12 to pay at least the minimum supplements set forth in this section. A local board of education  
13 shall submit a letter of intent in response to the RFP to implement an advanced teaching role  
14 plan that addresses the following criteria:

- 15                   (1)       Describe advanced teaching role classroom teacher eligibility and duties and  
16                   how teachers will participate in the design of the advanced teaching role  
17                   prototype.  
18                   (2)       Enable eligible classroom teachers to progress within their careers by  
19                   assuming advanced roles that do at least one of the following:  
20                   a.       Include accountability for student growth as the teacher of record for  
21                   all students served by a team of teachers.  
22                   b.       Include accountability for student growth as the teacher of record for  
23                   more students.  
24                   (3)       Provide information in a form readily accessible to both classroom teachers  
25                   and the public on the criteria and procedures for the selection of classroom  
26                   teachers for advanced roles.  
27                   (4)       Require a classroom teacher to be rated as "highly effective" on the North  
28                   Carolina Teacher Evaluation instrument through the North Carolina  
29                   Educator Evaluation System or the equivalent on an out-of-state teacher's  
30                   state or district instrument to be eligible to assume an advanced teaching  
31                   role. For the purposes of this act, a highly effective classroom teacher is a  
32                   classroom teacher who receives a rating of at least "accomplished" on each  
33                   of the teacher evaluation standards on the North Carolina Teacher  
34                   Evaluation instrument and who exceeds expected student growth based on  
35                   three years of teacher evaluation data as calculated by the State Board of  
36                   Education or equivalent on an out-of-state teacher's state or district  
37                   evaluation system. The nonprofit corporation shall encourage local school  
38                   administrative units to include roles and pay supplements for effective  
39                   classroom teachers, school leaders, and other staff as well.  
40                   (5)       Increase the amount of time during the school day for advanced role  
41                   classroom teachers and teacher teaching teams, if applicable, to plan,  
42                   collaborate, and participate in on-the-job development or leadership of  
43                   others.  
44                   (6)       Establish equally stringent eligibility requirements for a classroom teacher to  
45                   remain in an advanced role as those required to initially attain that role.  
46                   (7)       Establish a procedure for determining whether an advanced role classroom  
47                   teacher is successfully performing the additional duties associated with the  
48                   advanced role.  
49                   (8)       Ensure that advanced role classroom teachers may opt out of the plan by  
50                   voluntarily relinquishing additional duties associated with the advanced role.  
51                   Voluntary relinquishment of duties associated with the advanced role shall

1 not be considered a demotion under Part 3 or Part 3A of Article 22 of  
2 Chapter 115C of the General Statutes.

3 (9) Pay advanced role salary supplements of at least between three percent (3%)  
4 and thirty percent (30%) of the statewide average salary level of classroom  
5 teachers on the State teacher salary schedule to highly effective classroom  
6 teachers of at least the following:

7 a. An additional ten percent (10%) for those who assume advanced  
8 roles in which they take responsibility for at least thirty-three percent  
9 (33%) more students than the typical student-teacher ratio of  
10 comparable classroom teachers in the local school administrative  
11 unit.

12 b. An additional twenty-five percent (25%) for those who lead teams of  
13 two or more other teachers and who are the teachers of record for all  
14 students served by the teaching team.

15 c. An additional three percent (3%) for those classroom teachers that  
16 join teams led by teachers in the advanced roles described in this act.  
17 A local board of education may also provide a salary supplement  
18 under this sub-subdivision to a classroom teacher rated as "effective"  
19 on the North Carolina Teacher Evaluation instrument through the  
20 North Carolina Educator Evaluation System or the equivalent on an  
21 out-of-state teacher's state or district instrument. For the purposes of  
22 this sub-subdivision, an effective classroom teacher is a classroom  
23 teacher who is rated at least "proficient" on each of the teacher  
24 evaluation standards on the North Carolina Teacher Evaluation  
25 instrument and who meets expected student growth based on three  
26 years of teacher evaluation data as calculated by the State Board of  
27 Education or equivalent on an out-of-state teacher's state or district  
28 evaluation system.

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

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

37 (1) Size. – Selection of local school administrative units with the following  
38 average daily membership (ADM):

39 a. Two to three local school administrative units, each with an ADM of  
40 up to 4,000.

41 b. Two to three local school administrative units, each with an ADM of  
42 4,001-10,000.

43 c. Two to three local school administrative units, each with an ADM of  
44 10,001-30,000.

45 d. Two to three local school administrative units, each with an ADM of  
46 30,001 or more.

47 (2) Priority in selection. – Priority shall be given to local school administrative  
48 units that demonstrate one or more of the following:

49 a. Because digital instruction tools alone have not necessarily  
50 transformed outcomes for students who are the most in need of  
51 learning advancement, while access to excellent classroom teachers

1 has proven effective for those students, the combination of both  
2 highly effective classroom teachers and improvements in digital  
3 instruction shall warrant priority in selection to local school  
4 administrative units that will add digital infrastructure and tools  
5 pursuant to the North Carolina Digital Learning Plan or under other  
6 appropriations providing funding for such infrastructure and tools. A  
7 local school administrative unit that is determined to not require  
8 additional digital investment to implement the staffing models in the  
9 advanced teaching role plan shall be otherwise eligible for funding  
10 and not denied solely on that basis.

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

14 c. Capacity and commitment to sharing lessons learned to streamline  
15 design and implementation in other schools and local school  
16 administrative units to implement similar models.

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

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

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

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

46 a. Technical assistance and technical providers for participating local  
47 school administrative units.

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

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

- d. Evaluation of the impact of the program on (i) teacher recruitment, retention, and satisfaction; (ii) student access to excellent and effective classroom teachers; (iii) student outcomes; and (iv) other measures of success identified by the nonprofit corporation.
  - e. Design of statewide career advancement and digital instruction models for scale-up.
  - f. Policy collaboration with legislative and executive leadership to complete the transition of State policies to further promote access to excellent teaching and high-quality digital instruction.
  - g. Raising and managing funds to support the activities of the nonprofit corporation.
  - h. Communicating progress toward achievement of the nonprofit corporation's goals.
  - i. Other uses in pursuit of the purposes of this act.
- (3) Sustainability of funding. – Plans implemented by the local school administrative units must achieve financial sustainability for salary supplements as provided in subsection (a) of this section by reallocating recurring sources of funds, including local, State, or federal funds. Funds allocated in accordance with this act shall not be used by local school administrative units to pay salary supplements. This act shall not be construed to prohibit additions to the State salary schedule or other State or local supplements to classroom teacher pay.
- (4) Requirements related to receipt of grants. – Local school administrative units participating in the program shall commit to achieve the following in implementing the advanced teaching role plans:
- a. Full implementation of the advanced teaching role plan in at least five schools or twenty-five percent (25%) of the schools within the local school administrative unit, whichever is lesser, by the 2017-2018 school year. For the purposes of this act, "full implementation" is defined as a minimum of seventy-five percent (75%) of students in the local school administrative unit having highly effective classroom teachers as their teacher of record under the North Carolina Educator Evaluation System in at least English Language Arts, math, social studies, and science.
  - b. Full implementation in at least fifty percent (50%) of schools within the local school administrative unit by the 2018-2019 school year.
  - c. Submission of a plan to the nonprofit corporation by June 1, 2016, showing the schedule for full implementation in at least seventy-five percent (75%) of schools by the 2019-2020 school year.

**SECTION 4.(a)** Phase I Prototype Design. – The local school administrative units selected for prototype development shall design their advanced teaching role plans in accordance with the requirements of Section 3 of this act and submit these plans to the nonprofit corporation no later than January 1, 2016. Plans must include the local school administrative units' approach to achieving full sustainability as provided in subdivision (3) of Section 3(c) of this act. This financial sustainability plan must include specific staffing level changes or other funding reallocations that generate sustainable funds to pay at least the minimum supplements and meet the minimum percentage of students with highly effective classroom teachers of record in subdivision (4) of Section 3(c) of this act. The nonprofit corporation shall approve a local school administrative unit's plan or provide written guidance on changes needed to meet the requirements of this act as soon as practicable, but no later than February 15, 2016. Local school administrative units must submit revised plans in response to

1 feedback. The nonprofit corporation shall aim to approve all plans that meet the requirements  
2 of this act by March 1, 2016. Local school administrative units not receiving approval by this  
3 date may continue to submit revisions and the nonprofit corporation may approve plans at any  
4 time once they meet the requirements of this act.

5 **SECTION 4.(b)** Phase I Prototype Implementation. – Participating local school  
6 administrative units shall begin implementing their approved advanced teaching role plans in  
7 the 2016-2017 school year, achieving full implementation in participating schools by the  
8 2017-2018 school year.

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

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

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

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

1           **SECTION 6.** Evaluation and Recommendation for Advanced Teaching Roles. –  
2 The nonprofit corporation shall evaluate implementation of the advanced teaching role  
3 prototype and identify successful, reliable elements to develop recommendations to the General  
4 Assembly for advanced teaching role plans that could be adopted or adapted by local boards of  
5 education. Such recommendations may include the development of default advanced teaching  
6 role plans designed for specific local school administrative unit contexts. The nonprofit  
7 corporation shall also make recommendations to the General Assembly on the policies needed  
8 to complete scaling of successful advanced teaching role programs statewide. These  
9 recommendations shall be submitted no later than December 15, 2020, to the offices of the  
10 President Pro Tempore of the Senate and the Speaker of the House of Representatives, the  
11 Senate Appropriations/Base Budget Committee, the House Appropriations Committee, the  
12 Senate Appropriations Committee on Education/Higher Education, the House Appropriations  
13 Committee on Education, the Fiscal Research Division, the Joint Legislative Education  
14 Oversight Committee, the Governor, the Lieutenant Governor, the State Superintendent of  
15 Public Instruction, and the State Board of Education.

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

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

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

- 40           (1) Notwithstanding G.S. 115C-105.25(b)(5b), the ability to convert positions  
41 allocated for classroom teachers and instructional support personnel, as well  
42 as other positions within a school or local school administrative unit, to  
43 dollar equivalents for the purpose of creating positions and paying  
44 supplements in accordance with Section 3 of this act. These positions shall  
45 be converted at the statewide average salary level for teachers, provided that  
46 no local school administrative unit's overall funding allocation shall rise as a  
47 result of making such conversions.
- 48           (2) Notwithstanding G.S. 115C-301, the ability to exceed class size maximums,  
49 provided that a highly effective classroom teacher assuming an advanced  
50 teaching role, as defined in Section 3 of this act, is the teacher of record for  
51 all students in affected classrooms. It is the intent of the General Assembly



1                                   that increases in the number of students learning with classroom teachers at  
2                                   any given time will not typically be needed.  
3                                   **SECTION 8.5.** G.S. 115C-105.25 is amended by adding a new subsection to read:  
4                   "(a1) Except as otherwise provided in subsection (b) of this section, the State Board of  
5                   Education shall permit local boards of education to transfer, at the discretion of the local board,  
6                   any available State funds into an allotment category to provide supplemental salaries and  
7                   differential pay for school personnel."  
8                                   **SECTION 9.** Sections 1 through 8 of this act are subject to the availability of funds  
9                   for this purpose.  
10                                  **SECTION 10.** This act becomes effective July 1, 2015.